

**EVALUATING TURKISH MIGRATION TO THE EU: PAST,  
PRESENT AND FUTURE TRENDS IN THE CONTEXT OF  
FREE MOVEMENT OF WORKERS**

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**EVALUATING TURKISH MIGRATION TO THE EU:  
PAST, PRESENT AND FUTURE TRENDS IN THE CONTEXT OF  
FREE MOVEMENT OF WORKERS**

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**HALİT DURAN**

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Approval of the Graduate School of Social Sciences

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## ABSTRACT

### EVALUATING TURKISH MIGRATION TO THE EU: PAST, PRESENT AND FUTURE TRENDS IN THE CONTEXT OF FREE MOVEMENT OF WORKERS

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This thesis analyzes the past, present, and future trends of Turkish migration to the EU/EC in the context of the EU membership and the free movement of workers. Today one of the hottest debate in European circles is the impact of Turkey's membership to the Community. In this respect one question is arising that how many Turkish migrants would move to the EU countries if they have the right of free movement?. In this thesis, to find an answer to this question Turkish possible economic performance in the EU-membership process and alternative emigration scenarios are examined. The eventual influence of social-economic transformations on Turkish migration to the EU in the long-run is also evaluated.

Keywords: Migration, European Union, Free Movement of Workers, Push and Pull Factors, Immigration Scenarios

## ÖZET

# AVRUPA BİRLİĞİNE TÜRK GÖÇÜNÜN DEĞERLENDİRİLMESİ: İŞÇİLERİN SERBEST DOLAŞIMI BAĞLAMINDA GEÇMİŞ, GÜNÜMÜZ VE GELECEK EĞİLİMLERİ

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Bu tez, AB/AT'na Türk göçünün geçmiş, günümüz ve gelecek eğilimlerini, AB üyeliği ve işçilerin serbest dolaşımı bağlamında analiz eder. Bugün Avrupa çevrelerinde yapılan en ateşli tartışmalardan biri Türkiye'nin üyeliğinin Topluluk üzerine etkisinin ne olacağıdır. Bu anlamda eğer serbest dolaşım hakkına sahip olurlarsa, ne kadar sayıda Türkün Avrupa Birliği ülkelerine göç edeceği sorusu önem kazanmaktadır. Bu soruya cevap aramak için bu çalışmada Türkiye'nin AB üyelik sürecinde göstereceği muhtemel ekonomik performans ve alternatif göç senaryoları incelenmektedir. Ayrıca uzun dönemde gerçekleşecek sosyo-ekonomik değişimlerin AB'ye yönelecek Türk göçü üzerine muhtemel etkileri değerlendirilmektedir.

Anahtar Kelimeler: Göç, Avrupa Birliği, İşçilerin Serbest Dolaşımı, İtici ve Çekici Faktörler, Göç Senaryoları

*To My Father Bünyamin Duran,  
scholar and honorable...*

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## ABBREVIATIONS

<b>EU</b>	<b>European Union</b>
<b>EC</b>	<b>European Community</b>
<b>EEC</b>	<b>European Economic Community</b>
<b>ECJ</b>	<b>European Court of Justice</b>
<b>GDP</b>	<b>Gross Domestic Product</b>
<b>USA</b>	<b>United States of America</b>
<b>SIS</b>	<b>Schengen Information System</b>
<b>OECD</b>	<b>Organisation for Economic Cooperation and Development</b>
<b>CEEC</b>	<b>Central and Eastern European Countries</b>
<b>TES</b>	<b>Turkish Employment Service</b>
<b>FRG</b>	<b>Federal Republic of Germany</b>
<b>SPO</b>	<b>State Planning Organization</b>
<b>USD</b>	<b>United States Dollar</b>
<b>UN</b>	<b>United Nations</b>
<b>PPP</b>	<b>Purchasing Power Parity</b>
<b>BB</b>	<b>Boeri and Brücker</b>

## **INTRODUCTION**

The European integration is the most successful among the other integration movements, considering its aims, institutions, the number of members and population. Within the fifty years time, the European Union has experienced five enlargements, and became a huge community with 25-members. There is also one likely enlargement on the table of the EU regarding the Croatia, Romania, Bulgaria, and Turkey. At these days in which negotiations begins, Turkey, obviously, is the most debated candidate in the EU circles and it is probably that this will go on for a long time. Because Turkey has a unique situation among the other candidates with her dense population and vast geography, but She does not have an adequately developed and large economy in compared with her population. Furthermore, Turkey's geographic position and religious-cultural habits of Turkish people are also matter in question. However, possible emigration from Turkey to the EU's prosperous countries is the most controversial issue like in the previous enlargements, especially Southern and CEEC's enlargements.

One of the ambitious aims of the European Community/Union was to generate an internal market which was based on free movement of goods, services, capital, and people. Unlike the other movements, the free movement of people has not only economic dimensions but it has also social-cultural reflections such like migration and integration issues that fuel the fears of Europeans. Hence the EU, during accession negotiations with candidates, pays extra attention to which and generally puts temporary barriers in front of the free movement of new entered countries' citizens.

During years, researchers have been trying to predict the likely effects of Turkish accession on the Community. Although they generally come to similar and reasonable conclusion that the EU and Turkey will mutually benefit from her accession, some researchers could create highly speculative scenarios asserting that the EU's admittance to Turkey as a member means the suicide of the Community. Eventual possible immigration from Turkey to the EU in the long-run is one the basic sources of these pessimistic scenarios.

Occasionally, sensational news articles on the scary magnitude of potential migrants from Turkey make headlines in the EU media. Careless interpretation of casual opinion polls can put the number as high as 25 % of a population of about 70 million. The results that emerge from serious research work are a small fraction of that. A survey of literature undertaken by the 2004 “Impact Study” (*Issues Arising from Turkey’s Membership Perspective*) conducted by the EU Commission reports that forecasts of immigration from Turkey to the EU-15 up until the year 2030 range between 0.5 and 4.4 million, assuming free movement of labor in about a dozen years from now. The Impact Study also emphasizes that to arrive at the higher end estimates (about 4 million), the studies have to torture the data and methodology.<sup>1</sup>

The main aim of this thesis is to evaluate past, present, and future trends of Turkish migration to the EU countries in the context of the EU membership and the free movement of people. Moreover, it argues the impacts of social-economic transformations could have occurred in Europe and Turkey in the long-run on migration flows.

In the first chapter, I have examined the legislative framework and scope of the free movement of people by using the related articles and regulations. Additionally, the main concerns of the EU on Turkey’s accession and the current position of the free movement of workers in the negotiating framework that is prepared for Turkey are evaluated. Lastly, the question of why the free movement of people is so important for the EU is answered by giving the benefits and harms of the free movement of people on migrant sending and receiving countries.

I have elaborated to Turkish migration history within the three periods and so the guest worker programs of the European countries after 1960’s in the second chapter. I have also examined the profiles, trends, and motivations of Turkish migrants moved European countries at that times. Furthermore, legislative and political framework of Turkey-EU relations in the context of free movement of workers are scrutinized. Hence the related provisions of the Ankara Agreement, the Additional Protocol and the decisions of 2/76, 1/80 and 3/80 of Association Council are assessed broadly. This chapter also focuses on the legal existing rights of the Turkish migrants residing in Europe.

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<sup>1</sup> Refik Erzan,Umut Kuzubas,Nilüfer Yildiz,**Growth and Immigration Scenarios for Turkey and the EU**,EU-Turkey Working Paper No.13 , 2004, p. 1

In the last chapter of this thesis, Turkish migration potential to the EU countries for the period of 2005-2030 is argued, assuming that Turkey will be member of the Community in 2015 and the free movement of Turkish workers will start at the same time. To evaluate Turkish eventual migration potential, the way I follow is firstly to give push and pull factors such like unemployment or Gross Domestic Product that are basic determinants of migration movements, secondly to examine the existing model-based studies estimating Turkish migration potential to the EU countries by making projections, and lastly to analyze the results of these model-based studies, keeping in mind that Turkey and the EU could be experienced great social-economic transformations that sharply affect Turkish migration to the EU in the long-run.



## CHAPTER ONE

### **1. FREE MOVEMENT OF PERSONS IN THE EC/EU**

#### **1.1 In General**

The four freedoms that are free movement of goods, workers, services, and capital are essential elements of the European Community (EC) , thus of the EU. In this respect, the European Court of Justice (ECJ) has several times emphasised the great importance of the four freedoms in some cases.

The freedoms are fundamental for the EU because these are means to achieve the aims of the Union: greater prosperity, competitiveness, sustainable and noninflationary growth, raising of the standard of living and quality of life, economic and social cohesion, and so on.<sup>2</sup> The background to the rules on free movement of workers is the idea that production can take place where it is the most beneficial to the Union as such. This would mean where the costs of production are the lowest and other conditions the most beneficial, thus benefiting from Europe as a whole to obtain competitive advantages and real competition with other big economies like the USA and Japan. The free movement rules are complemented by other rules on social issues, regional policy, cohesion, and other related matters to ensure that the effects of the industry enjoying the free movement do not have negative consequences for the population of the EU or for individual Member States.<sup>3</sup>

Freedom of movement within the EU briefly means that a wage and salary worker from any Member State may enter another and remain for up to three months( now generally six months) in search of a job. Then, if the migrant finds regular employment, the host country must grant any necessary work and residence permits. Upon entry, a job-seeking migrant is not entitled to unemployment or other public assistance while searching for a job. Dependant family members may join the intra-EC migrant regardless of their nationality if the

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<sup>2</sup> See also Article 2 of the EC Treaty for EU objectives to promote economic and social progress and high level of employment ,balanced and sustainable development in particular through the creation of an area without internal frontiers.

<sup>3</sup> Sinan Ayhan,**Free Movement of Workers in European Union and Free Movement Right for Turkish Nationals** , İstanbul : Marmara University ,European Community Institute Thesis ,2003, p. 1

migrant has secured adequate housing, and these family members have the right to participate in the host country educational system.<sup>4</sup>

According to basic Treaties this freedom just covers workers and self-employed people but secondary legislations have expanded the scope of which by adding other categories like students and pensioners. Hence it can be said that the term '*Free Movement of Workers*' differentiate from the term '*Free Movement of Persons*' whose scope is more broad.

## **1.2 Direct Applicability and Effect of Community Law**

According to the ECJ decisions Community law has superiority on national laws in the application of freedom of movement of workers. In Costa/ENEL case<sup>5</sup> the ECJ emphasised that if there is a contradiction between the EC law and national law on a specific issue, the EC law is applied, and national law becomes invalid.

In Van Duyn Case<sup>6</sup> the Court has stated that '*the Article 48 ( related to freedom of movement of workers) of the EEC Treaty is directly applicable over the Member States' national legislations and has provided the individuals of Member States' rights which must be considered and enforced by the national courts'*.

Furthermore, Article 48 of the EC Treaty does not only have 'vertical' direct effect but also 'horizontal' , i.e it cannot only be enforced against state bodies but also against private employers.<sup>7</sup>

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<sup>4</sup> Philip L. Martin **The Unfinished Story: Turkish Labour Migration to Western Europe**, Geneva: International Labour Office , 1991, p. 87

<sup>5</sup> Case 6/64 , Costa V. ENEL , 1964, E.C.R 5851

<sup>6</sup> Case 41/74 , 1975, ECR 1337

<sup>7</sup> Ayhan , op. cit , p. 3

### 1.3 The Meaning of Worker

The provisions of the EU related to free movement are applied to paid workers who are citizen of member countries. ECJ has accepted that children are considered as worker in accordance with the regulation dated 1968 and numbered 1612/68, but this regulation may be applied in view of the provisions of the community law related to free movement about if members of worker's family may be considered as worker or not.

In Articles 39-42 (former Articles 48-51) of The EC Treaty defining general framework of free movement right in primary legislation, it is seen that the persons working according to a recent or potential labor contract are understood from the “*employee*” concept and the “*independent employees*” utilizing from settlement freedom and service presenting in scope of free movement of persons are not considered in this scope.<sup>8</sup>

There is a definition related to employee concept in the first article of the Regulation 1408/71 arranging social security subject in scope of secondary legislation. According to this, the persons in scope of the Regulation numbered 1408/71 and the persons working with fee guaranteed against risks are defined as employee. Because there is not any other definition in the legislation except this definition, the decisions of ECJ are sole determiner.

### 1.4 The Principle of Non-Discrimination

The citizens of the EU exercising their right to enter and reside in another Member State must be treated on an equal footing with nationals of that Member State. The rights of workers are very extensive in this respect. In relation to non-workers, such as tourists, the right, although less extensive, still exists. The State may, however, treat foreigners differently if this is justified by an objective criterion. For example, foreigners may be required to produce identification documents in order to establish their right to reside or stay there, as distinct from illegal immigrants. In the field of free movement of workers, the principle of non-discrimination was put into practice and was specifically implemented by Articles 48, 52 and 59-60 of the Treaty Establishing EC and secondary Community legislation, adopted on the basis of these Articles, particularly Council Regulation no 1612/68 and Council

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<sup>8</sup> Eral Topçu, *Avrupa Topluluğunda İşçilerin Serbest Dolaşımı*, Ankara University Master Thesis, Ankara, 1991, p. 75

Regulation no 1408/71 concerning the application of the social security regime to workers and members of their families which reside within the EC. All direct or covert discrimination is prohibited, i.e rules which specifically provide for different treatment of non-nationals.<sup>9</sup>

### **1.5 Legal Framework of Freedom of Movement of Persons in the EC/EU**

The Treaty of Rome (1957) was the basis for the establishment of the free movement of people which is now one of the four fundamental rights of internal market. This Treaty establishing the European Economic Community has contained provisions to ensure the free movement of workers within the Community.

There are three essential legal basis of the current situation of the free movement of people:

- Article 14 (7a) ECT: establishing the internal market, which includes the free movement of persons.
- Article 18 (8a) ECT: Union citizens have the right to move and reside freely within the territory of the Member States.
- Article 61 (73i) et seq: new Title IV, ‘Visas, asylum, immigration and other policies related to free movement of persons’<sup>10</sup>

With the free movement of people, the citizens of the member states have gained the rights of travel, reside and work freely in the Member state’s borders. However, it was not a sudden acquisition for the citizens of the Community, rather it was matured gradually through several treaties and articles given below.

#### **1.5.1 Articles 48-51 of the Treaty**

*Article 48(now 39) of Title III of the EC Treaty states that :*

- i.** Freedom of movement for workers shall be secured within the Community.

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<sup>9</sup> Ayhan , op. cit , p. 5

<sup>10</sup> [http://www.europarl.eu.int/factsheets/2\\_3\\_0\\_en.htm](http://www.europarl.eu.int/factsheets/2_3_0_en.htm) , on 10 February 2006

- ii. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.
- iii. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
  - iii.i. to accept offers of employment actually made
  - iii.ii. to move freely within the territory of Member States for this purpose,
  - iii.iii. to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action,
  - iii.iv. to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in implementing regulations to be drawn up by the Commission.
- iv. The provisions of this Article shall not apply to employment in the public service.<sup>11</sup>

*Article 51 provides that :*

The Council shall, acting in accordance with the procedure referred to in Article 251, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers; to this end, it shall make arrangements to secure for migrant workers and their dependants:

- i. Aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;
- ii. Payment of benefits to persons resident in the territories of Member States.

The Council shall act unanimously throughout the procedure referred to in Article 251.

### **1.5.2 Regulation 1612/68**

*Regulation (EEC) No 1612/68 states in its preamble that :*

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<sup>11</sup> EC Nice Treaty Provisions, available online : <http://www.fedee.com/nicetreaty.html> , on 15 February 2006

"Mobility of labour within the Community must be one of the means by which the worker is guaranteed the possibility of improving his living and working conditions and promoting his social advancement".

The underlying principle is that of equal treatment, with every citizen of a Member State enjoying the right to take up paid employment in another Member State under the conditions applicable to that Member State's own nationals.<sup>12</sup>

*Article 1 of 1612/68 provides that :*

- i. Any national of a Member State, shall, irrespective of his place of residence, have the right to take up an activity as an employed person, and to pursue such activity, within the territory of another Member State in accordance with the provisions laid down by law, regulation or administrative action governing the employment of nationals of that State.
- ii. He shall, in particular, have the right to take up available employment in the territory of another Member State with the same priority as nationals of that State.

*Article 5 provides that :*

A national of a Member State who seeks employment in the territory of another Member State shall receive the same assistance there as that afforded by the employment offices in that State to their own nationals seeking employment.

*Article 6 provides that:*

The engagement and recruitment of a national of one Member State for a post in another Member State shall not depend on medical, vocational or other criteria which are discriminatory on grounds of nationality by comparison with those applied to nationals of the other Member State who wish to pursue the same activity.

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<sup>12</sup> <http://europa.eu.int/scadplus/leg/en/lvb/l14001.htm> , ( 16 February 2006 )

*Article 7 provides that :*

- i.** A worker who is a national of a Member State may not, in the territory of another Member State, be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work, in particular as regards remuneration, dismissal, and should he become unemployed, reinstatement or re-employment;
- ii.** He shall enjoy the same social and tax advantages as national workers.
- iii.** He shall also, by virtue of the same right and under the same conditions as national workers, have access to training in vocational schools and retraining centres.
- iv.** Any clause of a collective or individual agreement or of any other collective regulation concerning eligibility for employment, employment, remuneration and other conditions of work or dismissal shall be null and void in so far as it lays down or authorises discriminatory conditions in respect of workers who are nationals of the other Member States.

*Article 8 provides that:*

A worker who is a national of a Member State and who is employed in the territory of another Member State shall enjoy equality of treatment as regards membership of trade unions and the exercise of rights attaching thereto, including the right to vote ...

*Article 9 provides that:*

A worker who is a national of a Member State and who is employed in the territory of another Member State shall enjoy all the rights and benefits accorded to national workers in matters of housing, including ownership of the housing he needs.

*Article 10 provides that:*

The following shall, irrespective of their nationality, have the right to install themselves with a worker who is a national of one Member State and who is employed in the territory of another Member State:

- i. his spouse and their descendants who are under the age of 21 years or are dependants;
- ii. dependent relatives in the ascending line of the worker and his spouse.

*Article 12 provides that:*

The children of a national of a Member State who is or has been employed in the territory of another Member State shall be admitted to that State's general educational, apprenticeship and vocational training courses under the same conditions as the nationals of that State, if such children are residing in its territory. Member States shall encourage all efforts to enable such children to attend these courses under the best possible conditions.

*Lastly Article 16 related to the clearance of vacancies and applications for employment provides that:*

Any vacancy communicated to the employment services of a Member State which cannot be filled from the national labour market and which, on the basis of the returns referred to in Article 15, can be cleared within the Community, shall be notified to the competent employment services of the Member State which has indicated that it has manpower available in the same occupation.

By the entry into force of Regulation 1612/68 the freedom of movement of workers within the Community has been almost realized in below stated fields :

- The equal treatment while taking up an activity as employed person;
- The abolishment of requirement of "working permit" for the nationals of other Member States.<sup>13</sup>

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<sup>13</sup> Can Baydarol, **Avrupa Ekonomik Topluluğunda İşçilerin Serbest Dolaşımı Nasıl Sağlandı** , İktisadi Kalkınma Vakfı Yayınları İKV:21, İstanbul , 1986 p. 12



### **1.5.3 Regulation 1251/70 Right of Residence**

The right of residence of Community Nationals to remain in the territory of a Member State after having been employed in that State has been regulated by the regulation 1251 of 1970.

*Article 2 of 1251/70 provides that :*

The following shall have the right to remain permanently in the territory of a Member State:

- i. a worker who, at the time of termination of his activity, has reached the age laid down by the law of that Member State for entitlement to an old-age pension and who has been employed in that State for at least the last twelve months and has resided there continuously for more than three years;
- ii. a worker who, having resided continuously in the territory of that State for more than two years, ceases to work there as an employed person as a result of permanent incapacity to work. If such incapacity is the result of an accident at work or an occupational disease entitling him to a pension for which an institution of that State is entirely or partially responsible, no condition shall be imposed as to length of residence;
- iii. a worker who, after three years" continuous employment and residence in the territory of that State, works as an employed person in the territory of another Member State, while retaining his residence in the territory of the first State, to which he returns, as a rule, each day or at least once a week.

Through the current arrangements, all the EU citizens who have identity card or valid passport could move and reside in another Member States without requiring any visas, permits or declaration for stays of less than three months. For long-term stays, more than six months, citizens are subject to certain conditions. Applicants must :

- either be engaged in economic activity (on an employed or self-employed basis);
- or have sufficient resources and sickness insurance to ensure that they do not become a burden on the social services of the host Member State during their stay. The

Member States may not specify a minimum amount which they deem sufficient, but they must take account of personal circumstances;

- or be following vocational training as a student;
- or be a family member of a Union citizen who falls into one of the above categories.<sup>14</sup>

The Union citizens who are willing to stay more than 6 six months in another member states, have to register to the host country by presenting their identity card or passports and declarations that they accept to the host countries conditions.

After five years uninterrupted legal stay in another member state, a citizen gains the permanent residence right except some conditions such as expulsion decision of the member states against him/her. The family members of these migrant citizens also gains the same rights as them.

### **1.6 The Situation of the Workers Coming from Third Countries**

Another important subject is in this context is the legal status of workers coming from third countries like Turkey, which means non-member countries of the EU. Commission Decision of 8 July 1985(85/381)<sup>15</sup> setting up a prior communication and consultation procedure on migration policies in relation to non-member countries stipulates that ‘ The Member States shall give the Commission and the other Member States in good time and at the latest at the moment they are made public advance information of: draft measures which they intend to take with regard to third country workers and members of their families, in the areas of entry, residence, and employment, including illegal entry, residence, and employment, as well as realization of equality of treatment in living and working conditions, wages and economic rights, the promotion of integration into the workforce, society and cultural life, and the voluntary return of such persons to their countries of origin.

The main purpose of this directive is to establish an information network and to facilitate coordination in this field. However the European Court of Justice has repealed this

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<sup>14</sup> Right of Union Citizens and their family members to move and reside freely within the territory of the member states , available online : <http://europa.eu.int/scadplus/leg/en/lvb/l33152.htm> , on 16 February 2006

<sup>15</sup> Commission Decision 85/381/EEC Official Journal L 217 , 14/08/1985 pp. 0025-0026

decision stating that: ‘ ‘ The Commission has no power and no authority for harmonizing the national legislation of Member States and the Community Legislations ’ ’.

Following this judgement of the Court, the Commission incepted to prepare new decision and proposals on the basis of the Art 118/2 of the Rome Treaty, which is mainly about: working environment , as regards the health and safety of workers and the objective of the harmonization of conditions in this area.

Today there is no legal arrangement adjusting the status of the citizens of the non-EU countries, which has not concluded bilateral agreements with the EU. In this respect, right to free movement does not exist for the workers coming from non-EU countries.<sup>16</sup>

### **1.7 Schengen Agreements**

Since the late 1950's, European countries had long been discussed the greater integration by free movement of people in their borders. With respect to this ambitious goal, one of the glorious achievements for the Community has come with Schengen process which consists of several agreements and arrangements. While Schengen was opening all internal borders of participating countries, it provided a new system which requires mutual controlling system of external borders more strict than before.

During 1980's , a debate among the Member States on the concept of free movement of people commenced. Some member states supported the idea of that the right abolishing the checks in borders should be applied to EC citizens only, leaving third-country nationals visiting the community subject to passport and visa controls at each borders; others argued that the concept of free movement of worker must involve to everyone, not having distinguished the nationality of those travelers.

The lack of consensus among the Member States on the scope of free movement of people and the impact of regionalisation has become driving force behind the ‘*Schengen Aggrement*’, signed at the town in Luxembourg in June 1985 by France, Germany, Luxembourg , Belgium and the Netherlands.

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<sup>16</sup> Ayhan, *ibid*, p. 22

The declared aim of this agreement was to make possible the crossing of internal borders throughout the so-called ‘Schengenland’ , without any checks on persons.<sup>17</sup>

Although all provisions of Schengen Agreement did not enter into force since 1990’s, this agreement created a free-border area as an unprecedented zone. In achieving to all goals of Schengen, some obstacles were needed to solve; for instance, while still going on checks against third-country nationals at the borders, it was impossible to eliminate borders. Accordingly, the concept of free movement of people was expanded to allow for abroad citizens visiting the Schengenland. This elimination of border checks for third-country nationals has, in turn, lead to the necessity of intensive cooperation of participating countries and strict collective rules on the control of external borders.

In 1990, in order to put the Schengen acquis into practice, France, Germany, Belgium, Luxembourg, and the Netherlands signed the Schengen Convention. This convention has brought together several provisions relating to short-term (maximum 90 days) visas, the necessity of a common policy and provisions uniforming visas to allow travel throughout the Schengen area. Long-term ( plus 90 days) visas were remained under the control of competence of participating countries.

The Schengen convention has also brought the Schengen Information System(SIS). It is an international computerized database that allows countries to store and share information on aliens, asylum seekers, criminals, and those under surveillance by state security agencies. The intention was to allow police and consular agents to share information on suspect individuals and on lost or stolen goods. The information system was viewed as a security measure that formed a necessary complement to the opening of internal borders. Along with greater information sharing, Schengen also created greater police coordination on the observation and pursuit of suspected criminals. Police attained the right of “hot pursuit” — the ability to follow suspected criminals across borders for a certain distance, after which point domestic police continue the search.<sup>18</sup>

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<sup>17</sup> Gabriel Glockler , Lie Junius , Gioia Scappucci , Simon Usherwood , Julian Vassalo , **Guide to EU Policies** , London, 1998, p. 326

<sup>18</sup> Julia Gelatt ,’’**Schengen and the Free Movement of People Across Europe**’’ , Migration Policy Institute, 2005, p.3.

Beginning with Italy in 1990, the other countries – Portugal in 1991, Spain in 1992, Austria in 1995, and Finland, Sweden and Denmark in 1996- joined the Schengen area.

The provisions of Schengen Agreement first entered into force in 1995. Since 1995, no person was being checked for passports or visas at the borders while travelling between Schengen Countries. Besides this ambitious gain for Schengen Countries and third-country citizens, several measures have been adopted as:

- a common definition of the rules for crossing external borders and uniform rules and procedures for controls there;
- separation in air terminals and ports of people travelling within the Schengen area from those arriving from countries outside the area;
- harmonisation of the rules regarding conditions of entry and visas for short stays;
- coordination between administrations on surveillance of borders (liaison officers and harmonisation of instructions and staff training);
- the definition of the role of carriers in measures to combat illegal immigration;
- requirement for all non-EU nationals moving from one country to another to lodge a declaration;
- the drawing up of rules for asylum seekers ( Dublin Convention , replaced in 2003 by the Dublin II Regulation );
- the introduction of cross-border rights of surveillance and hot pursuit for police forces in the Schengen States;
- the strengthening of legal cooperation through a faster extradition system and faster distribution of information about the implementation of criminal judgments;
- the creation of the Schengen Information System (SIS).<sup>19</sup>

Although all these provisions have to be adopted by Schengen Countries, having considered exceptional conditions, participating states can avoid to exercise these rules on ground of public security. For instance, in 2004 at European Football Championship, Portugal checked all persons coming Portugal in order to prevent likely bad events such like hooligans entry. France also reestablished border checks due to London bombings in July 2005. This

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<sup>19</sup> The Schengen acquis and its integration into the Union , available online : <http://europa.eu.int/scadplus/leg/en/lvb/l33020.htm> , ( 21 February 2006 )

flexibility has allowed Schengen to remain intact even in times where signatory states' experience significant concerns as a result of exceptional events.<sup>20</sup>

The success of implementation of Schengen system and the aim of achieving greater integration pushed the EU to absorb all elements of which into the framework of the European law as Schengen acquis. Observing this sequences of Schengen process, European circles have evaluated the Schengen agreements as a 'laboratory' for measures to be adopted in the EC/EU framework for the free movement of people.

With the Amsterdam treaty, signed in 1997, all Schengen system consisting of Schengen agreement, Schengen convention and several regulations, was incorporated into the EU framework. When the Amsterdam Treaty entered into force in 1999, all decision-making competences of Schengen shifted to the control of the Council of Ministers of the European Union.

After 1999, the Schengen Agreements have become part of the EU law, but some Member States chose different ways on implementing to the Schengen acquis. For instance, the United Kingdom opted out to adopt the acquis and maintained its past attitudes on border controls; followed by Ireland which remained Common Travel Area with the UK. However, they participate in some applications of Schengen such as SIS. Moreover, Iceland and Norway signed an agreement with the EU in order to maintain their participation to the Schengen System.

When the new 10 countries joined to the Union in 2004, they have been obliged to adapt their legislations in accordance with the Schengen acquis, but they have not made it yet. Because the new admitted countries must implement data exchange and information system necessary to participate in Schengen, and they must gain more abilities to control their internal and external borders effectively and strictly. Currently, the new 10 countries were scheduled to remove all internal checks in October 2007.

The EU policy-makers, considering the reality that the EU zone is expanding year by year, and with likely Turkish entrance(Turkey would have the largest land area in the EU,

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<sup>20</sup> Julia Gelatt , p.4

about 300.000 square miles, 50 per cent larger than France<sup>21</sup> ), the control of its internal and external borders will be so hard, are planning to create a new Schengen information systems which includes shared national databanks to store DNA information fingerprints, and vehicle identification for known or suspected criminals.

## **2.TURKEY’S CURRENT SITUATION WITHIN THE EU RELATIONS AND FREE MOVEMENT OF WORKERS**

Without question, immigration to the EU-15 countries has become one of the most central issues to Europe, especially with the accession of 10 new Member States and appearing of possible accession of Turkey to the Community. Eighty-two percent of European Parliament Members agreed that immigration is one of the top problems facing Europe (Lahav 1997).

The share of migrant population in total population of Western European Countries which is almost 15% , peaked in last years, is well explaining the fears of Europeans( see **Table 1**).

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<sup>21</sup> Philip Martin, Elizabeth Midgley, and Michael Teitelbaum , ‘**Best Practice Options: Turkey** ‘, EBSCO publishing , page 124

**Table 1**  
**Size of the foreign born and foreign-national populations in selected European countries, according to the 2001 (or latest) national**

	Foreign born	
	thousands	proportion of total population
Total	82627.1	7.8
Austria	1002.5	12.5
Belgium	1099.2	10.7
Czech Republic	448.5	4.5
Denmark	361.1	6.8
Finland	131.4	2.5
France	5868.2	10.0
Germany	10256.1	12.5
Greece	1122.6	10.3
Hungary	292.9	2.9
Ireland	400	10.4
Luxembourg	142.7	32.6
Netherlands	1615.4	10.1
Norway	333.8	7.3
Poland	775.3	2.1
Portugal	651.5	6.3
Slovak Republic	119.1	2.5
Spain	2172.2	5.3
Sweden	1077.6	12.0
Switzerland	1570.8	22.4
Turkey	1259.4	1.9
United Kingdom	4865.6	8.3

Source: National censuses, compiled and calculated by the OECD.

Source :OECD

During decades, increasing public hostility to immigration and third-world immigrants in the continent, the rise of far-right anti-immigrant and anti-enlargement parties, integration problems of many migrants to the social-economic life of Western civilization, and economic concerns relating to Europe's future market has put the issue on the table of the EU. Considering these concerns, some of whose are reasonable but mostly prejudices, the EU pays extra attention to the free movement of people chapter during the negotiations with the candidate countries.

<sup>22</sup> John Salt, 'Current Trends in International Migration in Europe', CDMG, 2005 ,p. 10



The accession of Cyprus ( the Greek Part), the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia to the EU on 1 May 2004 brought the number of EU states up to 25. With the accession of these mostly Central-Eastern European Countries, the EU population has increased about 74 million or almost one-fifth. Although the amount of new-added population to the EU appears significant in the continent population, having considered the ageing problem and low fertility rates of these new Member States as well as EU-15 countries, it seems not to create great positive or negative effects on Europe's social and economic lives. Accordingly, in the European circles, the accession of ten countries is being evaluated neither a big threat nor a big remedy for their economies. Considering this reality ,in order to protect their fragile markets, the EU's prosperous countries have just been using the transition periods, 2+3+(2) which are temporary safeguard periods against the new member countries except Malta and Cyprus (the Greek part) which have small populations.

In contrary with these soft attitudes toward CEE Countries, the EU acts completely different against Turkey which has special characteristics.

Turkey has one of the fastest population growth rates in Europe, about 1.5 per cent or 1 million a year, and a labour force of 31 millions that is growing by almost 3 per cent or 900.000 a year.<sup>23</sup>

This unique situation of Turkey fuels the fears of Europeans against Turkey's likely accession to the EU; thus these three possibility emerge in European's minds: firstly, in the event of full membership, due to its large population, Turkey would take part in and dominate the decision-making mechanism of EU, secondly, after full membership process has been completed, the EU will have to provide economic aid to Turkey in order to strengthen its economy. Finally and most importantly, the fear of the possibility of millions of Turks migrating to the rich countries within the EU for a better life standards and economic conditions. Some circles add one more assertion to these three that Turkey does not belong to European culture, Islam is the predominant religion and the most of its population and territory, except a few per cent, are located in Asia .<sup>24</sup>

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<sup>23</sup> Philip Martin, Elizabeth Midgley, and Michael Teitelbaum , op. cit, p.124

<sup>24</sup> Because it is not said by formal bodies of the EU and it belongs to sociology and ethnic studies , i disregard to this deduction in this study.

Some EU countries, especially France, Austria , and Germany, in order to prevent the realization of these three likelihoods, offer the so-called '*privileged partnership*' to Turkey. They well know that under privileged partnership Turkey would loose these six rights:

Turkey would be excluded from attaining the most tangible and visible benefits of accession, principally agricultural subsidies, structural policies and free movement of persons. Exclusion also encompasses Turkish participation in the EU institutions and decision-making processes. Any attention to the EU's absorb capacity would vanish. Naturally, all intensive monitoring of human rights, *acquis* implementation, and foreign and security policies would be dropped.<sup>25</sup>

The reason of my evaluation of the immigration problem between Turkey and the EU as a most important fear, stems from that in the EU Council of Ministers Summit held in Brussels on 17.12.2004, the Ministers of EU countries and the EU officials reflected this fear to the negotiation provisions as safeguard clauses which can be even permanent in respect of free movement of Turkish Labour in the EU zone.

With the EU Helsinki Council Summit decision in December 1999 , Turkey was declared as a candidate state , and in the Summit meeting made by the European Council in Brussels on 17.12.2004, the resolution was saying that Turkey had made impressive progress in respecting the political criteria enough for negotiations on EU membership to start on the 3rd October 2004. Lastly, a negotiating framework which shows details of process, was designed by the EU Commission for Turkey. So could we say that the EU opened all its doors to Turkey? The answer is not fully yes!

Examining the Brussels Summit Conclusions and the negotiating framework prepared for Turkey, we could readily reach this inference that in the documents there are some articles jeopardising to Turkish possible membership; and even if Turkey would be a member, there are also some articles restricting to Turkey's future position in the EU.

Brussels Summit Conclusions, which defined the prospects of Turkey-EU relation-type and drew a bumpy path for Turkey toward the full membership of the EU, consist of both

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<sup>25</sup> Fadi Hakura, **Partnership is no Privilege : to alternative to EU membership is no Turkish delight** , Chatham House, 2005, p.5

positive and negative articles for Turkey's accession to the Union. While the EU was giving a negotiation date, to Turkey in Article 22, "*... it requested the Council to agree on that framework with a view to opening negotiations on 3 October 2005...*"<sup>26</sup>, at the same time it mentioned the possibility of implementation of permanent safeguard clauses which would be a unique application and apparently contrary to the EU law, on some issues like free movement of Turkish workers in the EU zone in article 23, "*...long transitional periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be considered...*"<sup>27</sup>

Article 23 is also giving a duty on the issue to the Commission as "*...the Commission will include these, as appropriate, in its proposals for each framework, for areas such as freedom of movement of persons, structural policies or agriculture...*"<sup>28</sup>

Lastly, article 23 states that "*...Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role of individual Member States. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market...*"<sup>29</sup>, which means all concerns of each member states about the free movement of labours must be considered at maximum level, and the establishment of permanent safeguards on free circulation of people must be evaluated by calculating its impact on internal market of the EU.

If we look to the negotiating framework prepared for Turkey, we can see the same character with Brussels Summit Conclusions.

At glance it can be easily seen that, in the negotiating framework, the first article's first sentence, "*The negotiations will be based on Turkey's **own merits***"<sup>30</sup>..., is well summarizing the unique relation unlike the other candidate states (principally with Croatia) between the EU and Turkey and reflecting that this negotiation process of Turkey will not resemble to any other enlargement processes.

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<sup>26</sup> Brussels Summit Conclusions, 17.12.2004, Article 22

<sup>27</sup> *ibid*

<sup>28</sup> *ibid*

<sup>29</sup> *ibid*

<sup>30</sup> Negotiating Framework For Turkey, June 2005, Article 1

Keeping in mind to the first article's meaning, the EU presents Article 2 and Article 3 of the negotiating framework to complicate of Turkey's full membership possibility. Article 2 states that:

*‘As agreed at the European.... The shared objective of the negotiations is accession. These negotiations are an **open-ended** process, the outcome of which cannot be guaranteed beforehand. While having full regard to all Copenhagen criteria, including the **absorption** capacity of the Union, if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the **strongest possible bond**’.*<sup>31</sup>

Although the ‘shared objective’ of these negotiations is accession, which cannot happen before 2014, they are an ‘open-ended process whose outcome cannot be guaranteed beforehand’ – i.e. no irrevocable commitment or timeline is given for membership. These words are a form of constructive ambiguity intended to simultaneously allay the apprehensions of European public opinion over membership and satisfy Turkey's EU goals.<sup>32</sup>

In Article 2, one is also standing out that the European Union has a B plan for Turkey in case of failure of Turkish accession to the Union. They, by using ‘*strongest possible bond*’, highlight both that Turkey should not wait great expectations on full membership to the Union, and at the same time, Turkey is indispensable country for Europe to cooperate. The term of ‘*strongest possible bond*’ is, as mentioned above, clearly the expression of privileged partnership.

Article 3 states that :

*‘Enlargement should strengthen ...in accordance with the conclusions of the Copenhagen European Council in 1993, the Union's **capacity to absorb** Turkey, while maintaining the momentum of European integration is an important consideration in the general interest of both the Union and Turkey...has been met.’*<sup>33</sup>

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<sup>31</sup> Negotiating Framework For Turkey ,June 2005 , Article 2

<sup>32</sup> Hakura, op. cit. , p. 2

<sup>33</sup> Negotiating Framework For Turkey ,June 2005, Article 3

In articles there are several usage of '*capacity to absorb*'. By looking the European's side, strongly emphasizing to this capacity is highly important when considering Turkish huge population nearly 75 million (82 million in 2015<sup>34</sup>, the expected accession date of Turkey), and its relatively poor social-economic conditions and migration potential.

Article 12 of the negotiating framework which includes Article 23 of Brussel Summit Conclusions, states that "...*long transitional periods, derogations, specific arrangements or permanent safeguard clauses may be considered...*"<sup>35</sup> for some chapters such like free movement of people, structural policies and agriculture.

Although a negative mood encompasses the negotiating framework, I am hopeful on the eventual implementation of free movement of workers that if Turkey will success to be a member of the Union, the current and future conditions and necessities of European market would not permit the EU to apply the permanent safeguard clauses against the free circulation of Turkish workers in the Union.

Although it is not scientifically certain, it is likely that the possible safeguard clauses, which emerged by Turkish government strategy error that during Brussels Summit negotiations, Turkey's efforts intensified on some specific issues such as Cyprus, highly controversial and symbolic issue, rather than issues relating to future gains of Turkish citizens like free movement of workers in the event of Turkish membership to the Union, would lose its importance in the European circles in the future. Namely, according to some commentators the time will renovate the mistake of Turkey and the EU.

Moreover the '*may*' usage of article 12 of the negotiating framework is important in the prediction of whether the EU will use the permanent safeguards or not. 'The critical word is '*may*', meaning that inclusion of these restrictions is not a foregone conclusion, but will be significantly influenced by prevailing circumstances, which could lessen the clamour for derogations or permanent safeguards. For example, the accession process could encourage sizeable inward foreign direct investment, which would lower Turkish unemployment levels and increase prosperity.'<sup>36</sup>

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<sup>34</sup> UN Population Division, World Population Prospects: the 2002 Revision

<sup>35</sup> Negotiating Framework For Turkey, June 2005, Article 12

<sup>36</sup> Hakura, op. cit., p. 3

There are also many positive scenarios, relieving to those who believe that both sides will benefit so much from Turkish membership, will be mentioned in detail in other chapters.

The Negotiating Framework itself assumes fundamental reforms to the EU's agricultural and structural policies. These will reduce budgetary outlays by the time of Turkey's accession, reducing the probability of long-term restrictions. Logically, detailed technical 'adaptations' (i.e. readjustments) to these policies' *acquis* will 'not need to be fixed' during the membership talks; they will be prepared in 'good time' towards the end of the process. Furthermore, it seems implicit that the three chapters – agriculture, structural policies and free movement of persons – will be negotiated last.<sup>37</sup>

Lastly, in the negotiating framework article 15 draws a plan for the adoption of Schengen *acquis* of Turkey by stating that '*With regard to the area of freedom, justice and security, membership of the European Union implies that Turkey accepts in full on accession the entire acquis in this area, including the Schengen acquis. However, part of this acquis will only apply in Turkey following a Council decision to lift controls on persons at internal borders taken on the basis of the applicable Schengen evaluation of Turkey's readiness...*'<sup>38</sup>

Revealingly, the Framework empowers the Council of Ministers to lift border controls on Turks following an '*applicable Schengen evaluation of Turkey's readiness*', apparently based on objective criteria. This pragmatism may therefore in due course be reflected in discussions about free movement of persons.<sup>39</sup>

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<sup>37</sup> *ibid* , p. 4

<sup>38</sup> Negotiating Framework For Turkey , June 2005 , Article 15

<sup>39</sup> Hakura ,op. cit , p. 4

### **3. WHY IS THE FREE MOVEMENT OF WORKERS VERY SIGNIFICANT FOR THE EU?**

One of the most hotly debated issues of enlargement processes, as cited before, has always been the free movement of workers. This freedom, which matured year by year, is now among the most beneficial policies of the Union. Even in some circles, the free mobility of labours as one of the four freedoms, goods, capitals, services, labours, of the single market, is evaluated as the key policy of the EU.

The unique character of the free movement of labour essentially comes from that it, unlike the other circulations, has direct effects on lives of both individuals and states. Conversely, free circulation of goods, capitals and services are mostly related to economic issues, realizing among the markets of states, so its reflections on whole society are relatively narrow in compared with the reflections of free movement of labours. An average citizen does not care with the functioning or details of free movement of goods or capitals and he/she does not complain about it. However, free movement of labours can shape to a society by in turn, leading to immigration flows, triggering to domestic economic problems and creating cultural (e.g integration ) problems or providing positive gains.

Labour movement, is far more mobile than the other three factors; besides, it mostly relates to social aspects, especially as regards immigration, not short-term employment contracts abroad.<sup>40</sup>

The economic implications of the free movement of labours are widespread. Firstly, it creates a big pressure on the native labours by taking away jobs from them. Because migrant workers coming from relatively poor countries such as Poland or Turkey are willing to work for more lower wages than native-labours wages. Moreover, fewness of their expectations from employer is also another appealing source of migrant workers.

At the result of this substitution between migrant and native workers in labour market, unemployment problem that already exist in many EU countries increases, and wage levels of the member states tend to decrease.

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<sup>40</sup> Ona Baksienė, "EU Membership Entails Free Movement of Labour", on 22 February 2006, available online: [http://www.ey.com/global/download.nsf/Lithuania\\_E/Joining\\_EU\\_free\\_movement\\_of\\_workers\\_2003\\_EN.pdf](http://www.ey.com/global/download.nsf/Lithuania_E/Joining_EU_free_movement_of_workers_2003_EN.pdf)

Secondly, migrant workers could be burden on social assistance and welfare state programs of host countries. However it mostly depends on whether migrant workers are high skilled and educated labours or less skilled labours. Such migrants, who are high skilled labours and whose participation level to the economy is high, could enormously contribute on the host countries economic growth. Accordingly, it does not need to be concerned about that migrants become harmful for the economy. Conversely, if immigrants lack the skills that employers demand and find it difficult to adapt, immigration may significantly increase the costs associated with maintaining many programs in welfare states as well as exacerbate the wage inequality that might already exist in the host country.<sup>41</sup>

Besides the economic implications of the free movement of labours, there are also social reflections of it; the economic effects – wage level decreasing, unemployment of native-labours, additional burden on social assistance programs – of it triggers to the social trends of host societies. Namely public hostility, xenophobia, racism and such like things against migrants (especially toward less skilled labours) are fed with economic fears and prejudices of natives like that they lost their jobs, young population become jobless or they earn less money than before. It is also important to note that the sources of these hostility against foreigners are not just economic oriented, but it is also social and cultural that some natives do not want immigrants, because of their failure to integrate to the community.

Lastly, it should be emphasized that the bad scenarios mentioned above, according to many studies, realize in the event of immigration of less-skilled labours from poor countries. So the worker mobility among the rich members accelerate to sustainable socio-economic growth and development. The extension of worker mobility toward new members is also important for the EU economy; this means much bigger market which is one of the great dreams of the EU integration, and cheap labour supply for the employers of the current members.

If we order the benefits and harms of freedom of movement for workers on sending and receiving countries, followings can be listed ;

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<sup>41</sup> George j. Borjas, **Economic Research on the Determinants of Immigration** , Lessons for the European Union , World Bank Technical Paper No.438 ,1999, p. 1



***The benefits of free movement of workers in view of the receiving country :***

- i. First of all, meeting the demand of manpower in these countries without necessary investing and constituting education programs.
- ii. The employment of foreign workers prevents fees' increasing with effecting economy negatively. Because the demand of manpower cause fees' increasing. This increasing in the fees affect the prices negatively and an cost inflation starting can be expected.
- iii. Foreign manpower is more flexible against to the demand of manpower than domestic manpower. So it is very important effect for the production stability.
- iv. In branches of industry where domestic manpower does not prefer to work with the reason of hard work conditions or social conditions foreign workers are employed.

***The harms of free movement of workers in view of the receiving country :***

- i. If the circulation of manpower occurs rapidly, so it will cause huge costs to provide resources for training these people for job, teaching languages and giving orientation.
- ii. If it is provided that the homing of these workers for a long time or settling down permanently, other costs will occur. Because worker who wants to settle down come with his/her family so education, health and house demands of these people cause new costs as social services for the receiving country.
- iii. In countries which have big foreign worker population, if a demand increase for consumer goods appears more than workers produce for economy, an inflation pressure can be seen.
- iv. Social unrest
- v. Because the employees do not speak the language of their residing country and their religion and culture differences, there might be social uneasiness.

- vi. When the demand remains same, continuing increase of additional workforce supply will increase the unemployment rate as well as reduce salaries.
- vii. Foreign workforce's tendency to go to the regions where economical activities are intensive, is causing to imbalances between the regions in the country. Besides, these employees' sending part of their profits to their countries may cause balance of payments to be spoiled in view of the country which accepted.

***The benefits of free movement of workers in view of the sending country :***

- i. Firstly, it is bringing relief to open or hidden unemployment problem of sending countries, even it is temporary. Moreover, pressure which made to budget by unemployment aids is becoming less.
- ii. Thanks to the foreign moneys sent to mother country by the employees, the countries whose balance of payment has shortage in the cash is able to find opportunity to close this shortage.
- iii. The quality of workforce may increase owing to the knowledge and experience which the employees returned back to the country gained abroad.

***The harms of free movement of workers in view of the sending country :***

- i. Workforce export is a kind of capital export. Because the society bore physical and moral troubles until these persons' growing. From now on, sending this person to abroad as employee results the other countries to utilize from bore troubles. Infact, it is not important to mention such a loss in temporary leaving. However the employee who has gone is qualified employee, even his/her leaving is temporary, its negative effect on sending country's economy is seen more exactly. Because the deficiency of qualified workforce which is a scarce factor, slows modern sectors' development. As a result of this, whole economy is affected negatively.
- ii. Because the sending and receiving countries' economies are at different technological level, the employees returned back will not be able to find the

environments easily which they will use their knowledges and experiences.

Thus, reemployment of these persons will create problem.

- iii. The result of population reduction may occur in defined regions in the view of sending country.

As a result of this chapter, keeping in mind of the benefits and sometimes costs of free circulation of workers for the member states and considering the preventive actions of free movement of Turkish labours in the EU internal market in context of permanent safeguard clauses, it can be easily said that Turkey's full membership to the EU under the **permanent** restriction of the free movement of Turkish labours is not a good event for Turkey and it does not meet the 50 years efforts of Turkey to struggle to become a full member. Because always main attraction of full EU membership from the Turkish point of view is free movement of Turkish labours. An observer notes that "Turkey has always been interested in becoming a member of the European Communities, primarily to find a market for its labour."<sup>42</sup>

However, Turkey, as mentioned above, hopes that accession to the EU will bring EU structural aids and foreign direct investments which create new job opportunities and higher wages, thus making migration inconsiderable, and making possible permanent safeguards invalid.

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<sup>42</sup>. Martin, op. cit , p. 4

## **CHAPTER TWO**

### **4. HISTORY OF TURKISH EMIGRATION TO THE EC/EU**

#### **4.1 In General**

In making evaluations on how many Turks would move into the EU in the event of Turkish membership under the free movement of worker that is the main scope of this study, some reference cases such as the migration experiences of past enlargements like Spain and Portugal, help us to get some inferences, but our real reference source is essentially Turkish own migration experience. The trends and social-economic characteristics of past migrants moved to Western European Countries could give many opinions for the future. This Turkish migration history which has no colonial roots, also broadly gives chance to such studies that make predictions on future migration potential, to compare past, current, and future conditions of Turkish migrants and markets of Turkey and the EU countries.

Since 1950s, Turkey has been faced with serious rural to urban internal / international migration experience. After 1950 , a huge amount of peasants migrated to urban areas. While two hundred thousand peasants left their villages between 1950-1970 , in the post 1990s, five hundred thousand peasants have left their villages annually in order to live in the big cities.<sup>43</sup> The big amount of this migration movements from rural to urban has directed toward abroad, especially to Western Europe.

Since 1960s, about 3.6 millions Turks migrated to the EU countries, with the majority, 2.6 millions, in Germany. Thus they are the largest foreign population in the EU and also in Germany. This figure represents about % 5.3 of Turkey's population, and Turkish workers in Europe compose % 5.4 of Turkey's resident labour force.

**From the general perspective**, the period between 1945 and 1990s can be roughly divided into three phases in accordance with the immigration policies applied in Europe :

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<sup>43</sup> Ece Koyuncu(2003) , **Causes of Emigration from Turkey to Europe in 1990's** : The Role of Family Networks , Ankara : Hacettepe University ,Institute of Population Studies Economic and Social Demography Program Master Thesis, p. 24

- i. 1945 to 1973; policies facilitating and encouraging large-scale labour immigration.
- ii. 1973 into the 1980s; this period started with the oil crisis and continued with the introduction of policies that were designed to halt further labor immigration to Europe. Most of the receiving countries started to apply strict immigration policies due to the economic crisis that affected the European economies harmfully. In these years, the role of networks in international migration was gained importance in the world.
- iii. 1980s and 1990s; this period is marked with the strengthened restrictive immigration policies and increased illegal immigration and asylum seeking in the world.

**From Turkey's perspective** ; according to İçduygu Turkish emigration which was mutually shaped by the social and demographic conditions, the economic and politic instability of the country and the above mentioned European policies, can be divided into two main phases;

- Labor migration : Early 1960s and the mid-1970s.
- Migration from after the mid-1970s.

Three types of migration are included in the second phase;

- i. Family unification including marriage migration.
- ii. Politically motivated migration(the migration of Kurds in particular)
- iii. Labor migration : illegal and undocumented migration.<sup>44</sup>

By looking current demands of European market , especially German market , the recruitment of high-skilled Turkish workers , although a little amount , who are mostly computer engineers can be added as a period into the phases of Turkish emigration to Europe.

In the following sections, I will examine of these phases of Turkish emigration to Europe, starting from guest-workers phase.

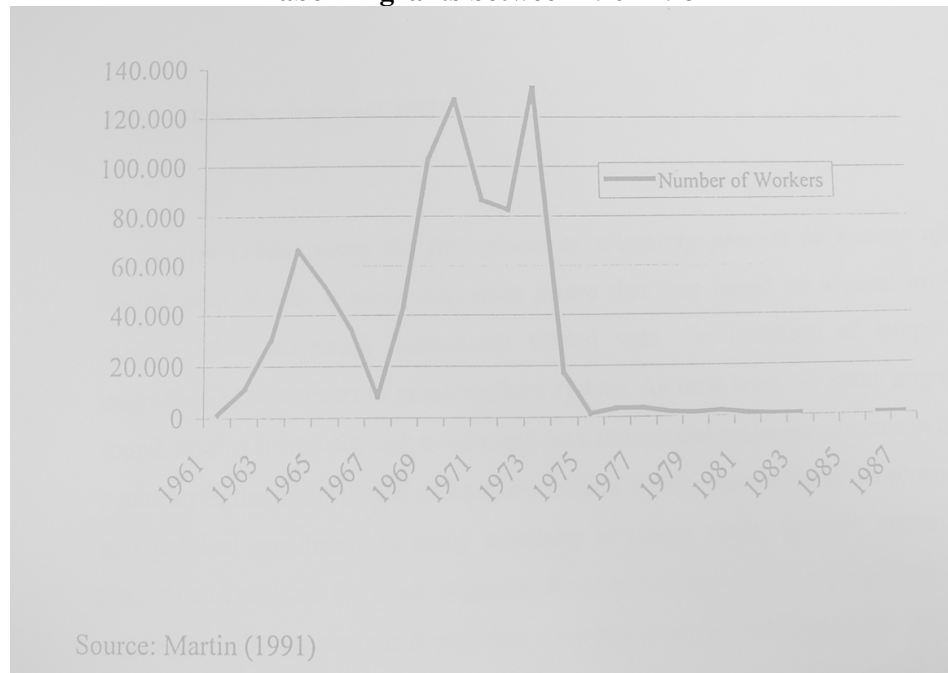
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<sup>44</sup> ibid , p. 26

## 4.2 Migration from 1960-1975

First labour migrations from Turkey to Western Europe started with the recruitment agreement signed by Turkish and German governments in 1961. This agreement was followed by the other labour agreements signed with Austria, Belgium and the Netherlands in 1964, with France in 1965, and with Sweden in 1967. Through these agreements, between 1961 and 1975, almost 1 million Turkish workers went to work in Western European countries, reaching the stock of Turks there in 1973 at 1.35 million: 900.000 workers and 450.000 dependants. This number in 1980 rose to 2 million in 1980, and total Turkish population in the EU increased to the level of 3.5 million in 2005 (though on a decreasing scale). Figure 1.1 shows labour migration between 1960 and 1987 which was the most significant era. As seen in figure, while Turkish labour migration reached its peak in 1973, Turkey exported only 494 labour in 1982.

**Figure 1**  
**Labor migrants between 1961-1987**



Source: Koyuncu (2003: Figure 3-1)

The reasons lying behind the decision of West European countries that have invited a big number of workers from Southern Europe were mostly economic-based concerns of European employers.

If we look to 1960s' Europe, the effects of urbanization and industrialization on the migration could be easily seen. Europe agriculture started to decline, especially after 1950 and urbanisation increased. There were fewer people than ever who owned land and the industry was situated in the cities. Rural industry had lost the competition with urban industry. Due to developments like higher education, higher productivity, mechanisation and lower prices, the countryside was abandoned by many. Although these people were available for the new growing industries, there still was a need for extra labourers to work in the industries doing the undesirable jobs. People in rich western countries went to school longer, did not work the long hours they used to, there was a low birth-rate and many war casualties, all which increased the deficiency. There were enough countries in other parts of the world however, with much demographic growth and little capital, which were subdued to the world economy.<sup>45</sup>

With the entering a rapid developmet era after the Second World War, Western European countries tried to meet these deficient supply of their labour forces jeopardised by World War First and Second, from relatively poor countries having surpluses of labour. When the number of job vacancies exceed to native labour force, with the demand of employers wishing to recruit additional foreign workers, the recruitment of labour from relatively poor countries as Greece, Morocco, Portugal, Spain, Tunisia, Turkey, and Yugoslavia was started by 1961 . In that times , the policy of recruitment of foreign workers was assessed as a right thing to do by European social-economic circles rather than encouraging idle native population(e.g womens) to participate into the economy.<sup>46</sup>

On the other hand, labour recruitments were welcomed by relatively poor countries exporting labour, as well as labour importing countries. Emigration was supported by the successive Turkish governments because of its alleviating impact on unemployment and its

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<sup>45</sup> Bülent Ama , Economic Consequences of International Migration : **Case Study of Turkey , Eskişehir** : Anadolu University, p. 2

<sup>46</sup> First, the German labor force was shrinking for demographic and related reasons in the early 1960s, including a delayed baby boom, the greater availability of educational opportunities that kept more youth in school, and better pensions that prompted earlier retirements. For "family-political" reasons, alternatives to importing guest workers, such as encouraging more women to seek jobs, were not pursued. Second, there was a reluctance to risk what was perceived to be a fragile economic recovery on risky mechanization and rationalization alternatives to foreign workers (Lutz, 1963, Kindleberger, 1967). Unions did not oppose importing foreign workers in this era of full employment, after they secured a promise that foreigners would be treated equally, and thus would not undercut German workers.( Philip L. Martin , **Germany : Managing Migration in the 21st Century** , California Davis : University of California ,2002, p. 8)

improving effects on the balance of payments through workers' remittances.<sup>47</sup> It has been carried out as an official policy of Turkish State from the beginning by promoting the emigration of workers.<sup>48</sup>

Between 1963 and 1966, Turkish worker migration has significantly increased toward Western European countries, especially the Federal Republic of Germany, the Netherlands, Belgium and Austria(see **Table 2**).However the most attractive destination for Turkish workers to work was always the Federal Republic of Germany which had great job opportunities.

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<sup>47</sup> Keyder, Çağlar; Aksu-Koç, Ayhan, **External Migration from Turkey and Its Impact**, Ottawa: International Development Research Center, Manuscript Report 185e,1989, pp. 3-11

<sup>48</sup> Salim Uslu, **Turkish Migration to Europe**, Brussels: Report of ESC ,1999, p. 16



**Table 2 Workers sent abroad through the Turkish Employment Service, 1961-1987**

Host Country	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1961-73	
Australia	0	0	0	0	0	0	0	107	970	1186	879	640	886	4668	
Austria	0	160	937	1434	1973	469	1043	673	973	10622	4620	4472	7083	34459	
Belgium	0	0	5605	6651	1661	0	0	0	0	431	583	113	265	15309	
Denmark	0	0	0	0	0	0	0	0	0	3507	72	0	0	3579	
Germany,Fed. Rep.	1476	11025	23436	54902	45572	32580	7199	41409	98142	96936	65684	65875	103793	648029	
France	0	0	63	25	0	0	0	0	191	9036	7897	10610	17544	45366	
Libyan Arab	0	0	0	0	0	0	215	0	0	0	0	0	0	215	
Netherlands	0	0	251	2958	2181	1208	48	875	3404	4843	4853	744	1994	23359	
Switzerland	0	0	36	193	122	153	0	97	183	1598	1342	1312	1109	6360	
United Kingdom	0	0	0	0	8	0	0	0	4	563	1289	82	116	2062	
Others	0	0	0	13	3	0	350	43	108	853	1223	1381	3030	7219	
Total	1476	11185	30328	66176	51520	34410	8855	43204	103975	129575	88442	85229	135820	790195	
Sent to Europe(%)	100	100	100	100	100	100	94	100	99	98	98	98	97	99	
Skilled Workers(%)	0	0	0	0	38	25	30	28	25	27	36	34	44		
Host Country	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	74-87
Australia	1138	401	339	542	549	407	409	321	125	181	145	250	391	422	5620
Austria	2501	226	672	583	54	23	944	184	12	7	2	16	52	74	5350
Belgium	555	59	72	45	41	27	35	13	2	2	3	7	0	2	863
Denmark	0	38	13	15	10	1	0	6	3	3	13	25	57	0	184
Germany,Fed. Rep.	1228	640	2101	2413	1333	933	764	274	75	43	17	23	17	27	9888
France	10577	25	6	15	13	11	21	6	9	4	0	4	3	4	10698
Iraq	0	0	0	0	0	0	0	10467	8906	7367	2430	1612	2160	1725	34667
Libyan Arab	1015	2121	4098	8582	7726	9825	15090	30667	26686	23292	16410	9680	8381	10986	174559
Netherlands	1503	32	98	83	48	40	32	31	2	4	5	5	12	18	1913
Switzerland	770	229	281	246	326	406	549	379	163	209	69	110	137	83	3957
United Kingdom	13	98	27	30	72	65	51	11	8	6	4	10	27	22	544
United States	0	5	4	14	90	34	68	17	13	5	6	0	14	2	272
Others	811	294	1015	1794	2821	3336	4897	1998	1059	1109	726	544	586	329	21319
Total	20111	4419	10558	19084	18852	23630	28503	58753	49388	52470	45815	47353	35608	40807	455451
Sent to Europe(%)	85	30	31	18	10	6	8	2	1	1	0	0	1	1	7
Skilled Workers(%)	35	51	73	73	0	63	71	0	0	0	0	0	0	0	

Sources: Turkey , Ministry of Labour ; 1) Penninx , 1982 ; 2) updated by Ahmet Gökdere ; 3) Philip L. Martin (1991) , page 22,23\* This table presents data on Turkish workers sent abroad through the TES ; such data may underestimate emigration by 20-40 per cent.

By the end of 1966 there were 161.000 Turkish workers in the Federal Republic of Germany and 14.500 in the Netherlands. The 1966-67 recession reduced Turkish employment in the Federal Republic of Germany by 24 per cent to 123.000 by the end of 1967, and by 15 per cent in the Netherlands, although relatively few of the Turkish workers who were laid off returned to Turkey and those who did expect to return to EC countries.<sup>49</sup>

The general characteristic of Turkish migrants, mostly unskilled, was that they moved from rural parts of Anatolia where were poor regions isolated and far to industrial zones of the country. Some commentators argue that such migrants who migrated from little villages to Berlin, Stockholm or Brussels without even seeing Konya, Kayseri or Istanbul are the most important barriers in front of the Turkish membership to the EU, effecting Europeans that all Turks are the same with these unskilled migrants, and they would invade Europe if they would gain freedom of movement.

Although many people believe that all Turkish migrants were unskilled young men who had never worked in any field of economy, there is an interesting fact that the share of skilled Turkish migrants in total Turkish population in Western Europe was about % 30. According to a report of German Employment Service in 1968, Turkish migrants were the highest skilled workers other than Yugoslavian workers in Germany. Turkish workers represented the most skilled workers in France as well , compared to the workers from other Mediterranean countries in 1973.<sup>50</sup>

However it is necessary to mention that whose skills were not obtained from any formal educative body such as universities or technical schools , but mostly from traditional master-apprentice based system.<sup>51</sup> These relatively skilled workers emigrated to Western

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<sup>49</sup> *ibid* , p.24

<sup>50</sup> Ece Koyuncu , *op. cit.* , p. 29

<sup>51</sup> The TES classification system may misconstrue “skilled”. In the rural areas , where many migrants originated, skills are typically learned in a master-apprentice system which involves little formal education and no certificates. Among our key informants , virtually no “skilled” Turkish worker was employed in a job which uses that skill in Europe. *ibid* , p. 25

Europe in the early 1960s, and those who were unskilled workers emigrated during the peak 1968-73 period.

Most guest workers were ex-farmers between 18 and 35, although a significant number of semi-skilled construction workers, miners, and school teachers migrated to Germany to work on assembly lines.<sup>52</sup>

Another interesting figure of Turkish worker migration to Western Europe is that about one-quarter of Turkish migrants were women whose share in total Turkish population residing in Western Europe gradually increased year by year, from 13 per cent in total Turkish migrant population in 1961 to about 20 per cent in the early 1970s. These Turkish migrant women's participation rate to the economy has also increased from %30 in 1961 to almost % 65 in the early 1970s and then fell with the returns to Turkey. These migrant womens moved to Europe after 1975 were mostly aiming to join their spouses, so they could not work in the EC countries until the 1980s ; they had work permit after their five years legal residences, then some of them started to work.

By mid-1974 about 616.000 Turkish workers were employed in the FRG and 30.000 in the Netherlands , and at least 70.000 Turkish workers were employed in Austria, Belgium, France and Switzerland, meaning that though many of Turks returned to Turkey, the stock of workers abroad increased steadily.

### **4.3 Migration between 1970-1990**

When the calendars show to 1974, a new era enormously affected to politics and views of the governments, and forced states to arrange their immigration and recruitment policies, started to appear. Since 1973-74, due to several socio-economic reasons, Western European States stopped to recruit the foreign workers, prohibiting their employers from recruiting non-EC migrants. Accordingly, the labour-exporting policy of Turkish government and the labour importing policy of Western European governments have altered, thus gues-worker period has ended.

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<sup>52</sup> Martin , op. cit. , p. 9

The essential factors triggering the decision of Western European Countries to halt further recruitment of foreign workers were widespread that European labour market was about to satiate to the labour supply, so there were no more necessity extra foreign workers; and oil crises occurred in 1973 which increased the costs of European employers slowed down employment, namely meant less job opportunities for additional non-EC workers.

There is also a theoretical background of this policy change toward foreign workers. Until the mid-1970s, the '*balanced growth*' theory that sees migration for employment as a rational way to improve area or world-wide economic efficiency and output by transferring labour from surplus to shortage areas both within and across national borders, had become dominant in academic and economic circles. This theory asserts that exporting labour can reduce economic differences, because the transfer of labour helps the emigration area to catch up economically with the immigration area. The notion that labour migration is mutually beneficial is rooted in economic theory, which suggests that the international migration of labour is beneficial to some people in both sending and receiving countries and to the world as a whole because scarce resources (labour) are reallocated to a more efficient or higher wage use.<sup>53</sup>

However, during the early 1970s recession and unemployment, combined with the perception that the social-political costs of absorbing the increased number of settled foreigners were rising in Western Europe, prompted a general halt to labour recruitment and a reassessment of the benefits and costs of labour migration. The economic turn-around was sudden: in the FRG in 1973 there were three job vacancies for each unemployed person; by 1975 there were almost five unemployed persons for each job vacancy. Labour-importing nations worried about foreigners working while natives were unemployed, as well as about the costs of integrating the 5 to 10 per cent of foreigners among their workforces and populations. Labour-exporting countries were disturbed by unilateral decisions to stop recruitment in the middle of ambitious development plans which assumed that emigration and remittances would continue.<sup>54</sup>

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<sup>53</sup> Martin, op. cit., p. 9

<sup>54</sup> Ibid, p.12

After the mid-1970s, in the world, the new migration theory, '*asymmetric development*', which claims that migration increases inequalities or differences between sending and receiving areas rather than diminishing them had become the dominant.

These mutual economic worries led to states readjust their immigration and recruitment policies, as a result such nations made decisions to stop recruitment unilaterally.

Besides the economic reasons, there were many social-cultural incentives underlying the decision of halting extra foreign workers from Southern Europe. By 1975s, most Germans were not wishing to see any further foreigners in Germany, because they well realizing that year by year, the share of foreigners in total population of some big cities was snowballing rapidly through the labour recruitments .For instance, in the mid-1970s , in sections of Berlin and Frankfurt, Southern Europeans outnumbered Germans, as well as in many smaller industrial cities.

After the decision of halting the recruitment of foreign workers, a new problem started to stand out in labour-importing countries in the mid -1970s. The problem is realization of that the migrant workers recruited for a short term as temporary guest-workers were planning to stay more in Western Europe with the aim of collecting more capital to invest in their countries; it is apparent that the 5-10 years time period was not too long to get enough money to invest for migrants.

Beginning in March 1974, the Law of Family Reunification, which first came into effect in the Federal Republic of Germany, set up the framework allowing Turkish workers to reunite with their family members in Europe – most notably in Germany.<sup>55</sup> In accordance with this law, after mid-1970s,Turkish labours planning stay more in Western Europe started to bring their spouses and children into their host countries.

At first times of 1974 and 1975, this new migration type (family reunification) was not welcomed by Western European governments; those implemented a number of policies restricting family reunification in order to discourage foreign dependants from coming, such

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<sup>55</sup> Sedef Koray, **Study on Migrations:the Case of Turkey**, Essen : Zft-actuell Nr.73, 1999 , p.1

as preventing certain family members who arrived to join their families to work, and directing them to less-saturated cities.

However Employers' interest<sup>56</sup> for a stable labor market and migrants' demand for living with their wives, husbands and children as a basic human right and the influence of multilateral agreements within OECD, The European Community, the Council of Europe and Nordic Labor Market led to a relaxation in immigration regulations.<sup>57</sup>

At the result of this migration process, temporary foreign workers were becoming settled immigrants and European governments, under pressure from international organizations and their own unions, agreed to recognise the settlement of foreign workers implicitly by bringing most of them under the full protection of domestic social welfare legislation. Thus, most foreign workers in the mid-1970s became full participants in host country social security programmes, including unemployment benefits and children's allowances.<sup>58</sup>

Since the Turkish workers' intend to become long-term residents appeared, Western European governments produced new policies towards foreign workers, in particular Turkish workers, as promoting return or integrating them to the society. However, especially in the FRG, there was no clear treatment to foreigners; while some administrations were promoting the return of migrants, the others tried to integrate them.<sup>59</sup>

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<sup>56</sup> German employers did not discourage family unification, since the wives of the guest workers could also work, and their presence encouraged trained and experienced migrants to remain in Germany, saving employers the cost of recruiting and training new migrants. Martin ,op. cit. , p. 10

<sup>57</sup> Koyuncu , op. cit. , p. 30

<sup>58</sup> Martin , op. cit. , p.31

<sup>59</sup> The Government supported a variety of approaches to educating , and in some cases integrating , the children of foreign workers , and the various Lander adopted strikingly different policies towards them. For example , education policies ranged from the Berlin(West) model , which emphasised teaching primarily in German to promote integration, to the Bavarian model ,which stressed teaching migrant children primarily in the native language in special classes to promote returns. Turkish teachers were sometimes recruited to teach pupils in Turkish, thus introducing higher-status workers into the Turkish community. ( Martin ,op. cit. , p. 3)

#### 4.4 Return Migrations and New Arrivals

After 1974, in the context of above mentioned policies, European governments began to encourage foreign workers to return to their origin countries. While implementing the return migration policy, Western European governments used some economic tools that was return incentives motivating foreign workers to move back.

For instance, the Federal Republic of Germany offered up to DM 10.500 plus DM 1.500 per returning child to unemployed workers and foreign workers on short time or working only partial work weeks, and refunded the returning worker's social security contributions immediately rather than after the normal two-year wait. These return incentives helped to induce over 100,000 Turkish workers and unknown number of dependants to depart: Turkish emigration from the Federal Republic of Germany doubled from about 75.000 to over 150.000 annually in 1983-84. Some 8.500 Turkish workers were paid return premiums, and about 93.000 received pension refunds.<sup>60</sup>

During the period of 1966-1991, there happened different two types of return migration of Turkish foreign workers: First type of return migrations were stemming from the negative reflections created by the 1966-67 and the 1974-77 recessions on Europe labour market, and second type of migration was affected by the repatriation policies of European governments encouraged about 150.000 Turks to return home in 1983-84.

The general characteristics of Turkish workers who returned in the mid-1970s were that they were unemployed and unable to remain lawfully in the Federal Republic of Germany. For example, a 1975-76 survey of migrants leaving Berlin(West) reported that unemployment motivated returns: 40 per cent of the 2.100 Turkish workers who were interviewed before their return were unemployed, having lost their jobs an average of seven months before making return arrangements, and many of the other returning Turks expected to be laid off or displaced soon.<sup>61</sup>

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<sup>60</sup> *ibid*, p. 39

<sup>61</sup> *ibid*, pp. 38-39

Typical migrants who returned during 1983-84 were men who had been abroad for ten or more years without their families or migrants who had their families abroad and faced schooling dilemmas in the FRG.<sup>62</sup>

As a result of this return process, although data are not abundant, it is estimated that between 500.000 and 900.000 Turkish foreign workers returned home (see **Table 3**).

**Table 3**  
**Number of Return Migrants from Germany and Netherlands between 1981-1991**

<b>Years</b>	<b>Germany</b>	<b>Netherlands</b>
1981	70.905	3.114
1982	86.852	4.831
1983	100.388	5.595
1984	213.469	6.168
1985	60.641	55.052
1986	51.934	5.181
1987	45.726	3.792
1988	16.399	3.631
1989	37.666	3.675
1990	35.114	2.435
1991	36.134	1.828
<b>Total</b>	<b>755.228</b>	<b>95.332</b>

Source: (1) Gitmez (1994: Table 8 and 9) ; (2) Ece Koyuncu( 2003 : Table 3-2 )

Between the years 1980 and 1990, while the number of return migrants started to decline, number of new arrivals who were mostly Turkish workers' dependants increased with growing numbers. As seen in **Table 3**, 210.600 persons arrived to Europe during the period 1983-1985 and so did about 300.000 persons between the years 1986 and 1988. This number rose to 356.400 during the period of 1989-1991 and 376.500 during the period 1992-1994.

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<sup>62</sup> *ibid*, p.40



**Table 4**

**Number of Turkish Immigrants Arrivals between 1983-1994**

	<b>1983-1985</b>	<b>1986-1988</b>	<b>1989-1991</b>	<b>1992-1994</b>
Austria	39.000	10.000	25.000	27.000
Belgium	4.800	5.000	5.500	8.400
Denmark	2.100	3.700	3.800	4.600
France	16.500	13.600	15.900	27.600
Germany	109.400	206.800	231.800	243.000
Netherlands	13.700	28.400	33.000	26.300
Norway	300	300	500	800
Sweden	36.000	3.700	4.500	3.700
Switzerland	10.000	10.200	12.000	14.400
UK	1.200	3.800	7.400	3.000
Other Europe	10.000	14.300	17.000	17.700
<b>TOTAL</b>	<b>210.600</b>	<b>299.800</b>	<b>356.400</b>	<b>376.500</b>

Source:1)İçduygu(2000b :Table 4.3) ; 2)Ece Koyuncu(2003 : Table 3-3)

If look to total amount of Turkish workers and their dependants residing in Western Europe at the end of the return migration process, it can be reached the conclusion that Western European countries that aimed to reduce the share of foreign population in total population, by encouraging them to return were not completely successful. Although a great amount of Turkish migrants returned to home, with the new arrivals through family reunification and family formation, the total population of Turkish workers in Europe stabilized or even increased, instead of decreasing.

#### **4.5 Migration from 1990s**

The Turkish emigration phase of 1990s can be classified in three types. Firstly, while family reunification of Turks was practically completed by the end of the 1980s, a trend of increasing immigration is observed by way of family formation, whereby young Turkish immigrants in Europe choose their spouses from Turkey. Secondly, politically motivated emigration, mostly of Kurdish origin since the mid 1980s, continue to flow into Europe. And lastly, some European governments, since 1990s, have been recruiting Turkish workers who are high-skilled labours, especially computer engineers. In this period of migration, there also occurred some clandestine flows towards Europe's rich countries.

Koray explains the 1990s' migrations from Turkey to Europe in 1999's study of her as: although the level of emigration from Turkey is not what it used to be in the earlier decades, there is still migration pressure. Looking at the official figures of emigration and return net migration figure from Turkey is still positive. Although throughout most of the 1990s about 40,000 people returned from Germany to Turkey every year and a total of 60,000 from Western countries, new entries outweigh the returns (though on a decreasing scale). Looking at asylum figures, it is possible to obtain an annual average number of 22,250 applications for asylum from Turkey in Germany during the 1990s. Here it must be taken into consideration that not all applications for asylum result in official recognition.<sup>63</sup>

Due to the facts that in all current types of migration mentioned above were not mass migration, but emigration mostly involving individuals taking personal decisions, and also the characteristic of these migration patterns that were mostly political-based rather than economic, the migration period of 1990s does not attract the attention of this study, thus i will not examine to this period in detail.

If summarize the Turkish migrants stocks in Europe between 1974-2005, it can be said that the number of Turkish people in Europe rose from over 1.35 million in 1973 to nearly 2 million at the end of 1980, 2.9 million in 1995, and 3.6 million in 2005 through new arrivals and new births in Europe. Turkish population in Europe increased approximately 2.5 times in last thirty years.(See **Table 5** and **Table 6**)

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<sup>63</sup> Sedef Koray, op. cit. , p. 1

**Table 5****Turkish Migrant Stock in Europe between 1974-2001**

	1974	1980	1988	1995	2001
Germany	649.257	1.462.400	1.481.369	2.049.900	1.998.534
France	55.943	92.772	185.000	198.900	325.880
Netherlands	25.272	121.712	160.637	167.000	319.600
Austria	39.809	65.000	85.000	147.000	134.243
Switzerland	10.317	35.857	52.768	79.000	79.621
Belgium	16.172	66.563	79.671	79.500	56.172
Scandinavian countries	not available	34.298	48.765	73.000	82.341
Other European countries	not available	6.500	17.000	87.000	81.289
Turkish Migrant Stock	1.350.000	1.885.102	2.110.210	2.881.300	3.077.680
Number of Workers	900.000	711.611	886.027	1.037.400	1.194.092
Share of workers %	67%	38%	42%	36%	39%
Number of dependants	450.000	1.173.431	1.224.183	1.843.900	1.883.588
Share of dependants %	33%	62%	58%	64%	61

Source : 1) Gitmez(1989 cited in Martin,1991); 2) Martin(1991:Table2); 3) Philip L. Martin(1991 :Table 1); 4) Ece Koyuncu (2003:Table 3-5)

**Table 6****Turkish workers and total Turkish nationals abroad, 1973–2004**

<i>Year</i>	<i>Turkish population</i>	<i>Turkish Nationals abroad</i>	<i>(2)/(1)</i>	<i>Turkish Civilian Labour force</i>	<i>Turkish workers abroad</i>	<i>(4)/(3)</i>
1973	38,072,000	948,531	2.49%	14,670,000	735,363	5.01%
1980	44,736,957	2,018,602	4.50%	17,842,451	888,29	4.98%
1990	56,473,035	2,539,677	4.49%	20,163,000	1,149,466	5.70%
1991	57,326,000	2,857,696	4.98%	20,145,000	1,250,964	6.20%
1992	58,584,000	2,869,060	4.89%	20,073,000	1,313,014	6.54%
2000	66,187,000	3,603,000	5.44%	23,078,000	1,180,420	5.11%
2001	67,296,000	3,619,000	5.37%	23,491,000	1,178,412	5.01%
2002	68,393,000	3,574,164	5.22%	23,218,000	1,194,092	5.14%
2003	69,479,000	3,576,804	5.14%	23,640,000	1,197,968	5.06%
2004	70,556,000	3,520,040	4.98%	24,289,000	1,108,550	4.56%

Sources: Gökdere (1994), various reports of State Institute of Statistics (SIS) and State Planning Organisation (SPO), Annual Reports of the General Directorate of Services for the Workers Abroad, Attached to the Ministry of Labour and Social Security (2004). Turkey and International Migration(2004) , SOPEMI Report for Turkey , prepared by Ahmet İçduygu(2005)

## **5. LEGISLATIVE AND POLITICAL FRAMEWORK OF TURKEY- EU RELATIONS IN THE CONTEXT OF FREE MOVEMENT OF WORKERS**

### **5.1 In General**

After a short time from Rome Treaty that set up the European Community, Turkey, in 1959, applied to the EC in order to create an association relationship. As a result of the negotiations on the issues, on 12 September 1963, Ankara agreement was signed by Turkey and the European Economic Community, aiming to prepare Turkey for membership in the Community.<sup>64</sup> It can be cited that the basis of over 50 years relation between Turkey and the EU was Ankara agreement.

The further agreement made by Turkey and the EEC was Additional Protocol signed on 23 November 1973 in Brussels, arranging the essential rules and application methods of transitory stage of Ankara agreement.

Apart from Ankara agreement and Additional Protocol, the decisions 2/76, 1/80, and 3/ 80 of the Association Council also contain the provisions on the free movement of Turkish workers in the EU.

Three organs were established related to these agreements: the Association Council, the Association Committee and the Joint Parliamentary Commission. The Association Council is of significance in this context. The Association Council is a body established by the Association Agreement specifically to ensure that the objectives of the Agreement are met. It has the power to make decisions where , attainment of an objective of this Agreement calls for joint action by the Contracting Parties but the requisite powers are not granted in this Agreement.<sup>65</sup>

The ultimate target of these association agreements was the membership of Turkey to the Community. Due to this unique feature of the association agreements, Turkey should be evaluated different from the other associate members of the Community. The most important character of the association status arranged by the agreements was that the duties should be

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<sup>64</sup> Sedef Koray,op. cit. , p. 20

<sup>65</sup> Ibid , p. 20

accomplished by not just Turkey, but bilaterally. The principal duties of the Parties were the implementation of the free movement of workers , creating customs unions, and providing the financial aids from the Community to Turkey. But the principle of the free movement of workers was unique, because the Community unlike the agreements signed with Turkey, has not signed any treaty with the other associate members, that sees the free movement of workers possible without entry to the Community; Article 12 of Ankara agreement and Article 36 of Additional Protocol set out the purpose of free movement of Turkish workers till 1 December 1986.

The right of the free movement of workers that has an important place in Turkey-Community relations, is one of the basic elements of the agreement made between Turkey and the EC, perhaps the most important. Because, it was the starting point of the problems started with the signing Ankara agreement for Turkey and the Community.

Since the mid-1970s, the Community members have been insisting not to give their rights that were guaranteed by the agreements to the Turkish workers, by considering the human-right breaches and democracy deficits occurred in Turkey, and economic crisis triggered by oil crises, and labour market problems of their countries. Especially the debate on giving freedom of movement to Turkish workers in the EU is still hot.

During the long-run relation of Turkey-EC, due to several reasons such as Turkish military interventions and Europe's internal economic concerns, the provisions of association agreements especially in the field of free movement of workers could not be put in force.

In the following sections of this study, the details of association agreements and the decisions of the Association Council will be examined in detail, starting with Ankara agreement.

## 5.2 Ankara Agreement<sup>66</sup>

Ankara Agreement signed on 12 September 1963 by Turkey and the EEC and came into force on 1 December 1964 after Turkish Parliament and Member States had ratified the Treaty, has established an association relation between Turkey and the Community.

The aim of the Ankara Agreement is stated in Article 2 of the Treaty as: ‘*to promote the continuous and balanced strengthening of trade and economic relations between the Parties , while taking full account of the need to ensure an accelerated development of the Turkish economy and to improve the level of employment and living conditions of the Turkish people.*’

The Treaty projects the three stages, preparatory stage, transitory stage, and final stage, for the Parties in the way of Turkey’s membership to the Community ( Article 2/3- Article 5) and establishes a ‘Council of Association’ to ensure the implementation and the progressive development of the Association ( Article 6 ).

The Ankara Agreement does not provide free movement to Turkish citizens because Turkey was not a full member of the EEC. However, the Treaty includes basic principles regarding free movement of workers , right of establishment and free movement of services.<sup>67</sup>

The first article of Chapter 3(other economic provisions)<sup>68</sup> of the Treaty determines the basic features of migration between Turkey and the European Community as :

*‘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 freedom of movement of workers between them(Article 12).’*

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<sup>66</sup> For original document see , <http://www.deltur.cec.eu.int/kitap/e-ankara.rtf> ,( 30 April 2006 )

<sup>67</sup> Sinan Ayhan, **Free Movement of Workers in European Union and Free Movement Right for Turkish Nationals**, Master thesis , Marmara University , Istanbul, 2003 p. 46

<sup>68</sup> It is significant that when the Agreement was drawn up , free movement of workers came under ‘‘Other economic provisions’’.At the time the Ankara Agreement was negotiated and signed , the European Community needed manpower , which Turkey had in abundance.Regulating migratory flows under an Association Agreement was an aspect of cooperation based on complementarity of labour markets , with primarily economic aims. Giacomina Cassina , **Migration:The Case of Turkey** , Brussels :Report of ESC , p.88

When examining the Article 12 of the Ankara Treaty, the phrase ‘*agree to be guided*’, might be regarded as the Parties are not strictly binded with the relevant measures of the Treaty, however secondly ‘*progressively securing free movement*’ in the same Article means that free movement of workers will be achieved step by step and lastly ‘*between them*’ means that free movement of workers will be reciprocal.<sup>69</sup>

Article 12 is not directly applicable; it is a general provision and thus implicitly leaves implementation of free movement to subsequent decisions. Such decisions may be taken by the authority charged with putting the Association Agreement into practice: the Council of Association. Article 6 stipulates that ‘*To ensure the implementation and the progressive development of the Association, the Contracting Parties shall meet in a Council of Association which shall act within the the powers conferred upon it by this Agreement*’. These powers are (Article 8): ‘*to determine the conditions, rules and time-tables for the implementation of the provisions relating to the fields covered by the Treaty establishing the Community which must be considered; this shall apply in particular to such of those fields as are mentioned under this Title and to any protective clause which may prove appropriate*’.<sup>70</sup>

Accordingly, by taking reference the feature of Article 12 above mentioned, it can be said that the provisions of the Ankara Agreement on free movement of workers do not mean that the implementation of freedom of movement of workers between the Parties must be exactly fulfilled, rather putting it into practice depends on the decisions of the Council of Association.<sup>71</sup>

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<sup>69</sup> Sinan Ayhan, op. cit. , p. 47

<sup>70</sup> Giacomina Cassina ,op. cit. , p. 88

<sup>71</sup> The Council of Association could never take such decisions on free movement of workers till nowadays.It has already concluded its 42.th meeting on 15 April 2003 in Luxemburg.

### 5.3 Additional Protocol<sup>72</sup>

The Contracting Parties , in order to lay down the conditions, arrangements, and timetables for implementing the transitional stage referred in Article 4 of the Ankara Agreement, signed the Additional Protocol on 23 November 1970 that came into force on 1 January 1973.

The Additional protocol of 1970 deals, under Title two chapter 1, with the free movement of persons . Article 36 states that :

*‘‘Freedom of movement for workers between Member States of the Community and Turkey shall be secured by progressive stages in accordance with the principles set out in Article 12 of the Agreement of Association between the end of the twelfth and the twenty-second year after the entry into force of that Agreement.The Council of Association shall decide on the rules necessary to that end.’’*

Article 37 of the Additional Protocol stipulates that :

*‘‘As regards conditions of work and remuneration, the rules which each Member State applies to workers – of Turkish nationality employed in the Community shall not discriminate on grounds of nationality between such workers and workers who are nationals of other Member States of the Community.’’*

Article 38 continues that :

*‘‘While freedom of movement for workers between Member States of the Community and Turkey is being brought about by progressive stages, the Council of Association may review all questions arising in connection with the geographical and occupational mobility of workers of Turkish nationality, in particular the extension of work and residence permits, in*

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<sup>72</sup> The Additional Protocol is an implementing legislative measure. According to the Article 30 of the Ankara agreement , the Additional Protocol is an integral part of the Agreement.The Additional Protocol is a more comprehensive document comparing to the Ankara Agreement and directly aims a customs union.The Additional Protocol is composed of 64 Articles .It stipulates provisions concerning harmonization of legislation on free movement of goods , persons , services and capital, competition , economy and commercial policy.(Ayhan ,op. cit. , p. 48)



*order to facilitate the employment of those workers in each Member State.To that end, the Council of Association may make recommendations to Member States.’*

Lastly, according to Article 39(1-2-3-4) of the Additional Protocol, the Association Council shall take the necessary social security measures enabling periods of insurance to be aggregated, pensions to be transferred to windows, workers and their families to receive health services and family allowances to be paid.

Article 39(5) also contains ‘*more favourable*’ clause: the Member States may provide more favourable arrangements for Turkish nationals in bilateral agreements with Turkey.<sup>73</sup>

The conclusion that we derive from these Articles of the Additional Protocol is that Turkish workers would be able to acquire equal rights with other Common Market workers after the completion of 22 years period. This provision has been interpreted as follows: by the conclusion of 22 years period, the Turkish workers would be able to facilitate from free movement by the Customs Union even if Turkey would not have been a full member at that date.<sup>74</sup> Given the Ankara agreement has entered into force on 1 December 1964, this period has been concluded on 1 December 1986. However, although about 20 years have passed from the completion of this period , there is no still freedom of movement for Turkish citizens, also even for Turkish workers residing in the EU.

The ECJ differs from the Turkish side asserting that with the completion of twenty-second years period by 1986 envisaged by Ankara Agreement and Additional Protocol, Turkish citizens has automatically gained the freedom of movement in the Community, in the interpretation of Article 36 of Additonal Protocol. The ECJ does not accept the Turkish thesis arguing that the free movement has automatically incepted in 1986, claiming that the Association Council has not met and took necessary decisions thereof.

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<sup>73</sup> Giacomina Cassina ,op. cit. , p.89

<sup>74</sup> Işıl Özkan, **Yabancıların Çalışma Hürriyeti ve Avrupa Topluluğunda Kişilerin Serbst Dolaşımı**(Working right of foreigners and free movement of persons in the EC):Kazancı Huku Yayınları No:152, İstanbul, 1997 p. 118

## 5.4 Association Council Decisions

### 5.4.1 Association Council Decision 2/76<sup>75</sup>

The Association Council has assembled in 1975 in order to define the implementation of procedures and principles of the first four-years period started by 1976 regarding free movement of persons, in accordance with the principles set out in Article 12 of the Agreement of Association and Article 36 of the Additional Protocol; as a result of the negotiation process the Council has created Decision 2/76.

The Turkish side has proposed a progressive plan in order to materialize free movement of workers, whereas the Community has put forward the economic crisis in European economy as a pretext and offered improved conditions for the Turkish workers who are already been legally working within the Community, but has not proposed any other improvement for Turkish workers' free movement in the EC zone. In conclusion the Community Proposal has been accepted with some minor improvements.

Article 2 of Decision 2/76 starts to define Turkish workers' rights. This Article makes a differentiation among Turkish workers as :

- After three years of legal employment in a Member State of the Community a Turkish worker shall be entitled, subject to the priority to be given to workers of Member States of the Community, to respond to an offer of employment, made under normal conditions and registered with the employment services of that State, for the same occupation , branch of activity and region.
- After five years of legal employment in a Member State of the Community, a Turkish worker shall enjoy free access in that country to any paid employment of his choice.

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<sup>75</sup> For the articles of Decision 2/76 see ,B. Çiçekli , , **The Legal Position of Turkish Immigrants in the European Union** ,Karmap Yay. A.Ş , Ankara, 1998 , pp. 335-337

The third Article grants access to the Turkish children who are residing legally with their parents in a Member State of the Community in that Country to courses of general education. The fourth article grants the same rights to Community workers who are working in Turkey.<sup>76</sup>

Article 5 gives a priority to Turkish workers in the case of an employment offer as :

*‘‘Should it not be possible in the Community to meet an offer of employment by calling on the labour available in the employment market of the Member States and should the Member State, within the framework of their provisions laid down by law, regulation or administrative action, decide to authorize a call on workers who are not national of a Member State of the Community in order to meet the offer of employment, they shall endeavour in so doing to accord priority to Turkish workers.’’*

‘‘Endeavour’’ here has been intentionally used, because non of Member States may impose its employers to recruit Turkish nationals in case above stated conditions because of free market principles.<sup>77</sup>

Article 6 states that :

*‘‘Where a Member State of the Community or Turkey experiences or is threatened with disturbances on its employment market which might seriously jeopardize the standard of living or level of employment in a particular region, branch of activity or occupation, the State concerned may refrain from automatically applying Article 2(1)(a) and (b).’’*

According to Article 7, both Turkey and the Member States shall not put new restrictions on the conditions of access to employment of workers who have legal residence and work permission.

According to Article 9, the Provisions of Decision 2/76 shall be limited on grounds of public policy, public security or public health.

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<sup>76</sup> Sinan Ayhan, op. cit., p.51

<sup>77</sup> Ibid, p. 52

As we can derive from the assessment of above stated provisions the Association Council Decision 2/76 covers mostly the workers which have been working in a Member State. It does not provide an improvement for Turkish workers to freely circulate within the Community. The main reason behind this attitude of the Community is the increasing rate of unemployment within the Community and concerns about Turkish democracy.<sup>78</sup>

#### **5.4.2 Association Council Decision 1/80<sup>79</sup>**

Association Council Decision 1/80 has, in turn, led to some improvements to the residence and work conditions of Turkish workers in the European Community. The Decision 1/80 has replaced and incorporated Decision 2/76. It was more comprehensive in compare with Decision 2/76; it deals with several issues of Turkish workers including their social and economic rights whereas Decision 2/76 deals only with some specific matters.

Association Council Decision 1/80 contains three chapters, chapter 2 arranges the provisions on employment and freedom of movement for workers from the Article 6 to Article 18.

Those Articles of Decision 1/80 which govern conditions for Turkish citizens working in the Member States lay down the following general structure of rights and conditions:

- renewal of work permits after one year's legal employment ;
- possibility of changing employer, in the same Member State and for the same occupation, after three years (subject to priority for Community nationals);
- free access to any paid employment in the same Member State after four years of legal employment(Article 6(1) ) ;
- annual holidays, absence for reasons of maternity or accident at work and short periods of sickness are treated as periods of legal employment; periods of involuntary unemployment or long periods of sickness are not treated as periods of legal employment but do not affect rights acquired during the preceding period ( Article 6 (2) ) ;

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<sup>78</sup> Özkan ,op. cit. , p. 120

<sup>79</sup> For original document of Decision 1/80 see , Office for Publications of the European Communities , Council of the European Communities EEC-Turkey Association Agreement and Protocols and other Basic Texts, p. 327

- members of the family authorised to join the worker are entitled to respond to any offer of employment after three years of legal residence (subject to priority to Community nationals) and to have free access to any paid employment after five years of legal residence (first paragraph of Article 7) ;
- children who have completed vocational training in the host country may respond to any offer of employment in that country, irrespective of the length of residence, provided one of the parents has been legally employed in the Member State in question for at least three years ( second paragraph of Article 7 ) ;
- in the event of demand for labour, Member States wishing to call on non-Community workers must endeavour to accord priority to Turkish workers (Article 8 (1) ) ;
- children of legally resident Turkish parents are to be admitted to courses of general education and vocational training under the same conditions as the children of the Member State concerned (Article 9 ) ;
- Member State nationals are to enjoy reciprocal rights in Turkey ( Article 11 ) ;
- in the event of serious disturbances on the employment market, a Member State may refrain from automatically applying Articles 6 and 7, informing the Association Council of any such temporary restriction ( Article 12 ) ;
- the Member States and Turkey may not introduce new restrictions on the restrictions on the conditions of access to employment for workers and members of their families legally resident and employed ;
- application of the provisions to be monitored by the Association Committee, which is to present a report each year to the Association Council ;
- the provisions to apply from 1 December 1980.<sup>80</sup>

Furthermore, Article 19(1) of Decision 1/80 states that Turkish workers in the European Community should be treated the same as EC workers:

“The Member States of the Community shall as regards remuneration and other conditions of work grant Turkish Workers duly registered as belonging to their labour forces treatment involving no discrimination on the basis of nationality between them and community workers.”

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<sup>80</sup> Giacomina Cassina ,op. cit. , pp. 90-91

### 5.4.3 Association Council Decision 3/80<sup>81</sup>

Association Council Decision 3/80 of 19 September 1980 has brought some provisions on the social security rights of Turkish workers and their families living in the EEC.

Decision 3/80 covers ( Article 2 ) :

- workers who are, or have been, subject to the legislation of one or more Member States and who are Turkish nationals ,
- the members of the families of these workers, resident in the territory of one of the Member States ,
- the survivors of these workers.

Decision 3/80 would be applied to the below stated social rights (Article 4(1))

- i. sickness and maternity benefits ;
- ii. invalidity benefits , including those intended for the maintenance or improvement of earning capacity ;
- iii. old-age benefits ;
- iv. survivors' benefits ;
- v. benefits in respect of accidents at work and occupational diseases ;
- vi. death grants ;
- vii. unemployment benefits ;
- viii. family benefits.

In conclusion, as clearly derive from above mentioned Association Council Decisions 2/76, 1/80, and 3/80, the Council has not introduced any measures or provisions improving the freedom of movement of Turkish citizens residing in Turkey, rather it has just provided some social-economic rights to Turkish workers that legally live in the EC countries. The Turkish citizens who live in Turkey and wish to pursue a professional activity in the Community subject to national legislation of each Member State. In this period in which Turkey and the EU are about to start the membership negotiations, it is certain that Turkish

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<sup>81</sup> O.J C 110 , 25.4.1983 , p. 60

citizens will be able to gain the freedom of movement only in the event of Turkey's full membership to the Union.

### **5.5 Turkey's Full Membership Application to the Community in the Context of Free Movement of Workers**

After the mid-1970s Turkey-EC relations started to deteriorate, because of Turkey's various internal political problems, Europe's economic crisis, and especially its protectionist measures towards Turkish products.<sup>82</sup>

Following two subsequent economic crises in the 1970s, the European Community took protectionist measures and distanced itself from agreements on the planned right of free movement to be accorded to Turkish citizens. With the military intervention of September 12, 1980, in Turkey, the relations between Turkey and the Community were frozen until the first meeting of the Association Council in August 1986 following the military coup. Relations were carried on at the institutional level between 1987 and 1992.<sup>83</sup> The Community has persistently refrained from bringing the subject of free movement onto the agenda. Despite the improvements made concerning the rights of Turkish workers legally employed in the Community through the Association Council decisions, the foreseen developments with regard to the free movement of Turkish workers within the Community beginning from December 1, 1986, did not take place.<sup>84</sup>

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<sup>82</sup> The oil shock had resulted in inflation and unemployment (stagflation) and under these conditions; the EEC was no longer willing to give a preferential treatment to Turkish industrial products. The most import issue here was obviously that of textile. In 1974, the United Kingdom introduced unilateral measures against Turkey's exports of cotton yarn; and by 1977 onward the Community as a whole began to restrain exports of major textile products. In Turkey itself, the industrial sector began to be concerned with the competition threat from Western European industries. Major industrialists began to call for a modification of the Additional protocol to eliminate the objective of customs union. This illustrates perfectly the depth of the contradiction that existed in Turkish-European policy. On the one hand, it had committed itself to trade liberalization and international specialization; while on the other it led a policy of import substitution in an attempt to make Turkey self sufficient in almost every domain. Another point of friction was agriculture. With the economic crisis, the EEC, in spite of what had been agreed upon in the additional protocol began to restrict the entry of Turkish agricultural and agro-products products. Ali M. S. Fatemi ,**Turkey's Membership in EU-Pros and Cons**, The American University of Paris,p.23

<sup>83</sup> Turkey applied to the European Community for full membership on 14 April 1987 in accordance with the Article 237 of Rome Treaty.However , the Commission , in its report assessing Turkey's membership application , has stated that although many developments had occurred in Turkey , due to its large population-size, unemployment-inflation problem , and conflicts with Greece , Turkey is not completely ready to join the Community.

<sup>84</sup> Sedef Koray, op. cit. , p. 21

The provisions of the Association Agreement and the Additional Protocol were interpreted by the Commission in 1986 as follows:

- Free movement is to be secured by progressive stages between December 1, 1976 (twelfth year) and November 30, 1986 (twenty-second year). In other words, Article 12 of the Association Agreement is to be implemented in full as of December 1, 1986.
- The actual concept of free movement of workers, as part of the Association, has still to be defined, the parties being guided by Articles 48, 49 and 50 of the Treaty of Rome.
- Implementation of free movement is in no-way self-executing, as it is the task of the Association Council to decide on the rules necessary to achieve it.<sup>85</sup>

One of the primary reasons behind the Commission's attitude that avoided to propose the implementation of free movement of workers between the Parties is that Turkey's full membership application to the Community on April 14, 1987 shifted the problem from part of the Association Agreement to part of its membership application. Namely, Turkey, by herself, has created an understanding that Turkish citizens would be able to obtain the freedom of movement when she would become a full member of the European Community.

### **5.6 European Court of Justice's Interpretations on the Free Movement of Turkish Workers**

The Association Council Decisions 2/76, 1/80, and 3/80 have come into force, but its implementation has been challenged on several occasions before the Court of Justice.

Some Member States have interpreted the agreements as good will and refrained from applying them. Court cases were opened in order to demand the realization of the rights set forth in these agreements. Until the ECJ decisions, it was generally assumed that the procedures for applying the rights conferred on Turkish workers were to be established via national legislation. The ECJ, however, stated that, those provisions merely clarify the obligation of Member States to take such administrative provisions, without empowering the

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<sup>85</sup> *ibid* , p. 22



Member States to make conditional or restrict the application of the precise and unconditional rights which the Decisions grant Turkish workers.’<sup>86</sup>

At the result of some decisions of the ECJ , Turkish workers living in Europe have become legally resident within the Community, and have started to enjoy certain rights as Members citizens. These decisions were taken at the result of the following cases :

- the case of Haegeman vs. the Belgian government;
- the case of Meryem Demirel vs. Stadt Schwäbisch Gmünd;
- the case of S. Z. Sevince vs. Staatssecretaris van Justitie;
- the case of Kazim Kus vs. Landeshauptstadt Wiesbaden;
- the case of Eroglu.

The Court has developed a coherent case law, in spite its ‘case by case’ approach. The following principles are consistently reiterated :

- the provisions of an agreement concluded under Treaty Articles 228 and 238 form an integral part of the Community legal system and the ECJ therefore has jurisdiction to interpret the provisions of the Agreement and the protocol on freedom of movement ;
- the Community is empowered to guarantee commitments towards non-member states in all fields covered by the Treaty, and since freedom of movement is enshrined in Treaty Article 48 et seq., the relevant commitments fall within the Community’s powers;
- provisions are directly applicable when by virtue of their nature and content they contain a clear and precise obligation which is not subject, in its implementation or effects, to any subsequent measure ;
- in order to achieve the aims set out in the agreement, Article 22 confers decision-making powers on the Council of Association;
- the Member States may not introduce new restrictions on access to employment of Turkish workers and members of their families legally resident and employed in the

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<sup>86</sup> Guild, Elspeth, **Implications of the Turkey/EC Association Agreement and the Association Council Decisions for Turkish Workers**, Bonn : Paper presented at the conference on The Application of the Turkey/EC Association Agreement to Turkish Workers in the Community, 1993, p. 2

Member States(the 'standstill' clause of Article 13 of Decision 1/80 is directly applicable) ;

- the rules governing family reunification are not subject to the 'standstill' clause and are not directly applicable;
- the right of children of Turkish workers (legally resident and employed for at least three years) who have received vocational training in the host country to respond to any offers of employment is directly applicable ;
- the right of access to paid employment is closely bound up with the right of residence ; refusing the latter to a worker entitled to benefit from the former is tantamount to refusing this right too ;
- the meaning of the expression 'legally employed' is defined as not covering precarious employment, even if legal ;
- in its recent judgement in the Sürül case ( 4 May 1999 ) , the Court of Justice has clarified how Decision 3/80 should be interpreted, particularly concerning the definition of the term 'worker'.<sup>87</sup>

### **5.7 Current Status of Turkish Workers in EU Countries**

The international community today is witnessing a change regarding the way the rights of migrant workers are protected. The classical system of diplomatic protection invoking traditional international law governing the treatment of foreigners (or non-nationals as they may be called) has been replaced by the direct protection of individual foreigners' rights by means of national and international instruments to enforce a set of reformulated international norms.<sup>88</sup>

Due to above mentioned policy change that was triggered by international civil society organizations towards non-national workers, and the European Court of Justice Decisions, Turkish workers now have same social, economic, and cultural rights with native workers.

Turkish immigrants who are lawfully resident within the European Union enjoy numerous legal rights with regard to the right to work, including the right to equal pay for

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<sup>87</sup> Cassina ,op. cit. , p. 92

<sup>88</sup> Lillich, R.B(1984)., **The Human Rights of Aliens in Contemporary International Law**, Manchester : Manchester University Press, p.32, Sedef Koray, op.cit. , p. 24

equal work, the right to join trade unions, the right to access to unemployment benefits and to vocational training offered by unemployment offices. The cultural rights of migrant workers include the freedom of thought, conscience and religion, the freedom of opinion and expression, the right to education, the right to participate in the cultural life of the community freely and the right to enjoy the arts and to participate in scientific progress. Civil and political rights include the right to life, the right to freedom of movement<sup>89</sup> and free choice of place of residence, the right to recognition as a person before the law, the right to freedom of association and peaceful assembly, the right to marry without any restriction on grounds of race, nationality and religion, the right to own property and, in some countries, for those who have lived in the country for several years the right to vote and stand as a candidate in local elections.<sup>90</sup>

However, despite the provisions securing the rights of Turkish workers, and international norms on the treatment to migrant workers, there are some differences in the way they are practiced from one member state to another. These policy divergences stemming from different perception and concern of Member States mark the necessity of a common immigration policy of the EU; although several summit meetings were assembled to create a common immigration policy, the EU has not managed to generate it yet.

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<sup>89</sup> It is not for migrant workers. Unlike EU migrant workers Turkish workers in the EU have no right of free movement yet. However migration between Member States will however be possible on the basis of Directive 2003/109 concerning the status of third-country nationals who are long-term residents; by 23 January 2006 at the latest Turkish workers of this category will be able to obtain, under strict conditions, the guarantee to move to another EU Member State for the purpose of taking up employment.

<sup>90</sup> Sedef Koray, *op. cit.*, p. 25

## **CHAPTER THREE**

### **6. FUTURE TRENDS OF MIGRATION FROM TURKEY TO THE EU**

#### **6.1 In General**

Since the EU has taken the decision of starting full membership talks with Turkey in December 2004, a warm debate on the amount of migration in long term which would become true from Turkey to rich countries of the EU is still experienced. In fact that the providing the right to move freely in the EU to a country like Turkey which had sent millions of immigrants to abroad for a long time, had several experiences of migration to abroad , frightens some Europeans that is fair enough.

Today, it is estimated that there are approximately 3,6 million Turkish nationals living abroad of which about 3,2 million are in European countries, a substantial increase from 600,000 in 1972. Turkey's population is approximately 72 million. Given the present situation, there are many in Europe who believe that if Turkey were to become a member state there would be large numbers of Turks immigrating to EU. This fear is coupled with the widespread belief in Europe that Turkish immigrants have failed to integrate into their host communities. This perception has exacerbated anti-immigrant feelings in a number of EU member countries and fuels concerns about further immigration.<sup>91</sup>

For finding an answer to these doubts and questions, for a long term, estimating of the migration would start from Turkey to EU is tried to close.

To predict eventual Turkish emigration under freedom of movement, analytical studies use various methods and scenarios. These studies essentially follow two alternative methods in making immigration forecasts. The first one is statistical inferences based on scientifically designed surveys. The second one is econometric methods, which draws on the pre and post EU membership experiences of emigration countries. Quantifiable determinants of

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<sup>91</sup> Refik Erzan and Kemal Kirişçi , **Turkish Immigrants :Their Integration within the EU and Migration to Turkey** , İstanbul : a brief of a joint project on Employment and Immigration –EU relations , p. 2

immigration – pull and push factors such like unemployment and wage differences – are identified and their impact on immigration is estimated. These estimates are then used to forecast eventual migration from future members.<sup>92</sup>

Instead of building or adapting macro-economic model-based projections or making a survey work, this study relies on the existing analytical studies trying to estimate Turkish migration potential to the EU. The methodology I have followed for this chapter is firstly to give present and future push and pull factors of Turkey that are essential determinants of the migration, secondly to give the results of existing model-based projections, and lastly to evaluate the results of which in the context of likely transformations of world's social-economic life.

Although, in long term these studies which produce the estimates on migration potential from Turkey to the EU usually give similar conclusions, some studies which are slipshod and has no scientific concerns, can come to irrational conclusions which will cause baseless fears in European communities.

For example a column in the Belgian paper, *De Standard* (30 March 2004,) written by Dirk Jacob Niewboer, argued that 25 percent of Turks, roughly 17 million, would migrate to Europe if they could.<sup>93</sup>

The figures which have come from scientific studies using econometric methods used by us is very under the speculative figures. In the following table conclusions of serious studies which estimate the migration dimensions would become true from Turkey to EU in long term with using scientifically methods are given.

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<sup>92</sup> Erzan, Kuzubas, Yildiz, op. cit., p. 1

<sup>93</sup> Erzan, Kirisci, op. cit., p. 2

**Table 7**

**Migration Potential from Turkey to the EU and Germany**

Study	Methods	Migration Potential
Lejour et. al. (2004)	Migration Elasticities from other studies applied to projected Turkish GDP	To EU-15 : 2.7 million
Hughes (2004)	DIW model (Alvarez-Plata,Brücker and Silverstovs(2003) adapted for Turkey	To EU-15 :starting at 225.000 per year with a total stock of 2.9 million
Flam(2004)	DIW model (Boeri and Brücker 2000)	To Germany : over 30 years :No convergence : 2.7 million , 2% convergence :1.3 million
Togan(2004)	DIW model (Boeri and Brücker 2000)	To Germany up to 2030 : 1.5 million
Quaisser and Reppegather (2004)	Sinn and Flaig(2001) model	To Germany from 2013 : 4.4 million.Will decrease to 1.3 million if the income difference is halved
Erzan,Kuzubas,Yildiz (2004)	DIW model (Alvarez-Plata,Brücker and Silverstovs(2003) adapted for Turkey	To Germany (2004-2030) :between 1 and 2.1 million , if high growth can not be sustained 2.7 million
EU Commission(2004) impact study	Compilation of existing studies	To EU-15 until 2030 : between 0.5 and 4.4 million

Source: Own compilation

As it is seen in **Table 7** different researchers who used various methods reach very similar results to others' one. It is possible to make various inferences about the migration potential from Turkey to EU based on the results of these studies. Firstly in opposition to some superficial studies, these studies stress on the upper limit of migration from Turkey to EU-15 and Germany would be about 4,5 million in long term and numbers which would be come above this upper limit could have became true under case of emergency. Secondly ,it is clear that numbers of Turkish labor migration in long term which could have been 500,000 or 4,4 million will be determined by economical performance which would be showed by

Turkey in EU membership process. Finally, as it is stated before, migration size above the upper limit which is came from these studies can not to be consider scientifically.

It must be also stated that, while econometrical models which are summarized by us come to conclusions with only using specific economical data like income differentials between countries or employment ratios, they omit some social hoods which affect the decision of migrant. Whereas recently, some topics have been discussed like that the possibility of European states would receive the migration favorable in the future with the reasons like particularly the globalization influence making migration free, structural transformation would occur in European job market which could have had influences on the decision of migration and European population getting older and with the increasing of educational opportunities, well-qualified labor's influence on the migration demand. In the last section of this chapter, the results of these econometrical models will be examined by taking the influences on migration preferences of socio-economic transformations could have occurred in Europe and Turkey into account.

In this context, Firstly “Push and Pull Factors” which determines the migration preference is given in next chapter and than studies listed in **Table 7** will be examined.

## **6.2 Push and Pull Factors**

Studies which make long term migration estimating establish their models by using some social-economic data that is called “Push and Pull Factors”. This identifies a number of negative (push) factors in the country of origin that cause people to move away, in combination with a number of positive (pull) factors that attract migrants to a receiving country. The push factors include such elements as demographic, political and economic hardships in the origin countries, while the pull factors include the geographic and cultural proximity and the comparative advantages of the destination country, such as higher wages and better working conditions. This is a more comprehensive model than the simplest economic model dependent entirely on differences in wage levels.<sup>94</sup>

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<sup>94</sup> Matloob Piracha and Roger Vickerman, ‘Immigration ,Labour Mobility ,and EU Enlargement’ , Department of Economics , University of Kent , p. 10

Turkey is the most attractive country with the population of 72 million and GDP of 240 billion USD in the candidate countries to EU. However beside of this huge population Turkey is only 2 % of total EU – GDP (10200-USD) (see **Table 8**).

**Table 8**  
**Turkey in Comparison**

	Turkey	Poland	Spain	Germany	UK	EU-25
Population, million	72	38	42	83	60	457
Population in 2050, million	100	32	43	78	67	450
GDP, € billion	240	190	840	2,200	1,700	10,200
GDP per head at PPP, per cent of EU average	30	47	98	109	118	100
Employment as per cent of the labour force	45	52	61	67	72	64
Workers with tertiary education, per cent 2002	9	13	24	23	27	N/A
Poverty risk after social transfer, per cent of population 2001-2002	25	17	19	15	19	15
Spending on R&D, per cent of GDP 2002	0.7	0.6	1.0	2.5	1.9	1.9

*Sources: Eurostat, United Nations, OECD and Economist Intelligence Unit. Data is for 2004 unless otherwise indicated.*

Source: Eurostat

When considering the subject from migration perspective, it is easy to state that the basic determining factor of migration from Turkey to EU in long term is the dimension of economic growth which will be experienced by Turkey and candidate countries in the term between 2005 and 2030. However at this point, it is unclear to forecast specifically the economic performance which will be showed by Turkey and because of this estimated factors of term of 2005-2030 will decrease or not the migration influence.

In this context two different economic scenarios on convergence of Turkish and European economies appear. Some circles in Turkey and Europe, mostly officials, are asserting that with the opening of negotiations with the EU and eventual accession, Turkey will become economically turbulent and politically stagnant. In Turkey where stability is firmly achieved, direct foreign investments, and foreign capital inflows into which will



increase, and this economic development will create new employment opportunities , namely the economic gap between Turkey and the EU countries will diminish.

On the other hand some circles allege that the effects of the EU membership on Turkish economy will be limited, considering that Turkey's likely social-political chronic problems. At this point it is important to add that sustainable economic growth and development can only be achieved through political stability.

### **6.2.1 Population**

One of the most significant driving forces behind migration is demographic factors which consist of some indicators such like population differences, fertility rates or labour forces in total population of receiving and sending countries.

In this context, it can be stated that one of the basic determining factors of the migration from Turkey to EU in long term is demographic changes which would be experienced by Turkey and EU member states in the coming years.

As of 2006 January Turkey has the population of 72,168 million and with this when she becomes a member of EU, She will be second crowded country in the Union after Germany of 82,2 million. By the possible accession date of 2015 it will have a population of 82 million, almost as large as Germany. Ten years later in 2025, Turkey at 87 million would be the largest member of the Union. Looking forward to 2050 (almost as far ahead again as the lifetime of the current EU, and too far for serious study of impact effects), Turkey's population is predicted to stabilise at around 97 million.<sup>95</sup>

As **Table 9** shows, Turkey in 2025 would constitute 15.5% of the EU's population, while Germany would account for 14.3%. In today's EU of 25 members, Germany accounts for 18.1% of the total population. Even in 2050, Turkey has a population share below this at 17.7%.<sup>96</sup>

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<sup>95</sup> Kirsty Hughes, 'Turkey and the European Union :Just Another Enlargement ? Exploring the Implications of Turkish Accession' , A Friends of Europe Working paper , On the occasion of the 'Turkey's EU end game ? European Policy Summit of 17 June 2004 , p. 8

<sup>96</sup> Ibid , p. 8

*Table 9*

**Total Population : Various EU Member States and Candidates and total EU-25, EU-27 and EU-28 , UN estimates 2003-2050**

(thousands)	2003	2015	2025	2050
Austria	8116	8058	7979	7376
Belgium	10318	10470	10516	10221
Bulgaria	7897	7167	6609	5255
Czech Republic	10236	10076	9806	8553
Denmark	5364	5447	5469	5273
Finland	5207	5284	5289	4941
France	60144	62841	64165	64230
Germany	82476	82497	81959	79145
Greece	10976	10944	10707	9814
Hungary	9877	9324	8865	7589
Italy	57423	55507	52939	44875
Netherlands	16149	16791	17123	16954
Poland	38587	38173	37337	33004
Portugal	10062	10030	9834	9027
Romania	22334	21649	20806	18063
Slovakia	5402	5441	5397	4948
Spain	41060	41167	40369	37336
Sweden	8876	8983	9055	8700
UK	59251	61275	63287	66166
<b>Turkey</b>	<b>71325</b>	<b>82150</b>	<b>88995</b>	<b>97759</b>
<b>Total EU 25</b>	<b>454187</b>	<b>456876</b>	<b>454422</b>	<b>431241</b>
<b>Total EU27</b>	<b>484418</b>	<b>485692</b>	<b>481837</b>	<b>454559</b>
<b>Total EU28 (incl Turkey)</b>	<b>555743</b>	<b>567842</b>	<b>570832</b>	<b>552318</b>
<b>Turkey as % of EU 28</b>	<b>12.8%</b>	<b>14.4%</b>	<b>15.5%</b>	<b>17.7%</b>

Source:UN World Population Division :World Population Prospects :the 2002 Revision

## 6.2.2 Gross Domestic Product ( GDP )

Although demographic and political factors are significant, economic factors are the most important driving force behind the migration movements. GDP that shows the size of a country's economy is one of the principle economic indicators determining migration.

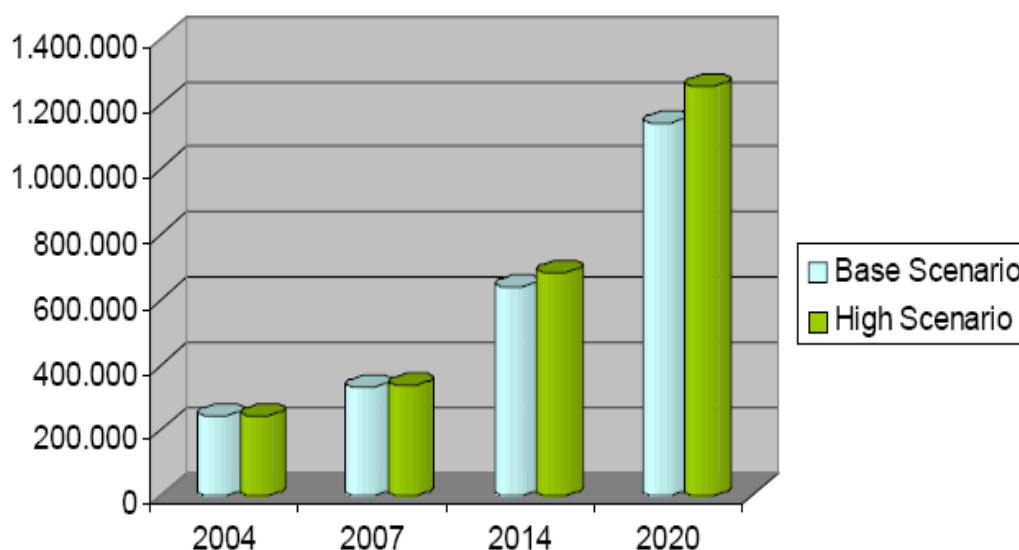
Turkey, in comparison to the EU countries, does not have an adequately developed and large economy in spite of her dense population. However in the EU, the countries with large populations such as Germany, France and Italy are economically and politically strong in line with their populations. The GDP of Turkey, currently, is slightly higher than the average GDP of the whole EU in spite of its population of 72 million people. In this context, the expectations from Turkey in the coming days is its elevating the GDP to reasonable levels through the membership process and achievement a sustainable growth rate, and beyond all, realization of a development onset.

We have told before that two scenarios on economical performance of Turkey will be showed. According to '*base scenario*' that is one of them built by State Planning Organization (SPO) of Turkey in 2004, the effects of EU membership on the Turkish economy would be limited, it is forecast that Turkey's GDP would be at the level of 2.4 percent of the total GDP of the EU-25 as of 2004. According to this scenario, as a result of the positive economic effects of EU membership, Turkey's GDP would rise to the level of 4 percent of the EU-25 GDP in 2014. With an average annual growth of 6.2 percent in the Turkish economy over the period of 2004 to 2020, GDP would increase to the level of 5.4 percent of the EU-25 GDP and GDP, which is 241 billion euros in current prices in 2004, would reach around 1,139 billion euros in 2020.

In opposition to the base scenario which explains why Turkey would not to show economic performance in expected level, according to second scenario written by SPO; the effects of EU membership on the Turkish economy would be considerable (see **Figure 2**), Turkey's GDP would be at the level of 4.2 percent and 6 percent of the EU-25 GDP in 2014 and 2020, respectively. It is expected that the economy would grow by an average of 6.8 percent a year over the period of 2004 to 2020 and that Turkey's GDP, which stands at

241 billion euros in current prices in 2004, would reach approximately 1,251 billion euros by 2020.<sup>97</sup>

**Figure 2**  
**GDP , Turkey ( at current prices , in millions of euros )**



Source : SPO(2004)

**Table 10**  
**GDP Growth Rate ( percent )**

	TURKEY		EU-25
	Base Scenario	High Scenario	
2004	9.6	9.6	2.6
2007	5.1	6.0	3.0
2014	6.4	7.0	3.0
2020	6.4	6.8	3.0
2004-2020	6.2	6.8	3.0

Source: SPO(2004)

As it is seen in **Table 10**, according to the optimist scenario of SPO, with growth rate of average 6.8 % in the term of 2004-2020, Turkey will make up the difference a bit of

<sup>97</sup> *ibid* , p. 22

economic bluff between her and EU-25 who will have growth rate of 3% in same term. However the base scenario which is more acceptable than high scenario foresees Turkey's growth rate would be about 6,2 % in this term .

### **6.2.3 National Income Per Capita**

Other driving force which fires international migration is the inequality of national income per capita between countries. As for 2005 national income per capita of Turkey is 5008 USD, with its conditions, it gets behind EU-25 countries who have average national income per capita of 25,920 USD in PPP.

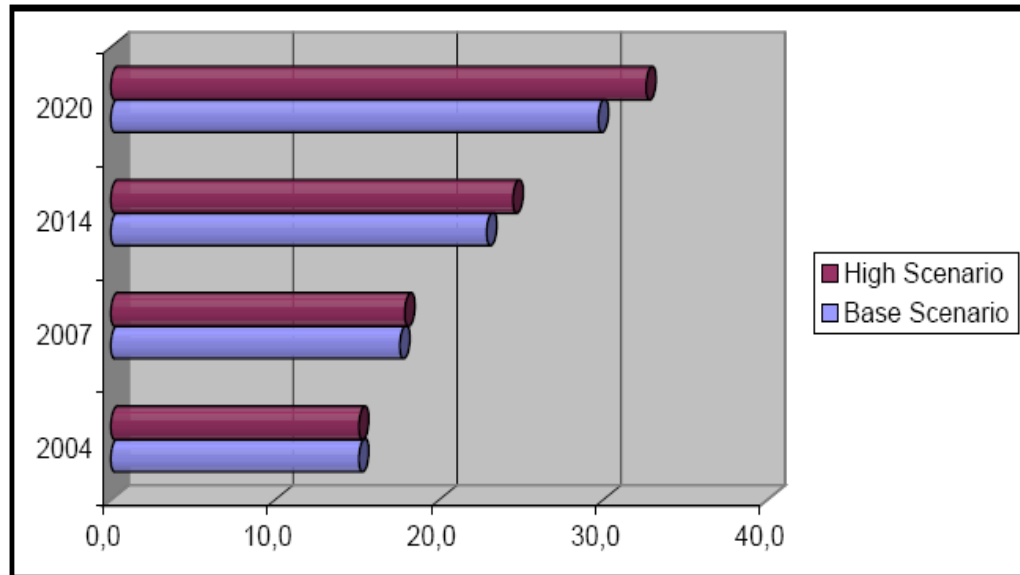
At present, national income per capita in Turkey is at the level of 15.1 percent of the EU-25 average in current prices. Under the base scenario, it is expected that national income per capita in Turkey would rise to 22.9 percent and 29.7 percent of the EU-25 average in 2014 and 2020, respectively. According to the high scenario, on the other hand, it would reach 24.5 percent and 32.6 percent of the EU-25 average in 2014 and 2020, respectively. It is expected that these figures would be much higher according to purchasing power parity. In fact, it is considered that as of 2004 this ratio would be around 30 percent according to purchasing power parity(see **Figure 3** ) .<sup>98</sup>

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<sup>98</sup> Ibid , p. 23

*Figure 3*

**National Income per Capita**      **EU-25 = 100**



Source:SPO(2004)

At present, beside deep bluff of national income per capita rates between Turkey and EU-15 countries, there is also deep bluff of income between regions of Turkey.

Turkey is characterised by large regional disparities which broadly follow a West-East pattern. The richest regions are located in the Western part of the country while the poorest ones are at the Eastern border. The richest region Kocaeli, an important manufacturing location, has a GDP per capita of more than 90% above the national average (46% of the EU-25 average). At the other end of the scale, the poorest regions Agri and Van have only about one third of the national GDP per capita (8% of the EU-25 average).<sup>99</sup>

As it is seen, Marmara region in front some main regions can produce accretion value in excepted level for economy, consequently the income is present in these regions. In the EU process, expected from Turkey is to develop each region in same level, to increase opportunities of investment and employment so, to establish just income distribution. It is clear that if national income per capita is not increased to EU level and the income bluff

<sup>99</sup> EU Commission, 'Issues Arising from Turkey's Membership Perspective', Brussels : Commission Units Working Documents , 2004, p. 12

between regions is not decreased, Turkey will be under pressure of migration and internal migration.

#### **6.2.4 Unemployment**

One of the basic reasons of a person making decision to migrate to other country due to economic cause is that there can not be enough employment opportunity. Today, countries sending emigrants to Europe and even countries inviting emigrants are meeting with high unemployment rates. Because of it, European countries which do not see more jobless in their country behave roughly against to migrant with firm rules and applications. Because of behaving roughly Europe is called as fortress Europe.

While ,as of 2006, Turkey has an unemployment rate of 11,2 %, average of EU-15 is about 8,2 % in same year.<sup>100</sup> The basic condition for Turkey to decrease this high unemployment rate ,as told before, is to catch a high growth rate in EU process and to reflect this to the economy accordingly people with increasing employment opportunities.

Again, according to SPO's 2004 study on Turkey would experience the economic transformations in EU membership process, in an environment where economic stability is firmly established together with the EU membership, inflows of foreign capital will accelerate, local investments will increase and, together with the positive impact of membership upon growth, employment will increase. Under these assumptions, the unemployment rate, which is estimated to be 10.5 percent in 2004, is expected to drop to 9.5 percent in 2014 and 8.6 percent in 2020 according to the base scenario. Under the high scenario, the unemployment rate would fall to 7.3 percent and 5.4 percent in 2014 and 2020, respectively(see Figure 4) .<sup>101</sup>

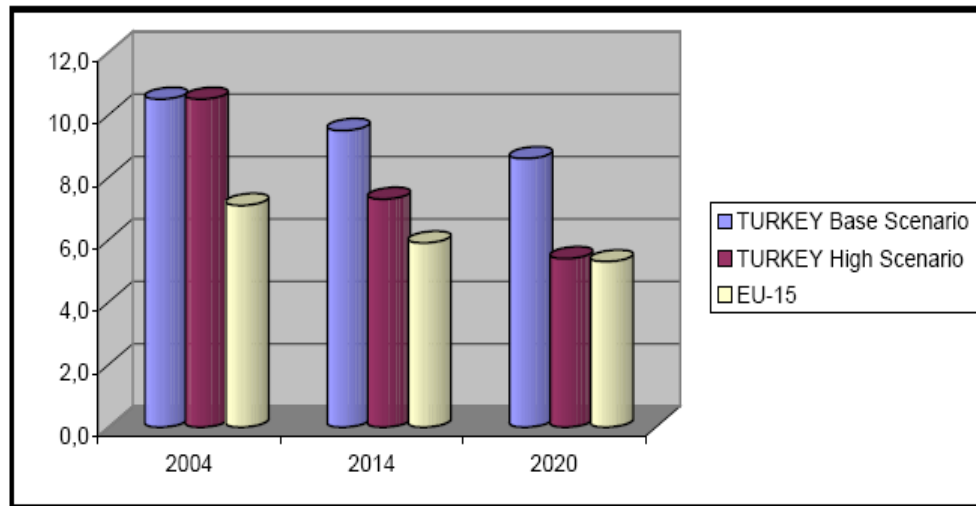
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<sup>100</sup> In January 2006, the lowest rates were registered in Ireland (4.3%), Denmark (4.4% in December), the Netherlands (4.6%), the United Kingdom (5.0% in November) and Austria (5.2%). Unemployment rates were highest in Poland (17.2%), Slovakia (15.8%), Greece (10.1% in the third quarter 2005), France (9.2%) and Germany5 (9.1%).Source : Eurostat (2006)

<sup>101</sup> SPO , op. cit. , p. 24

*Figure 4*

**Unemployment ( percent )**



Source:SPO

As can be seen in all those scenarios; there are huge economical gulfs between Turkey and EU-15 countries - particularly in terms of GDP and GDP per capita - and it does not seem possible and feasible for Turkey to catch up and eliminate those economic differences not even in the long term.

In following section of 3rd. chapter, some studies tried to forecast the migration size would become true from Turkey to EU within 2005-2030 and summarized in **Table 7** will be discussed detailed in the context of convergence scenario.



## 6.3 Alternative Emigration Scenarios

### 6.3.1 Erzan,Kuzubas,Yildiz's 2004 Study

The most important and acceptable study between studies in literature which I searched of this thesis is the study of Erzan, Kuzubas, and Yildiz's study - Growth and Immigration Scenarios for Turkey and the EU - with its well grounded econometric methods and various scenarios established with considering all probabilities.<sup>102</sup>

First scenario of two scenarios we will take from this study which use same methodology of the EU report aimed at forecasting the potential migration from CEEC written by Brücker, Alvarez-Plata and Siliverstovs in 2003 has two conjectures ; these are the conjectures which guess the Turkey's accession to EU in 2015 with considering economic conditions of and thus migration number became true from Spain, Portugal and Greece which are characteristically similar to Turkey at the date of their accession to EU and free movement of labor would start in same date and Turkish economy will improve within 2005-2030 according to high convergence scenario.

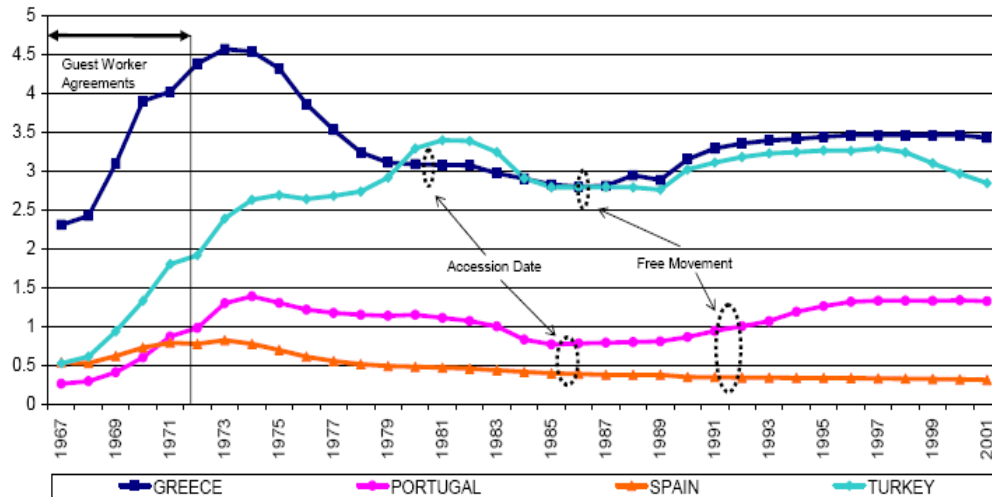
In the following figure, the migration experience of Greece, Spain, Portugal and Turkey with Germany was given chronological. It is seen that during guest worker agreements from all these countries huge migration flows were occurred but during accessions and free movement migration movement quite the contrary decreased.

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<sup>102</sup> The main reference of this study is migration to Germany for 50 years period. In this context it assumes that all results for Germany are at the same time applicable for whole Europe.

Figure 5

Migrants in Germany as % of Source Country Population

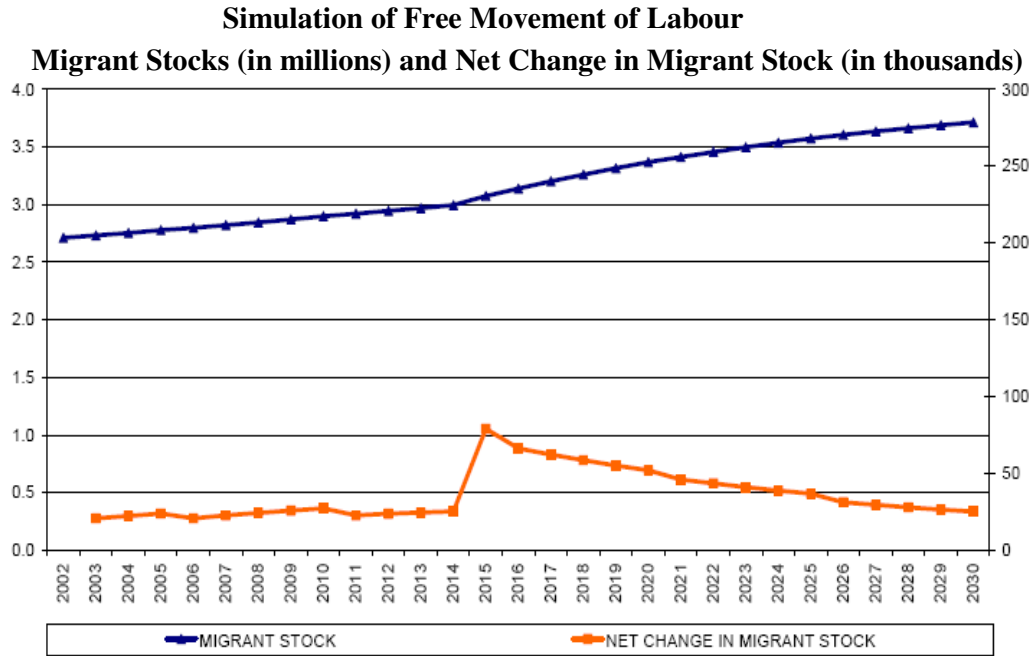


Source:Erzan et. Al (2004 : Figure 3)

According to the scenario which is developed with making Turkey added to these three countries by researchers, when the free movement experience of Spain, Portugal and Greece is reflected to Turkey, during free movement migration jumps little but it just has a stagnant position in low levels. In spite of this case, it is seen that in the scenario like the guest worker experience of all countries (including Turkey) applied again to Turkey, the migration jumps highly and becomes gradually normal (**Figure 5.**)<sup>103</sup>

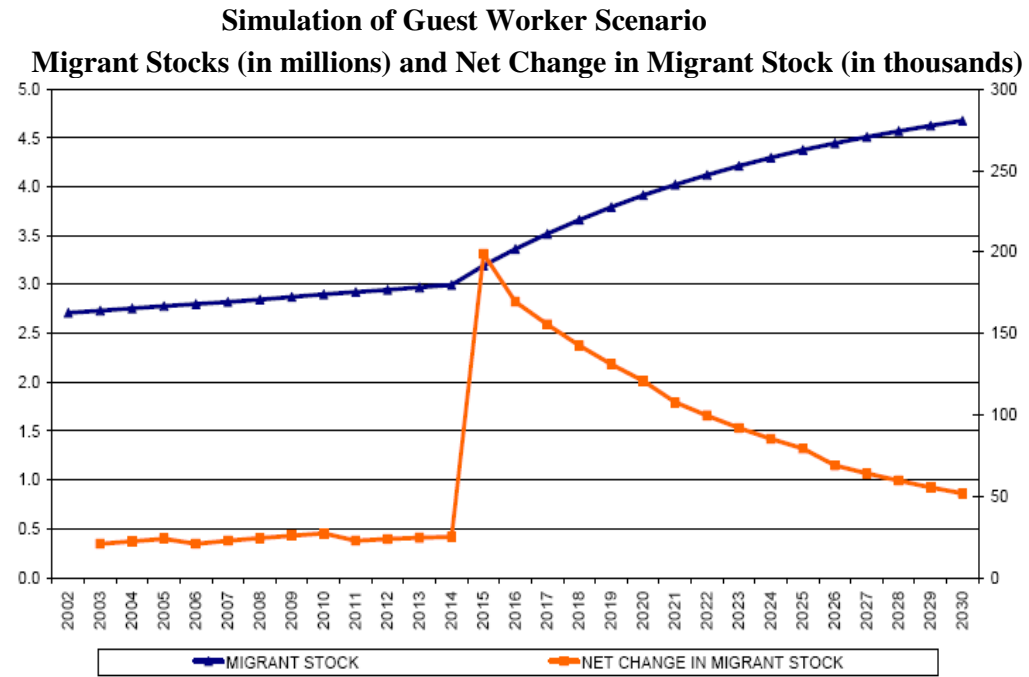
<sup>103</sup> Erzan,Kuzubas,Yildiz,op. cit. , p. 6

**Figure 6**



Source:Erzan et.al (2004: Figure 4)

**Figure 7**



Source:Erzan et.al (2004: Figure 5)

*Table 11*

**Comparison of the two scenarios – Reference Group Southern Europe**

Net Change in the Turkish Migrant Stock	2004-2015	2015-2030	Total
Scenario FREE	320.000	640.000	960.000
Scenario GUEST	440.000	1.480.000	1.920.000
Turkish Migrant Stock	2004	2015	2030
Scenario FREE	2.755.000	3.075.000	3.715.000
Scenario GUEST	2.755.000	3.195.000	4.677.000

Source:Erzan et.al (2004 : Table 4 )

The picture that emerged (**Figure 6**) closely resembled that with “*all Europe*” sample. When the free labour mobility experience of Greece, Portugal and Spain was emulated for Turkey, a small hike occurred in migration that stabilized promptly at a low level. In this scenario, total net migration forecast until 2030 was not exceeding 1 million (**Table 11**).<sup>104</sup>

The experiment using the Southern Europe sample but mimicking the guest worker syndrome led to a major jump that normalized in due course (**Figure 7**). The total net migration estimate approached 2 million, doubling the previous forecast based on the actual membership experience of these countries. Nevertheless, even this inflated figure was considerably below sensational projections.<sup>105</sup>

If second scenario taken from this study is the scenario which anticipates huge migration numbers from Turkey to EU within 2005-2030 than first scenario did. Accordingly researchers, the reason of developing this scenario which is based on Turkey’s own migration experience is :

How to inflate further the migration forecasts? “Turkey is not any other South European Country”, “unlike Greece, Portugal and Spain, Turkey has a nomadic tradition”. If these prejudices are taken for granted, Turkey’s own experience would be the only benchmark.<sup>106</sup>

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<sup>104</sup> Ibid, p. 7

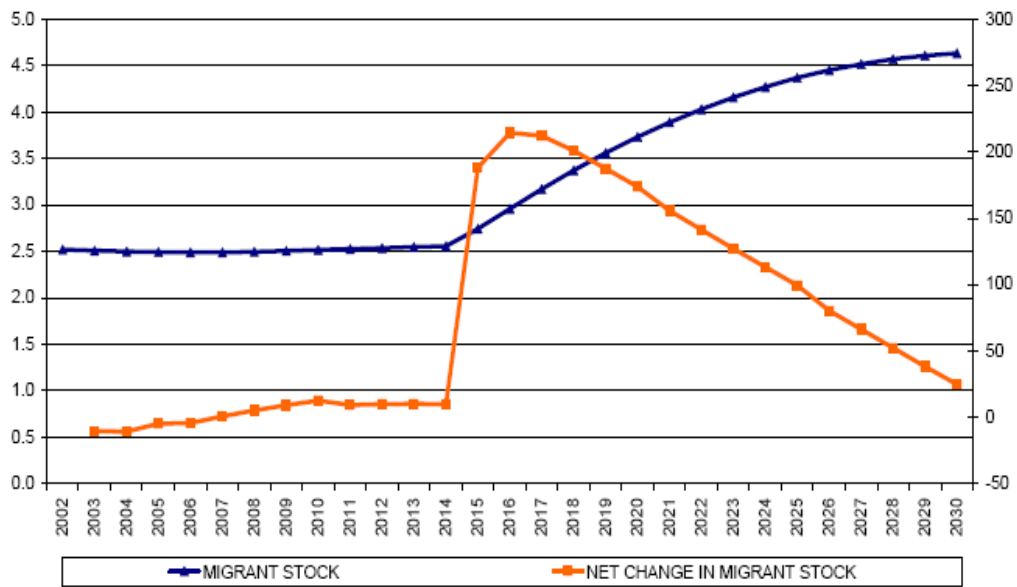
<sup>105</sup> Ibid, p. 7

<sup>106</sup> Ibid, p. 7

The first conjecture of the scenario discussed deeply in the previous chapter which is based on Turkey's own migration experience and data is that Turkey's catching quick growth scenario during Turkey's accession to EU and as a result of the accession to have free movement right. However, because of the exercise is only based on Turkey's experience, making free movement applied could be figured as the repetition of the period of guest worker agreements. The conclusion of the figuring is that important migration jumping with Turkey's accession to EU in 2015 and after then increasing gradually. (**Figure 8**) it is seen that the migration which would arise till 2030 with reaching net total number of 2.1 millions exceeds a bit the upper limit forecasts based on the experiences of Spain, Portugal and Greece.

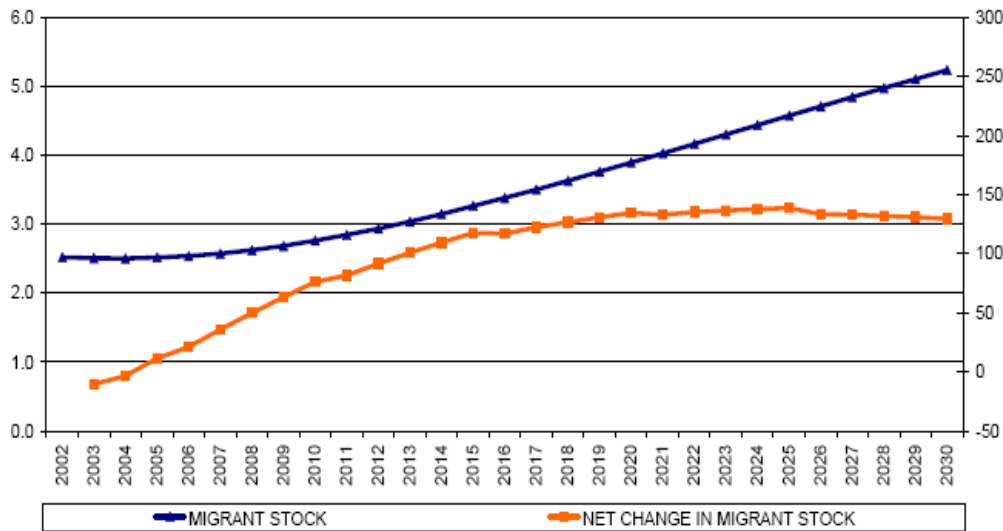
If second conjecture of this scenario is that how many migrants Turkey which could not have high growth rates with financial straits in the position of taking away from the accession process would send to EU. In this scenario it is assumed that there would be no change of visa policy against to Turkey applied by EU. Although this conjecture decreases migrant numbers in a specific year, because of negative conditions it could not block migration potential's flowing to EU in any way (**Figure 9**) according to conclusions of the simulation; Net total numbers of migration from turkey to EU exceeds 2,7 millions.

**Figure 8**  
**EU Membership Emulating the Turkish Guest Worker Episode**  
**Turkish Migrant Stock (In million) and Net Change Stock (In thousand)**



Source:Erzan et. al(2004 : Figure 6)

**Figure 9**  
**No Membership and No Free Movement of Labour**  
**Turkish Migrant Stock (In million) and Net Change Stock (In thousand)**



Source:Erzan et. al(2004 : Figure 7)

*Table 12*

**Comparison of the two scenarios – Reference: Only the Turkish experience**

Net Change in the Turkish Migrant Stock	2004-2015	2015-2030	Total
High Growth – Membership – Free Movement of Labour	246.000	1.888.000	2.134.000
Lower Growth - No Membership – No Free Movement of Labour	760.000	1.974.000	2.734.000
<b>Turkish Migrant Stock</b>	<b>2004</b>	<b>2015</b>	<b>2030</b>
High Growth – Membership – Free Movement of Labour	2.499.000	2.745.000	4.633.000
Lower Growth - No Membership – No Free Movement of Labour	2.506.000	3.267.000	5.241.000

Source:Erzan et. al(2004 : Table 5)

It can be stated that with looking these scenarios based on Turkey’s own migration experiences in the event of the losing its EU accession perspective of Turkey, EU would meet Turkish migration flows more than expected despite EU’s strong visa walls. Authors of this study base this paradox on three reasons :

Firstly, Turkey’s growth record clearly shows very high rates can be achieved but cannot be sustained without political stability and inflow of foreign savings. Without the EU anchor provided by the membership perspective, a growth performance that will cope with unemployment is not feasible.

Secondly, unlike successful accession scenarios, not only growth in Turkey would be slower and unemployment higher, but also sensitivity of migration to income and unemployment differences would be greater.

Thirdly, the prevailing restrictive visa system of the EU and the absence of labour mobility provisions cannot stop immigration. EU currently receives about 70,000 (gross) migrants from Turkey, annually. (Because of return migration, net migration is about half of this gross inflow **Figure 9**) Most of them come with family unification and family formation. In the presence of a very large Turkish migrant community in the EU of about 3 million (with major trade, investment, tourism and educational links), all conceivable tight door policies

short of totalitarian rules would be porous. A relative deterioration in Turkey would certainly increase this inflow considerably and reduce return migration.

Finally, it should be noted that the eventuality of political turmoil was not incorporated in the projections. With the lost EU perspective and climbing unemployment, this is more than a slim possibility. Estimations based on past record show that political and security problems lead to waves of migration.<sup>11</sup> Add that on top of the 2.7 million forecast!<sup>107</sup>

### **6.3.2 Flam's 2003 Study**

In this study of Harry Flam who examines possible influences of Turkey's accession to EU on economic and politic life of the community, some forecasts on potential migration numbers from Turkey to EU within next 30 years are given.

Flam who uses the method (BB model) established by Boeri and Brücker calculated the migration numbers from different parts of the world to Germany conjectures workers would have the right of free movement at same date of Turkey's accession to EU.

For his study Flam states that: 'We have used the BB estimation of equation (1) to forecast free migration from Turkey to Germany from 2000 to 2030. To make a forecast, we must make assumptions about population and GDP growth rates and employment rates for the whole period. For population growth, we have used the forecasts given by the World Bank in its World Development Indicators database. For GDP, we simply assume a GDP growth rate for Germany equal to the average for 1990-2000. The GDP and population growth rates yield a GDP per capita growth rate of 1.7 per cent. For Turkey, we assume a higher GDP growth rate. We make forecasts based on the assumption that every year, 1, 2 or 3 per cent of the per capita income gap is closed. This means that GDP per capita in Turkey is assumed to grow at (very high) 9, 12 or 15 per cent at the beginning of the period and at about 3 per cent at the end. The average rate is about 5.5 per cent for the 2 per cent assumption. The Turkish GDP and GDP per capita growth rates have been about 5 and 3 per cent, respectively, over the last

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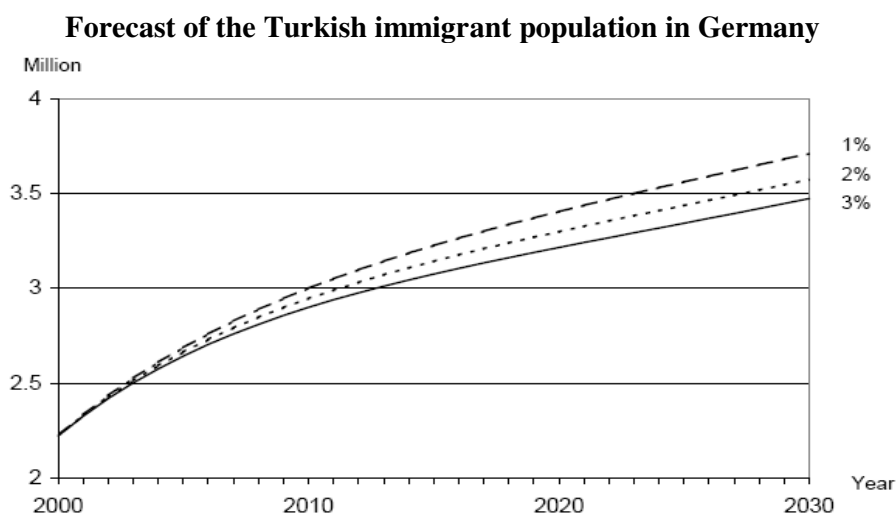
<sup>107</sup> Ibid, p.10



five decades. Our assumption implies that GDP growth must increase by about 2 percentage points for GDP per capita to grow at 5.5 per cent.<sup>108</sup>

As the result arisen from this scenario can be seen in the following figure, on condition that there is not any obstacle for free movement, while total number of Turkish migrants in Germany was 2.2 million in 2000, this number will be 3.5 million in 2030. Another important point is that these migration amounts are increasing and reducing depending on Turkey's economic performance in the membership period. For example, while at 1 % economic convergence rate, Turkish migrant stock exceeds mostly 3.5 million in 2030, at 3 % convergence rate, this amount is remaining under 3.5 million.

*Figure 10*



*Note:* Forecasts for a 1, 2 and 3 % convergence rate of per capita income between Germany and Turkey.

Source:Flam (2004 : Figure 2)

### 6.3.3 Lejour , De Mooij's 2004 Study

This study which generally focus on possible economic influences of Turkey's accession on EU produces some conjectures about migration numbers would go towards EU from Turkey with assuming that all barriers against to free movement would be removed.

<sup>108</sup> Harry Flam 'Turkey and the EU:Politics and Economics of Accession', CESIFO Working Paper No.893 , Category 1 : Public Finance,2003,p.20

The migration number which would go towards EU from Turkey in long term is 2,7 millions according to this scenario for Turkey applied to same method used by De Mooij and Tang for forecasting potential migration numbers from Central and East Europe to EU-15 countries in next 30 years.

Researchers mention details of this study as : to assess the migration potential from Turkey to the EU, we can follow a similar approach. In particular, we derived the implicit migration elasticity for the income differential from De Mooij and Tang. Subsequently, we apply the figures for the Turkish population, and the income differential between Turkey and the EU-15 to derive an estimate for the migration effect from Turkey. Turkish income per capita, measured in purchasing power parities, is 31% of the EU-15 average in 2000. This is somewhat below the average of the Central and Eastern European countries. We take account of demographic developments in Turkey. The Turkish population is expected to increase from 68 million in 2000 to 86 million in 2025. By substituting these figures in the equation for the migration potential, we obtain an estimate for the migration from Turkey to the EU of 2.7 million people in the long term. This equals 4% of the current Turkish population, or another 0.7% of the current population in the EU-15.<sup>109</sup>

#### **6.3.4 Hughes' 2004 Study**

This study which produces some specific forecasts on Turkish migration potential examines the possible effects of Turkey's accession on EU politic and economic lifes like the studies given above with placing Turkey's own conditions peculiar to itself and unlike other new 10 members in the foreground.

Hughes who referenced the studies about the migration to the EU-15 from East and Central Europe forecasts these: 'by 2015, Turkey will still be somewhat poorer than the Central and East European countries at the time of accession. But if Turkish migration were similar in determinants to those countries, a simple calculation to adjust for the predicted Turkish population of 82 million (compared to 104 million for the central and east European

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<sup>109</sup> Arjan M. Lejour , Ruud A. De Mooij, 'Turkish Delight : Does Turkey Accession to the EU Bring Economic Benefits', CESIFO Working Paper No:1183 Category 7:Trade Policy , 2004 p. 16

ten), would give migration levels starting at 225,000 and a total stock of 2.9 million. This is about 0.5% of EU28 population of 570 million in 2025.<sup>110</sup>

Hughes also stresses on that however the forecasts have not certainty as scientifically, the becoming true of these possibilities are depend on various factors like demographic changes, employment opportunities, stipend conditions and the creating of educational opportunities would appear in Europe and Turkey after 2015.

### **6.3.5 Togan's 2004 Study**

Final scenario we discuss on this subject was taken from the study on Turkey's EU accession process and results written by Togan in 2004. The basic conjectures of this scenario are to forecast potential migration would go towards EU from Turkey and to remove all barriers in front of the free movement of workers.

Once more, this study that based on the model of Boeri and Brücker forecasting migration from EU-15, Norway, Turkey, USA and former Yugoslavia to Germany considers population changes, GDP growth rates and unemployment rates in long term for its forecasts.

According to the result of this scenario established by Togan, while Turkish workers number is 2,2 millions in 2000, this number reaches to 3,5 millions in 2030, in other words it foresees an increasing in the amount of migrants about 1,5 million in a period of 30 years.

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<sup>110</sup> Hughes,op. cit. , p. 17

## **7. ASSESSMENT OF THE RESULTS OF ALTERNATIVE EMIGRATION SCENARIOS IN THE CONTEXT OF LIKELY TRANSFORMATIONS OF WORLD'S SOCIO-ECONOMIC LIFE**

It can be seen that the scenarios given with details in the previous chapter reaches similar results with using different methods and datas. The general tendency we inferred from these scenarios is that possible migration number from Turkey to EU would be between about 1-3 millions. However, as it is said before, the study which reaches to the most acceptable results according to our mind is the study of Erzan, Kuzubas and Yildiz who established their scenarios based on the experiences of many countries. The conclusion they inferred from these scenarios which considered all possibilities is that Turkey with high growth rates in EU accession process and free movement right in 2015 would give net total migration ranging 1 to 2,1 millions until 2030. Again, according to same scenario, although all constraints, Turkey in case of its accession process suspended and it could not have high growth rates could have sent 2,7 million migrants to the EU. Even though, this determination which produces an inverse proportion between migration potential and Turkey's accession can be seen as ironic at first glance, when considering the experiences of countries became member of the community at the past, it is very rational.

However it is not enough to accept only the results of these econometric models as data when evaluating long term Turkish migration potential. Because, as the results of these models have not scientifically certainty, they establish their forecasts on specific conjectures. For instance several scenarios given above conjecture that Turkey would be full member of the community in 2015 and workers would have the right of free movement at the same date. Where as, when we look to the past enlargement experiences of the Community, it is seen that this probability is very poor, for some time the right of workers' free movement is not given to the new members. In addition, these studies do not take some social reasons which affect the decision of migration into account when they take fee differentials between countries, unemployment rates and GDP rates as references. It is worthwhile to evaluate generally with considering the fact that a lot of social and economic transformations increase/decrease migration flows in the world or change their way could have been experienced.

In the 20th century, our world experienced great transformations in all areas with great wars, new production and purchasing systems and technological developments. After the second world war, particularly the developments of damaged Europe and Far east countries which started with great synergism is the best example for the transformations experienced by the world. European states which lost their manpower in these wars needed additional manpower and solved this problem by providing from Southern Europe and Turkey. In this context, the second world war can be evaluated as social trigger of workers' migration.

It is clear that transformations experienced in the 20<sup>th</sup> century will go on speedily in the 21<sup>st</sup> century. Because of this, it can not be denied the effects of new demands, customs, social-economic systems and political changes would occur in next years on possible migration.

For years European economies have been facing with several transformations. In the course of the structural changes in many European economies, which began in the early 1980s, the creation of new and lasting employment opportunities has become the top priority in Europe. In Germany, as the country hosting the largest Turkish population in Europe, this has been made additionally difficult by the general economic situation in this country. The models of productivity, flexibility and ability to innovate on the one hand and new technologies on the other hand have determined the restructuring of the economy and have accelerated the emergence of new forms of employment. The changes that have already taken place and are expected to take place in western European economies present some development trends and changes in labour patterns such as:

- traditional production areas (steel, textiles, coal mining, etc.) lose their significance;
- production sites are transferred to low-wage countries;
- services gain in significance in comparison to production;
- demands on the qualification levels of employees have increased;
- running time of machinery and plants has increased.

In the world of labour these changes can be easily recognized by the shifting of capacity patterns, by new forms of organization of work (group work, part-time work, telework etc.), by new relations between the employer and the employee (e.g. increase in the

seeming entrepreneurial activity, subcontracting) and by the increase in the non-regular working hours.<sup>111</sup>

As it is seen, while traditional industries like textile and mining lost their importance in Europe, industries manufacturing high technology products which have little size and high value take into the foreground. In addition for decreasing their production costs ,many European companies remove their plants to Eastern and central Europe and Far East countries where labor is cheaper. However the machines have had more functions in the production processes and only qualified workers have the opportunity of employment. In recent times, service sector became first sector in European economy with surpassing the industry and in this sector, banking, finance, selling insurance areas which needs high qualifications like language and specializations have become more importance.

Employer, union and other key informants in the Federal Republic of Germany were unanimously of the opinion that unskilled Turks would not be hired after 2000 to fill factory and mining jobs as they were in the 1960s.German key informants almost uniformly explained that the labour market had changed during the past two decades : today's high unemployment rate for Turkish migrants in the Federal Republic of Germany signals a surplus of the unskilled labour recruited during the 1960s.No one expected changes in the labour market which would lead to shortages of unskilled labour.The labour markets which employ unskilled and often illegal immigrant labour today, such as agriculture, construction, and small or seasonal restaurants and hotels, are seen as peculiar labour markets that will not expand.<sup>112</sup>

It is seen that, there have occurred deep structural differences between past European economy which invited especially unqualified workers from Turkey for employing in heavy industries in 1960s and today's European economy created new business and production areas and employees qualified persons. It can be said clearly that in next years one of the deterministic factors of migration from Turkey to EU would be demand of manpower in these new sectors which has had the importance.

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<sup>111</sup> Koray,op. cit. , p. 26

<sup>112</sup> Martin , p. 97

Besides economic transformations, considerable demographic transformations are likely to occur in the future Europe. The EU has had a number of demographic surprises over the last 30 years. Fertility levels have dropped dramatically ( EU-15 : from 2.4 to almost 1.4 children per woman ) , life expectancy has continued to increase strongly (EU-15 : for males from 68.4 to almost 75 years , and for females from 74.7 to 81 years ) and all Member States of the EU have become immigration countries. Consequently , the number of young people has declined significantly, whilst both of those working age and the elderly continued to grow<sup>113</sup>. That's why these lower rates of population growth and increased ageing problem in the EU could lead to significant shortfall in labour supply over the next 30 years. Immigration becomes vital to mitigate the impact of falling birth rates<sup>114</sup>. One can say that in this context the EU could welcome labour migrations from some regions like Turkey in the future.

When examining affairs like migration has a lot of dimensions in both social and economic perspectives and effects many countries in the same time, the effects of globalization on national borders must be taken into account.

The capitalist economy we live in today plays an integral role in the lifestyle choices people in nations make. It is because of advancements in telecommunications and transport that has enabled globalisation to intercept all aspects of society today. As globalisation continues to diminish the importance of national boundaries people have begun to migrate in order to not only find a more fulfilling life style, but as a means of economic survival.<sup>115</sup> We can say clearly that in next years by force of globalization, qualified persons who use information and transportation facilities effectively can move from one country to another with meeting any constraints with aiming at business or travel.

A development which must be taken into consideration is that more and more young people are attending universities in Turkey. Prospects for finding employment for all do not exist. Many of them, particularly those with good qualifications, would be willing to take up

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<sup>113</sup> Ayhan , op. cit , p. 90

<sup>114</sup> Angi Rösch , Durmus Özdemir , **Populations with immigration : Turkey and the EU .Does a young population remedy to the aged?** , p. 1

<sup>115</sup> Kerri Waldhuter, Matthew Bond, Lisa Wilkins, Anise Clarke, **Globalisation, Immigration and National Boundaries** , p. 3

employment abroad, particularly in Europe and the USA. For this migratory elite, moving across international borders and finding access to information is not a major problem.<sup>116</sup>

Because the circulation of these groups who have high quality profiles between countries accelerates flowings of information and money between the sending and the receiving country, European states can perceive the migration as a multiplier increasing economic growth, not as a threat. When we look from this perspective, it can be said that after Turkey's accession, its manpower quality rising day to day, the migration from Turkey would create less worry than expected by European social-economic circles .

Beside all these social-economic factors, one of the basic deterministic factors of migration would go towards EU from Turkey is a regulation on free movement of labor in EU literature. According to this regulation the worker of a Member State can use of the right of the free movement with the condition of getting a job and home in other member country within 6 months exception situations. That's why , some of the key informants in Turkey and most of those in Germany noted that wanting to emigrate and actually finding employment abroad could be two distinct processes. Key informants frequently quoted the regulation that members of an EU country wanting to work in another must find regular employment within three months(now six) of their entry , and that the EC host country does not provide them with unemployment insurance payments or other benefits while they search for jobs. Many key informants thought that it would be difficult for the young Turkish men who are expected to want to emigrate to find jobs in the EC unless employers were anxious to hire them.<sup>117</sup> As it is seen, the affair is not only depend on Turkish migrant's willing, at the same time it is depend on these migrants can get a job and house in Europe within a relative short time of 6 months with bearing high costs.

The result derived from this chapter is that alternative emigration scenarios – stay-at-home and large-scale emigration – use quite different assumptions relating to future socio-economic conditions of Turkey and Europe, but they come similar conclusions for the long – run on eventual amount of emigration from Turkey to the EU. While stay-at-home scenario is predicting that there would be much less emigration from Turkey to Europe than expected , by considering possible amelioration in Turkey's economy in the EU membership way, and even

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<sup>116</sup> Koray, op. cit , p. 3

<sup>117</sup> Martin , op. cit. , p. 96



foreseeing return migrations to Turkey as it was seen in the case of Spain and Portugal's migration experience, large-scale emigration scenario draws a scenario in which so many young Turkish would move to Europe to find a job or better living conditions if they have the right of free movement. However there is fact that if these young migrants could not find a regular job in six months according to EU law, they will be charged to return their country of origins .With the facts that the jobs for less-skilled labours are declining year by year in Europe economies, the production bodies of companies are shifting from Europe to Central Europe and Asia in which labour is relatively cheap, and job-searching process is very expensive under the application of EU countries that a member migrant worker are not granted to pay any social assistance like unemployment aids by States, one can assert that most young migrants who move to the EU to find a job will have to return to Turkey, by discouraging the others to migrate.

## CONCLUSION

In this thesis, past, current, and future trends of Turkish migration to the European Community/Union are discussed in the context of free movement of people within the EU membership. The free movement of people was one of the most ambitious dreams of the European Union to provide greater worker mobility among its countries, and so internal market. The EU citizens are now well enjoying this right by freely travelling, residing and working in any member states. However, due to the fact that it requires several technical, political and social arrangements, it is hard to be implemented. Hence the European Union pays extra attention to this right especially in accession negotiations with the candidates considering that their public is very sensitive to the reflections of the free movement of people. The basic concerns of Europeans stemming from this right are migration fears realizing from poorer candidates to the EU's prosperous countries. At glance, although these fears are understandable when taking account the social-economic conditions of candidates like Turkey or Poland, I come a conclusion in the third chapter that there will be less migration from Turkey to the EU than expected because a successful accession period with high growth and political stability could make migration inconsiderable.

International migration is a global phenomenon that affects a lot of countries in the world, and can be seen as a reflection of social and economic discrepancies between sending and receiving countries. Turkish worker migration to European countries started by 1960's is a good sample of the impact of social-economic disparities on migration movements. The basic trigger of first Turkish migration was the economic oriented necessities of the European employees and Turkish employers, but the following waves were rather regarding to social issues like family unification , asylum, and illegal migration. At the result of this long process, now about 3.2 million Turkish migrants reside in European countries and also constitutes the largest group of third-country nationals in Europe.

According to the findings of this thesis, although there are strict rules against immigration from third-countries in the EU, Turkish migration will likely go on due to great network capacity of Turkish people in Europe. However, the main question is a little bit different: how many Turks will migrate to the EU countries if they have the right of free movement? To find an answer to this question, numerous studies were made, and are still

being made. I think, as stated in the third chapter, the most reasonable answer comes from Erzan, Kuzubas, and Yildiz as: Our simulation results for net migration from Turkey to EU-15 in the period 2004-30 is between 1 and 2.1 million, foreseeing a successful accession period with high growth and free labour mobility starting 2015—a rather optimistic assumption to explore the upper bound of the immigration potential. On the other hand, if Turkey's membership process is endangered and high growth can not be sustained, 2.7 million people may be penetrating the EU-15 despite the prevailing strict restrictions on labour mobility.

At this point I have to emphasise once again that the amount of eventual Turkish migration to the EU mostly depends on Turkey's own economic performance in the negotiating process with the Union. On the other hand, one must be also emphasised that the concerns of Europeans that assume approximately 25% of Turkish people would migrate to the EU countries if they have the right of free movement are scientifically irrational and unconsiderable when we look the results of model-based econometric projections.

In the next years, with the spread and advancement of modern communication, the expansion of the global economy, and new technologies and production systems, the structure of the demand of manpower will completely shift towards less but more qualified labours. Therefore, it can be said that unlike Europeans fear, when Turkey becomes a full member of the Union, millions of Turkish less-skilled labours could not invade the prosperous EU countries because there would not be suitable jobs for them. Rather, according to many specialists, labours who have high quality profiles would find proper jobs in the EU countries.

Moreover, it is implicit that Turkey will intensify its efforts for full membership rather than claiming its rights stemming from Additional Protocol concerning free movement of workers. During the negotiations Turkey has to convince the EU that the migration from Turkey to EU countries in case of acquisition of free movement right will not be as much as expected. Additionally, considering the possibility of the implementation of permanent safeguards on free movement of people, Turkey should consent a temporary transition period that could be longer than other new members' one.

Finally, it must be stated that it is not true to have some certain decision as scientifically because the subject that we examine covers a period is not still experienced and based on some forecasts. With the reason of not knowing what things the future will bring to

us, our assertions we presents today can be absurd and insignificant in the next years. However the most acceptable evaluation can be reached from all these data and analyses is that the migration from Turkey to EU which would occur in long term after possible Turkey's accession would not be huge and harmful as much as some fears conversely it would have some positive effects on European economies, keeping in mind some facts like that Turkey is in a better ageing situation than the European countries.

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## **APPENDICES**

### **NEGOTIATING FRAMEWORK**

#### **Principles governing the negotiations**

1. The negotiations will be based on Turkey's own merits and the pace will depend on Turkey's progress in meeting the requirements for membership. The Presidency or the Commission as appropriate will keep the Council fully informed so that the Council can keep the situation under regular review. The Union side, for its part, will decide in due course whether the conditions for the conclusion of negotiations have been met; this will be done on the basis of a report from the Commission confirming the fulfilment by Turkey of the requirements listed in point 6.
2. As agreed at the European Council in December 2004, these negotiations are based on Article 49 of the Treaty on European Union. The shared objective of the negotiations is accession. These negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand. While having full regard to all Copenhagen criteria, including the absorption capacity of the Union, if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond.
3. Enlargement should strengthen the process of continuous creation and integration in which the Union and its Member States are engaged. Every effort should be made to protect the cohesion and effectiveness of the Union. In accordance with the conclusions of the Copenhagen European Council in 1993, the Union's capacity to absorb Turkey, while maintaining the momentum of European integration is an important consideration in the general interest of both the Union and Turkey. The Commission shall monitor this capacity during the negotiations, encompassing the whole range of issues set out in its October 2004 paper on issues arising from Turkey's membership perspective, in order to inform an assessment by the Council as to whether this condition of membership has been met.

4. Negotiations are opened on the basis that Turkey sufficiently meets the political criteria set by the Copenhagen European Council in 1993, for the most part later enshrined in Article 6(1) of the Treaty on European Union and proclaimed in the Charter of Fundamental Rights. The Union expects Turkey to sustain the process of reform and to work towards further improvement in the respect of the principles of liberty, democracy, the rule of law and respect for human rights and fundamental freedoms, including relevant European case law; to consolidate and broaden legislation and implementation measures specifically in relation to the zero tolerance policy in the fight against torture and ill-treatment and the implementation of provisions relating to freedom of expression, freedom of religion, women's rights, ILO standards including trade union rights, and minority rights. The Union and Turkey will continue their intensive political dialogue. To ensure the irreversibility of progress in these areas and its full and effective implementation, notably with regard to fundamental freedoms and to full respect of human rights, progress will continue to be closely monitored by the Commission, which is invited to continue to report regularly on it to the Council, addressing all points of concern identified in the Commission's 2004 report and recommendation as well as its annual regular report.
5. In the case of a serious and persistent breach in Turkey of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations and propose the conditions for eventual resumption. The Council will decide by qualified majority on such a recommendation, after having heard Turkey, whether to suspend the negotiations and on the conditions for their resumption. The Member States will act in the Intergovernmental Conference in accordance with the Council decision, without prejudice to the general requirement for unanimity in the Intergovernmental Conference. The European Parliament will be informed.
6. The advancement of the negotiations will be guided by Turkey's progress in preparing for accession, within a framework of economic and social convergence and with reference to the Commission's reports in paragraph 2. This progress will be measured in particular against the following requirements:

- the Copenhagen criteria, which set down the following requirements for membership:
    - \* the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
    - \* the existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;
    - \* the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union and the administrative capacity to effectively apply and implement the *acquis*;
  - Turkey's unequivocal commitment to good neighbourly relations and its undertaking to resolve any outstanding border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter, including if necessary jurisdiction of the International Court of Justice;
  - Turkey's continued support for efforts to achieve a comprehensive settlement of the Cyprus problem within the UN framework and in line with the principles on which the Union is founded, including steps to contribute to a favourable climate for a comprehensive settlement, and progress in the normalisation of bilateral relations between Turkey and all EU Member States, including the Republic of Cyprus.
  - the fulfilment of Turkey's obligations under the Association Agreement and its Additional Protocol extending the Association Agreement to all new EU Member States, in particular those pertaining to the EU-Turkey customs union, as well as the implementation of the Accession Partnership, as regularly revised.
7. In the period up to accession, Turkey will be required to progressively align its policies towards third countries and its positions within international organisations (including in relation to the membership by all EU Member States of those organisations and arrangements) with the policies and positions adopted by the

Union and its Member States.

8. Parallel to accession negotiations, the Union will engage with Turkey in an intensive political and civil society dialogue. The aim of the inclusive civil society dialogue will be to enhance mutual understanding by bringing people together in particular with a view to ensuring the support of European citizens for the accession process.
9. Turkey must accept the results of any other accession negotiations as they stand at the moment of its accession.

### **Substance of the negotiations**

10. Accession implies the acceptance of the rights and obligations attached to the Union system and its institutional framework, known as the *acquis* of the Union. Turkey will have to apply this as it stands at the time of accession. Furthermore, in addition to legislative alignment, accession implies timely and effective implementation of the *acquis*. The *acquis* is constantly evolving and includes:

- the content, principles and political objectives of the Treaties on which the Union is founded;
- legislation and decisions adopted pursuant to the Treaties, and the case law of the Court of Justice;
- other acts, legally binding or not, adopted within the Union framework, such as interinstitutional agreements, resolutions, statements, recommendations, guidelines;
- joint actions, common positions, declarations, conclusions and other acts within the framework of the common foreign and security policy;
- joint actions, joint positions, conventions signed, resolutions, statements and other acts agreed within the framework of justice and home affairs;

- international agreements concluded by the Communities, the Communities jointly with their Member States, the Union, and those concluded by the Member States among themselves with regard to Union activities.

Turkey will need to produce translations of the *acquis* into Turkish in good time before accession, and will need to train a sufficient number of translators and interpreters required for the proper functioning of the EU institutions upon its accession.

11. The resulting rights and obligations, all of which Turkey will have to honour as a Member State, imply the termination of all existing bilateral agreements between Turkey and the Communities, and of all other international agreements concluded by Turkey which are incompatible with the obligations of membership. Any provisions of the Association Agreement which depart from the *acquis* cannot be considered as precedents in the accession negotiations.
12. Turkey's acceptance of the rights and obligations arising from the *acquis* may necessitate specific adaptations to the *acquis* and may, exceptionally, give rise to transitional measures which must be defined during the accession negotiations.

Where necessary, specific adaptations to the *acquis* will be agreed on the basis of the principles, criteria and parameters inherent in that *acquis* as applied by the Member States when adopting that *acquis*, and taking into consideration the specificities of Turkey.

The Union may agree to requests from Turkey for transitional measures provided they are limited in time and scope, and accompanied by a plan with clearly defined stages for application of the *acquis*. For areas linked to the extension of the internal market, regulatory measures should be implemented quickly and transition periods should be short and few; where considerable adaptations are necessary requiring substantial effort including large financial outlays, appropriate transitional arrangements can be envisaged as part of an on-going, detailed and budgeted plan for alignment. In any case, transitional arrangements must not involve amendments to the rules or policies of the Union, disrupt their proper functioning, or lead to

significant distortions of competition. In this connection, account must be taken of the interests of the Union and of Turkey.

Long transitional periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be considered. The Commission will include these, as appropriate, in its proposals in areas such as freedom of movement of persons, structural policies or agriculture. Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role of individual Member States. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market.

Detailed technical adaptations to the *acquis* will not need to be fixed during the accession negotiations. They will be prepared in cooperation with Turkey and adopted by the Union institutions in good time with a view to their entry into force on the date of accession.

13. The financial aspects of the accession of Turkey must be allowed for in the applicable Financial Framework. Hence, as Turkey's accession could have substantial financial consequences, the negotiations can only be concluded after the establishment of the Financial Framework for the period from 2014 together with possible consequential financial reforms. Any arrangements should ensure that the financial burdens are fairly shared between all Member States.
14. Turkey will participate in economic and monetary union from accession as a Member State with a derogation and shall adopt the euro as its national currency following a Council decision to this effect on the basis of an evaluation of its fulfilment of the necessary conditions. The remaining *acquis* in this area fully applies from accession.
15. With regard to the area of freedom, justice and security, membership of the European Union implies that Turkey accepts in full on accession the entire *acquis* in this area, including the Schengen *acquis*. However, part of this *acquis* will only

apply in Turkey following a Council decision to lift controls on persons at internal borders taken on the basis of the applicable Schengen evaluation of Turkey's readiness.

16. The EU points out the importance of a high level of environmental protection, including all aspects of nuclear safety.
17. In all areas of the *acquis*, Turkey must bring its institutions, management capacity and administrative and judicial systems up to Union standards, both at national and regional level, with a view to implementing the *acquis* effectively or, as the case may be, being able to implement it effectively in good time before accession. At the general level, this requires a well-functioning and stable public administration built on an efficient and impartial civil service, and an independent and efficient judicial system.

#### **Negotiating procedures**

18. The substance of negotiations will be conducted in an Intergovernmental Conference with the participation of all Member States on the one hand and the candidate State on the other.
19. The Commission will undertake a formal process of examination of the *acquis*, called screening, in order to explain it to the Turkish authorities, to assess the state of preparation of Turkey for opening negotiations in specific areas and to obtain preliminary indications of the issues that will most likely come up in the negotiations.
20. For the purposes of screening and the subsequent negotiations, the *acquis* will be broken down into a number of chapters, each covering a specific policy area. A list of these chapters is provided in the Annex. Any view expressed by either Turkey or the EU on a specific chapter of the negotiations will in no way prejudice the position which may be taken on other chapters. Also, agreements reached in the course of negotiations on specific chapters, even partial ones, may not be considered as final until an overall agreement has been reached for all chapters.



21. Building on the Commission's Regular Reports on Turkey's progress towards accession and in particular on information obtained by the Commission during screening, the Council, acting by unanimity on a proposal by the Commission, will lay down benchmarks for the provisional closure and, where appropriate, for the opening of each chapter. The Union will communicate such benchmarks to Turkey. Depending on the chapter, precise benchmarks will refer in particular to the existence of a functioning market economy, to legislative alignment with the *acquis* and to a satisfactory track record in implementation of key elements of the *acquis* demonstrating the existence of an adequate administrative and judicial capacity. Where relevant, benchmarks will also include the fulfilment of commitments under the Association Agreement, in particular those pertaining to the EU-Turkey customs union and those that mirror requirements under the *acquis*. Where negotiations cover a considerable period of time, or where a chapter is revisited at a later date to incorporate new elements such as new *acquis*, the existing benchmarks may be updated.
  
22. To this end, the Commission will closely monitor Turkey's progress in all areas, making use of all available instruments, including on-site expert reviews by or on behalf of the Commission. The Commission will inform the Council of Turkey's progress in any given area when presenting draft EU Common Positions. The Council will take this assessment into account when deciding on further steps relating to the negotiations on that chapter. In addition to the information the EU may require for the negotiations on each chapter and which is to be provided by Turkey to the Conference, Turkey will be required to continue to provide regularly detailed, written information on progress in the alignment with and implementation of the *acquis*, even after provisional closure of a chapter. In the case of provisionally closed chapters, the Commission may recommend the re-opening of negotiations, in particular where Turkey has failed to meet important benchmarks or to implement its commitments.

## **THE RELATED ARTICLES OF PRESIDENCY CONCLUSIONS – BRUSSELS , 16/17 DECEMBER 2004**

### **General**

4. The European Council welcomed the findings and recommendations presented by the Commission on 6 October 2004 to the Council and the European Parliament in its Regular Reports on Bulgaria, Romania and Turkey, the Strategy Paper on Bulgaria, Romania and Croatia, its Recommendation on Turkey and the document on Issues Arising from Turkey's Membership Perspective.

### **Turkey**

17. The European Council recalled its previous conclusions regarding Turkey, in which, at Helsinki, it agreed that Turkey was a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States and, subsequently, concluded that, if it were to decide at its December 2004 meeting, on the basis of a report and recommendation from the Commission, that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.

18. The European Council welcomed the decisive progress made by Turkey in its far-reaching reform process and expressed its confidence that Turkey will sustain that process of reform. Furthermore, it expects Turkey to actively pursue its efforts to bring into force the six specific items of legislation identified by the Commission. To ensure the irreversibility of the political reform process and its full, effective and comprehensive implementation, notably with regard to fundamental freedoms and to full respect of human rights, that process will continue to be closely monitored by the Commission, which is invited to continue to report regularly on it to the Council, addressing all points of concern identified in the Commission's 2004 report and recommendation, including the implementation of the zero-tolerance policy relating to torture and ill-treatment. The European Union will continue to monitor closely progress of the political reforms on the basis of an Accession Partnership setting out priorities for the reform process.

**19.** The European Council welcomed Turkey's decision to sign the Protocol regarding the adaptation of the Ankara Agreement, taking account of the accession of the ten new Member States.

In this light, it welcomed the declaration of Turkey that "the Turkish Government confirms that it is ready to sign the Protocol on the adaptation of the Ankara Agreement prior to the actual start of accession negotiations and after reaching agreement on and finalising the adaptations which are necessary in view of the current membership of the European Union".

**20.** The European Council, while underlining the need for unequivocal commitment to good neighbourly relations welcomed the improvement in Turkey's relations with its neighbours and its readiness to continue to work with the Member States concerned towards resolution of outstanding border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter. In accordance with its previous conclusions, notably those of Helsinki on this matter, the European Council reviewed the situation relating to outstanding disputes and welcomed the exploratory contacts to this end. In this connection it reaffirmed its view that unresolved disputes having repercussions on the accession process should if necessary be brought to the International Court of Justice for settlement. The European Council will be kept informed of progress achieved which it will review as appropriate.

**21.** The European Council noted the resolution adopted by the European Parliament on 15 December 2004.

**22.** The European Council welcomed the adoption of the six pieces of legislation identified by the Commission. It decided that, in the light of the above and of the Commission report and recommendation, Turkey sufficiently fulfils the Copenhagen political criteria to open accession negotiations provided that it brings into force these specific pieces of legislation.

It invited the Commission to present to the Council a proposal for a framework for negotiations with Turkey, on the basis set out in paragraph 23. It requested the Council to agree on that framework with a view to opening negotiations on 3 October 2005.

### **Framework for negotiations**

**23.** The European Council agreed that accession negotiations with individual candidate States will be based on a framework for negotiations. Each framework, which will be established by

the Council on a proposal by the Commission, taking account of the experience of the fifth enlargement process and of the evolving acquis, will address the following elements according to their own merits and the specific situations and characteristics of each candidate State:

- As in previous negotiations, the substance of the negotiations, which will be conducted in an Intergovernmental Conference with the participation of all Member States on the one hand and the candidate State concerned on the other, where decisions require unanimity, will be broken down into a number of chapters, each covering a specific policy area. The Council, acting by unanimity on a proposal by the Commission, will lay down benchmarks for the provisional closure and, where appropriate, for the opening of each chapter; depending on the chapter concerned, these benchmarks will refer to legislative alignment and a satisfactory track record of implementation of the acquis as well as obligations deriving from contractual relations with the European Union.
- Long transitional periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be considered. The Commission will include these, as appropriate, in its proposals for each framework, for areas such as freedom of movement of persons, structural policies or agriculture. Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role of individual Member States. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market.
- The financial aspects of accession of a candidate State must be allowed for in the applicable Financial Framework. Hence, accession negotiations yet to be opened with candidates whose accession could have substantial financial consequences can only be concluded after the establishment of the Financial Framework for the period from 2014 together with possible consequential financial reforms.
- The shared objective of the negotiations is accession. These negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand. While taking account of all Copenhagen criteria, if the candidate State is not in a position to assume in full all the obligations of membership it must be ensured that the candidate State

concerned is fully anchored in the European structures through the strongest possible bond.

- In the case of a serious and persistent breach in a candidate State of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations and propose the conditions for eventual resumption. The Council will decide by qualified majority on such a recommendation, after having heard the candidate State, whether to suspend the negotiations and on the conditions for their resumption. The Member States will act in the IGC in accordance with the Council decision, without prejudice to the general requirement for unanimity in the IGC. The European Parliament will be informed.
- Parallel to accession negotiations, the Union will engage with every candidate State in an intensive political and cultural dialogue. With the aim of enhancing mutual understanding by bringing people together, this inclusive dialogue also will involve civil society.

## TABLE OF MAIN OFFICIAL DOCUMENTS

NAME	TITLE AS PUBLISHED IN THE OFFICIAL JOURNAL OF THE EU	CELEX NUMBER
Ankara Agreement	64/732/EEC: council Decision of 23 December 1963 on the conclusion of the Agreement establishing an Association between the European Economic Community and Turkey / Unofficial translation	31964D0732
Additional Protocol	Additional protocol and financial protocol signed on 23 November 1970, annexed to the agreement establishing the Association between the European Economic Community and Turkey and on measures to be taken for their entry into force - Final Act - Declarations / Unofficial translation/	21970A1123(01)

## TABLE OF ASSOCIATION COUNCIL DECISIONS

Association Council Decision No: 2/76	Decision No 2/76 of The Association council on the implementation of Article 12 of the Ankara	20 December 1976 Signed by : For the Association Council The President M. Van der STOEL ( not published in the official Journal of the EEC)
Association Council Decision No: 1/80	Decision No 1/80 of The Association council of 19 September 1980 on the development of the Association	19 September 1980 Signed by : For the Association Council The President C.KESKIN ( not published in the official Journal of the EEC)
Association Council	Proposal For A Council Regulation ( Eec ) Implementing within The European Economic Community Decision No :	51983PCC0013 O J No:C 110 , 25.04.1983

Decision No : 3/80	3/80 Of The EEC – Turkey Association Council on the Application of The Social Security Schemes of The Member States of The European Communities To Turkish Workers And Members of Their Families / Com/83/13final	
Association Council  Decision No : 1/02001	2001/283/EC: Decision No 1/2001 of the EC-Turkey Customs Cooperation Committee of the 28 March 2001 amending Decision No 1/96 laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council	22001D0281 O J No L 96 05.04.2001
Association Council  Decision No : 1/95	Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union	21996D0213(01) OJ No: L 35 13.02.95
Association Council  Decision No : 2/97	Decision No 2/97the EC-Turkey Association Council of the 4 June 1997 establishing the list of Community instruments relating to the removal of technical barriers to trade and the conditions and arrangements governing their implementation by Turkey	21997D0721(01) OJ No: L 191 , 21107.1997
Association Council  Decision No 3/2000	Decision No 3/2000 of the EC- Turkey Association Council of 11 April 2000 on the establishment of Association Committee subcommittees	22000D0609(03) O J No: L 138 09/06/2000