**The Impact of Business NGOs on the EU-Turkey Customs Union: The Case of Economic Development Foundation**

**Paper prepared for the EUSA Biannual Conference, Denver**

**May 9-11, 2019**

**Draft- Please do not quote**

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**Abstract**

EU- Turkey Customs Union is the result of a long process and represents a close integration between the parties. Yet, the limited scope of the arrangement, its asymmetric nature and ineffective dispute mechanism are all well-known flaws of the Customs Union. Such flaws in the design are related to the fact that it was seen as a transitory stage in Turkey’s relations with the EU, where the ultimate objective was EU membership. In that regard, the asymmetry in the institutional and decision-making structures, i.e. “joint bodies” of the Customs Union and how they function, as well as the political and democratic legitimacy issues they entail were inevitable, yet transitory problems. More than twenty years on, however, and EU accession for Turkey remaining currently as a possibility for distant future, those flaws are entrenched and have become instrumental and symbolic in the labeling of the Customs Union by both parties as in need of an “update” or “modernization”.

With this backdrop, this paper aims at exploring and analyzing both the role and involvement of the business civil society in this process through the case study of the Economic Development Foundation (IKV), as a unique business oriented civil society organization which has continuously supported the Customs Union and Turkey’s EU bid. While analyzing such impact, the limits or constraints of such Europeanisation through the empowerment of domestic elites and/or civil society, the business community will also be observed to highlight the significance of political context and conjuncture to forward the relationship both in the direction of accession and an efficiently functioning association.

**Keywords**: EU-Turkey Customs Union, IKV, Economic Development Foundation, Business NGOs, Europeanization

**Introduction**

"EU-Turkey Customs Union” is the result of a long process involving different legal instruments, starting with the Ankara Agreement, which laid down the objective to establish a customs union as a transitory mechanism leading to Turkey's membership of the EEC and has been complemented with Additional Protocol and finally the adoption of Association Council Decision 1/95 which allowed for the entry into force of the Customs Union in 1996.  Taken together, those documents constitute the legal foundations of the association relationship between Turkey and the EU.

The Customs Union (CU) not only represents a close integration in terms of shared tariffs and standards but also a gateway to the final stage in the Agreement which leads to the full membership. Thus, the CU is economically and symbolically noteworthy. However, its *scope* remains rather narrow which contrasts with the new generation of far-reaching Free Trade Agreements the EU recently concluded with third countries which include many areas that are outside the CU's scope, such as agriculture, services and public procurement. Moreover, EU autonomously decides on free trade negotiations with third countries without necessarily considering Turkey's economic preferences. Article 45 of Decision 1/95 provides that "the parties shall endeavor, through exchange of information and consultation, to seek possibilities for coordinating their action when the circumstances and international obligations of both parties allow." In practice, this has led to the inclusion of a so-called 'Turkey clause' in bilateral free trade agreements[[4]](#footnote-4) between EU and third countries. Whereas this clause aims to ensure a parallelism between the EU's and Turkey's free trade policies in line with Decision 1/95 and Article XXIV of the GATT, the asymmetries in the institutional design of the CU still exist in practice.

The limited scope of the arrangement, its asymmetric nature and ineffective dispute mechanism are all well-known flaws of the CU. Such flaws in the design are related to the fact that it was a transitory stage in Turkey’s relations with the EU, where the ultimate objective was EU membership. In that regard, the asymmetry in the institutional and decision-making structures, i.e. “joint bodies” of the CU and how they function, as well as the political and democratic legitimacy issues they entail were inevitable, yet transitory problems. More than twenty years on, however, and EU accession for Turkey remaining currently as a possibility for distant future, those flaws are entrenched and have become instrumental and symbolic in the labeling of the CU by both parties as in need of an “update” or “modernization”. Especially for Turkey, the requirement for alignment with several aspects of EU acquis related to the CU necessitates incorporation and implementation of legislation without having a say in the formulation or adoption of such rules and regulations at the EU level, which has been defined by a prominent legal scholar as “living in sin” (Peers 1996)[[5]](#footnote-5), resulted not only in technical problems for the smooth functioning of the CU but also in debates about the democratic legitimacy of such broad rule taking which became a politically sensitive issue for Turkey.[[6]](#footnote-6) In this context, arguably through the involvement of civil society, especially through the debate on the flaws and the need for modernization of the CU, a fundamental flaw of the association relationship, i.e. the problems relating to the democracy and legitimacy deficits in institutional and decision making design are introduced to the public debate which would be instrumental in stimulating the search for innovative solutions. A deeper agreement can spillover into areas like the rule of law and the judiciary, which would lead for a better economic governance, including independent regulatory bodies.

The substance of the EU’s approach to trade policy with a candidate country mainly involves taking on board EU openness in external trade, applying its Common Commercial Policy, which includes the Common Customs Tariff, EU trade defense measures and bilateral agreements. In the case of Turkey, because the CU was established even before Turkey’s official candidature was recognized, EU input on trade policy has been ahead of accession schedule[[7]](#footnote-7). The CU was beyond being a simple custom union. In addition to the basic obligations from a candidate country, it required harmonization of Turkey’s legislation with the EU’s competition policy, state aid, anti-dumping, intellectual and industrial property rights, technical barriers to trade and public procurement. Thus, with the establishment of the CU in 1996, Turkey was obligated to adopt large parts of the acquis regardless of the progress in its membership process. The 1999 Regular Report communicated at the same year that Turkey gained official candidacy status, stated that “Turkey’s commercial policy is already largely aligned on EC policy” (European Commission 1999, 29). The subsequent reports continued to state that Turkey’s foreign trade was extensively liberalized and in line with EU commercial policy.[[8]](#footnote-8) While Turkey has been obliged to align itself with EU policy and legislation, it is not part of the EU decision-making and consultation mechanisms[[9]](#footnote-9). This asymmetry in participation and consultation on decisions relating to the CU comes from the original design of the agreement which expects it to be a transitional arrangement before Turkey moves towards full EU membership (World Bank 2014, 10). Indeed, while at the beginning Turkey successfully aligned its legislation with the existing acquis of the Union in the customs union related areas, Turkey’s adaptation to the evolving acquis has experienced some difficulties particularly regarding technical regulations (Özer 2018, 14). This arguably demonstrates the insufficiencies of the consultation process and ultimately the institutional structure prescribed by the Customs Union Decision. In return of all the troubles taken to meet the terms of the CU, Turkey has received very little financial assistance.[[10]](#footnote-10)

Though aware of the likely economic costs of the CU deal, Turkey supported its establishment because Article 28 of the Ankara Agreement gave the right for Turkey to ask for full EU membership on successfully completing the CU, although accession would not be automatic.[[11]](#footnote-11) Thus, Turkey perceived the CU, not as an end in itself, but as a step toward deeper political integration and eventual EU membership, although unfortunately “the timing and circumstances were not clearly stipulated in Article 28 of the Association Agreement” (Kabaalioğlu 2010,55). The EU, on the other hand, viewed the CU as a potential alternative to full membership, and a skillful way to keep Turkey on the periphery of Europe.[[12]](#footnote-12) The comment of EU’s ex-Ambassador to Turkey, Michael Lake, expresses this misunderstanding: “The customs union created misconceptions on both sides. The European side felt that Turkey would be preoccupied with making it work and not press for full membership for the time being, while Turkey had the misconception that the customs union was a stepping stone towards full membership in the next year or two (International Herald Tribune, 24 February 1997) (Arıkan 2006, 89). Regardless of the motives on both sides, the Customs Union still represents the economic pillar of the Turkey’s EU bid and unsurprisingly drew the interest of civil society organizations, especially business-oriented ones- early on. Business interests displayed diverse approaches to the issue, including more protectionist or more liberal perspectives. There were two pioneering business associations committed to the prospect of the CU and Turkey’s EU membership, namely TUSIAD (Turkish Industrialists’ and Businessmen’s Association) and Economic Development Foundation (IKV) and this paper will dwell on the second one.

IKV, founded in 1965, two years after the signing of the Ankara Agreement, by Istanbul Chamber of Commerce and Istanbul Chamber of Industry, fully financed by the private sector, became an effective expert organization on the economic aspects of the Turkey-EU relations both in Turkey and in the EU, through its publications, seminars, lobbying activities and the close cooperation with foreign and domestic institutions, and its Permanent Representation in Brussels. It has functioned as a research institution, a think tank and as an advocacy organization, under the mission to facilitate and accelerate Turkey's EU membership process and ensure active participation of the Turkish business world in this process. The paper will try to evaluate the involvement of IKV in the promotion of the economic pillar of the Turkey’s EU bid, represented by the Customs Union (CU).

**The Changing Nature of State-Business Relations in Turkey**

It is known that Europeanisation not only leads to adaptation pressure, but it also empowers domestic actors in a differential way. The structural changes stemming from Europeanisation, lead to a differential empowerment of actors in the political, social, or economic system resulting from a redistribution of resources at the domestic level determined by cost-benefit analyses and opportunity structures (Risse and Börzel 2000). “Europeanisation restructures strategic opportunities that are available to those domestic actors, have a differential impact on such actors and may serve as a source of leverage” (Featherstone 2003, 20). The burden of Europeanisation falls not only on governments but on domestic elites pressured to speed up reforms and thus meet the EU accession criteria. The CU established between the EU and Turkey commenced the process of Europeanization of Turkey’s trade policy much earlier and independently of other public policy areas. As “Europeanization is associated, inter alia, with support for EU membership, the adoption of European norms and universal values, the use of EU funding, and participation in European networks, (Rumelili and Bosnak 2015), in the case of the CU, the segment of the civil society which has taken this burden has been the business community and IKV above all. Turkish business community, especially big business actors, played an important role in pushing for trade policy changes, as they viewed the process as an anchor for economic stability. This was observed in other policy areas also, such as the domestic business interests in energy market liberalization and Turkey’s geostrategic importance as an ‘energy corridor established strong drivers of energy-policy reforms.

The Eurobarometer and other surveys have shown that the economic prosperity dimension of European integration is regarded as one of the main priorities of Turkish public opinion[[13]](#footnote-13), and thus the role of the business community becomes important for this priority. But the limits or constraints of such Europeanisation through the empowerment of domestic elites, in particular the business community, and the significance of political context and conjuncture to forward the relationship both in the direction of accession and an efficiently functioning association should not be ignored. In that respect, it will be observed that the interest driven approaches to accession or association to EU would also strengthen the norm based approaches to the Union resulting in strengthening the adherence to the fundamental values of the Union, such as democracy, respect for human rights and the rule of law.

At the formation of the new Turkish republic, there was almost no business class and therefore the building of the Turkish economy was conceived as a state project in İzmir Economic Congress in 1923. From that date onwards it has become hard to separate the economic sphere from the state and political power, which enforced the private sector to get on well with the state which is the prime benefactor, rather than challenging it. However, when the statist economic policies as part of the Kemalist tradition became challenged by the much more liberal rules of the European single market, it became evident that the latter also offer private economic actors new opportunities, which, if taken up, reinforce the process of change and prospect of becoming a global player. Thus, the big businesses considered Europeanization of Turkish economic policy and trade policy represented by the CU, as a cure-all to impose discipline on the domestic market, correct the balance of payments, provide international funding and promote foreign investment, focusing on the economic benefits of EU membership. The transformative power of EU has penetrated the realm of civil society, where business non-state actors through the changes in the process of interest formation, interest representation and public discourses have contributed to the process. [[14]](#footnote-14)

Buhari states that there is no scholarly consensus on the meaning of Europeanisation within the context of Turkey-EU relations. (Buhari 2009, 98). She declares that the first tendency is to define Europeanisation in functional terms as a response/instrument vis-à-vis domestic short-term economic interests of Turkey. Thus the change and continuities associated with the country’s Europeanisation are explained with the cost-benefit calculus (or logic of consequentiality). However, in the case of the CU, this is not the case, as the CU has been concluded before the formal acceptance of Turkey’s candidacy to the EU, and the short term economic gains of this decision are dubious,as can be seen in booming import figures in the years following the CU. The business community represented by IKV supported the CU for long-term interests.

The relations between Turkey and the Community came to a virtual freeze following the military intervention of 12 September 1980 in Turkey. Afterwards Turkey, returning to normality and in the light of positive economic developments, applied for full membership in 1987, based on EEC Treaty's article 237 which gave any European country the right to do so. The Commission's Opinion was completed on 18 December 1989 and endorsed by the Council on 5 February 1990, basically underlining Turkey's eligibility for membership yet deferred the in-depth analysis of Turkey's application until the emergence of a more favorable environment. It went on to underpin the need for a comprehensive cooperation program aiming at facilitating the integration of the two sides and added that the Customs Union should be completed in 1995 as envisaged.

However, as the Turkish business civil society represented by many organizations with different ideological orientations, Öniş (2003) acknowledges that not all business associations were so enthusiastic about’ the EU-induced reform process, such as Union of the Chambers of Commerce, Industry, Maritime Trade and Stock Exchanges of Turkey (TOBB) and the Confederation of the Employers’ Unions of Turkey (TISK), Confederation of Labor Unions of Turkey (TURK-IŞ).

The Anatolian small and medium-sized enterprises (SMEs), later transformed into “Anatolian Tigers”, have also argued consistently that dismantling tariffs beyond a critical point will destroy domestic producers (Uğur 1999:91-92). The demands of these small and medium sized companies were pronounced by the Eskisehir Chamber of Industry, emphasizing that the main burden of the CU would fall on small- and medium-sized business, and it is the government’s responsibility to take measures for getting them ready to face competition from the EC countries. The government and other bodies, such as Halk Bankası (state owned bank), the Chambers of Commerce and Industry searched for ways of supporting the SMEs. The Economic Development Foundation (IKV), the focus of this paper, went a step further and signed a financial cooperation agreement with the European Commission on 3 October 1996 for a joint project on the “Information Network for SMEs” in Turkey.

The business civil society became more vocal from 1996 onwards, when the CU was in implementation. The CU was perceived in big business circles as a cure-all that would impose discipline on the domestic market, correct the foreign trade imbalance, provide financial resource, and promote foreign investment. Assessing closer relations with the EU as a counter-weight to the inward looking etatist economic policy, the business community controlled by large enterprises around Istanbul supported the CU. On the other hand, the CU,while safeguarding European interests in sensitive sectors such as textiles and clothing, agriculture, iron and steel, and motor vehicles, imposed new obligations on Turkey with respect to trade with third countries, intellectual property rights, competition law, and regulations regarding the technical trade barriers for manufactured goods. There was also the immediate challenge to the Turkish economy due to the diminishing public income as a result of dismantling of customs duties and the abolition of the Mass Housing Fund levy, which is collected from industrial product imports to finance housing projects in Turkey. On the positive standpoint, under the customs union, due to the harmonization of economic legislation and the application of the Community case law, the Turkish domestic market was expected to become a more secure environment for European firms aswell as global companies both for investment and trade purposes.

Thus the debate in 80s and 90s was between the defenders of the CU who believe that it will yield positive results in the long term and the opponents who argue that it will harm Turkey’s interests. In the economic arena, this opposition was represented by some Chambers of Commerce and also by the Independent Industrialist’s and Businessmen’s Association (MUSIAD), a pro-Islamic non-governmental organization. However, irrespective of the political stance, there has been criticism concerning the attitude of the Community towards Turkey, for not honoring its obligations, including the financial cooperation and the free circulation of labor[[15]](#footnote-15). Turkish business society also voiced their concern on the decisions of the European Parliament and the decision of the European Court of Human Rights in September 1996. The reaction of the Turkish private sector to the resolution of the EP was voiced by Meral Eriş, the president of the Economic Development Foundation, accusing the European Parliament of being “prejudiced, biased and irresponsible” (*Zaman* 25 June 1996:6).

At the beginning of 2000s, it became evident that the CU was short in fulfilling Turkey’s expectations, both politically and economically, with the EU’s 2004 enlargement,[[16]](#footnote-16) followed by the subsequent 2007 and 2008 enlargements, and the implementation of the new-generation FTAs,[[17]](#footnote-17) with ‘deep’ and ‘comprehensive’ content that goes beyond the coverage of the CU established with Turkey.[[18]](#footnote-18) The conditionality imposed on Turkey’s accession process coupled with uncertainties with the new FTAs, triggered a sizable section the business community to question the value of the CU without the prospect of full membership. Being the only candidate country without a visa-free regime also amplified the frustration of business people.

With the acceleration of Turkey’s accession process after the candidacy status, the drive of profiting from the economic benefits associated with full membership of the EU prompted the business community not only for economic reforms but also adopting democratization agenda. Öniş states that “democratization becomes an instrument whereby the business community itself can relieve itself from tutelage of the state and achieve a radical reordering of state-business relations. Clearly, external and domestic dynamics are inter-related. (Öniş 2003, 18) “Despite the differences in their attitudes towards Turkey’s European integration before 1999, business organizations proved to be among the active pressure groups for the Europeanization agenda. TOBB (Union of the Chambers of Commerce, Industry, Maritime Trade and Stock Exchanges of Turkey) and TİSK (Confederation of the Employers’ Unions of Turkey), having passively followed the process until 1999, joined the pro-EU business alliance after the Helsinki Summit decision. These business associations not only serve as agents of lobbying for further political and policy Europeanization but also as agents of societal Europeanization through their membership in European business networks such as BUSINESSEUROPE and through their representational and lobbying activities in EU institutions via their offices in Brussels...” (Yankaya 2009). In that regard, the business community, to a large extent became an agent of promotion for adherence to the fundamental values of the Union, such as democracy, respect for human rights and the rule of law, when it became apparent that such transformation would also serve their economic interests. This attests both to the impact of Europeanisation at large on the empowerment of civil society and to the significance of the civil society in triggering transformation often through their interest-based motivation. Whether such commitment could be regarded as imbedded and irreversible regardless of the political context is of course debatable and should be subject to further analysis.

In the 2000s Turkey’s new conservative business community had also developed its own business associations, to explore new market opportunities and create business partnership networks for their own clientele (Atlı 2011, 115). Once the compatibility of EU membership and the Islamic-democratic character of Turkey as the new discourse (Atan 2004:111-112) were established, these business associations, such as MUSIAD (Independent Industrialists and Businessmen’s Association) and TUSKON (Turkish Confederation of Businessmen and Industrialists) not only encouraged trade with ideologically closer Muslim nations of the Middle East and Africa[[19]](#footnote-19), but also gave the notion of joining the pro-EU alliance. But in the coming years when the relations between the governing political party AKP and the EU was not smooth, these business associations stood by the government, and took a stand against each attempt which can damage this. Furthermore, the economic growth of Turkey between 2002-2008 and the changing trade patterns towards MENA and Central Asia regions coupled with the economic crisis in some EU countries made EU membership less essential in the eyes of these more conservative business groups. But as the inflow of EU FDI began to slow down and the economic growth in Turkey took a downward trend, the misfit between EU integration and Turkish policy became open. Thus these business groups later welcomed and stood by the government's will to revive the EU membership process.[[20]](#footnote-20)

**Economic Development Foundation (IKV) as a promoter and change- agent**

The Economic Development Foundation was established in 1965, under the name, “Economic Development Institution (Iktisadi Kalkınma Tesisi) in accordance with the Law of Foundations prevalent at the time (Kılıçalp 2013, 4). It was renamed as the Economic Development Foundation in 1969 with the slogan that “IKV is at the service of industrialists and tradesmen regarding economic development, industrialization and Common Market issues” (IKV 2015). IKV was founded upon the initiative of the Turkish business community, i.e. the presidents of Istanbul Chamber of Industry and Istanbul Chamber of Commerce. The strong support by the Istanbul business community reflected the structure of Turkish business at that time which was mostly based in the industrial and commercial hub of Istanbul. It was also well-known that leading figures of Turkish business such as the founder of the largest company in Turkey, Koç group had a role in IKV’s foundation. IKV was established as a specialized organization that would engage in research, analysis, forecast, dissemination of research findings, opinion formation and lobbying activities with respect to Turkey’s ties with the European Community (EC). All through the years with ups and downs in the relationship, IKV played a promoter role in the harmonization process of the country’s laws, standards and economic policies according to the EU acquis communautaire and became an influential actor in the policy making process. It was consulted regularly by relevant ministries before the adoption of decisions of shaping the policies regarding acquis. However, the research on Turkish business NGOs mainly focuses on the political aspects of the Europeanization process, and not the economic policy aspects, and the role of IKV has not been reflected adequately. That is not contradicting the reality that Turkey’s EU perspective could never be limited to the economic or technical realm and always had a political aspect.

The advocacy of Turkey’s integration to the EU market did not fare well with Islamist oriented conservative groups as well as socialist and Marxist groups. Though IKV defined itself as being ideologically neutral and not politicized, the mere adoption of the EU goal as a major aim of the organization was a political choice by itself. The EU choice meant a clear preference for the liberal democratic route for the country including the following elements: adopting liberal economic policies and gradually dismantling protectionism, adoption of democratic and human rights standards, harmonization of EU legislation in areas as diverse as environmental protection, sustainability, energy efficiency, social protection, gender equality, non-discrimination etc. Hence the IKV’s advocacy of membership to the EU as the ultimate goal of Turkey-EU relations implied and necessitated the IKV to act as a norm entrepreneur and agent of change in the country[[21]](#footnote-21). However, as Cowles and Risse (2001:220-21) suggest that Europeanization may reinforce, capitalize on, or fend off the forces of globalization, thus distinguishing the impact of EU on the economic policy from other globalizing forces is a methodological problem of the Europeanization research and beyond the scope of this paper.

IKV has been a promoter of values, a norm entrepreneur and a change-agent in the last fifty years through and have contributed to the dialogue between EU and Turkey, and at times actively engaged in the policy making process. The strength of business interest groups over other societal actors can be attributed to their organizational features and positioning concerning the state. Once they have become change-agents through a cost- benefit calculation of prospective EU membership, they supported new laws and regulations such as the introduction of competition policy and intellectual property rights which were expected to enhance business sectors integration both to EU economy as well as global economy. The establishment of the free market economy with limited state intervention and the benefits of integration to the European and global market was their primary concern leading to pro- EU discourse. IKV with a well-established organization became a platform for the aggregation, refinement, consolidation, and assertion of the views and interests of Turkey’s business community towards first the CU and then the gradual alignment to the Single Market. But when EU set the Copenhagen criteria for the accession process, business NGOs started to embrace political concerns of the EU-Turkey relations in their agendas, such as the promotion of human rights, democracy, Kurdish issue and the Cyprus problem. Membership of the EU was considered ‘a societal transformation project aimed at democratisation and preparation of the economy for the information age’ (Balkir& Eylemer 2017, 38).

The role of IKV observed at the beginning of 1970s, with the signing of the Additional Protocol in 1970 as a turning point in Turkey-EC relations. The Additional Protocol envisaged a gradual transition to the final stage of the Association, which would be based on a functioning Customs Union. Turkey’s business community mostly concentrated in and around Istanbul came together under the umbrella of IKV and expressed their concerns regarding their sector’s position in the Custom Union process. Most sectors tried to include their manufactured products in the 22-year list of transition envisaged for sensitive products rather than the 12-year list for which lifting of tariffs would be realized at an earlier date. Thus, business actors started to adopt strategies to influence the pace and direction of Turkey-EC relations and adopted survival techniques to absorb the effects of gradual integration to the single market.

The introduction of participatory mechanism allowing interventions of the economic interest groups has been instituted in the Association Agreement Article 27, which proposes the establishment of cooperation between the Economic and Social Committee and the related Turkish institutions. With the establishment of the CU, Economic Social Council (ESC), and the EU- Turkey Joint Consultative Committee (JCC) in 1995 were signs of increasing dialogue between economic and social actors of civil society. However, business interest groups were not consulted during the negotiation of the CU, and the process was carried by the Ministry of Foreign Affairs and the State Planning Organization. And the composition of ECS also underlines the dominance of state over interest groups, which is headed by the prime minister or a political authority assigned by.

After the Helsinki Summit and before the start of Turkey’s EU accession negotiations on 3 October 2005, IKV made an extensive research and prepared a publication on the conduct of accession negotiations in former candidate countries which became members in 2004. In this publication IKV recommended the involvement of NGOs and business organizations in the accession negotiations (IKV 2015). Although this method was not adopted by the Turkish state, before the start of negotiations or the convening of EU-Turkey bodies such as the Association Council or the Customs Union Committee, IKV became one of the specialized organizations which is regularly consulted by ministries. Another pioneering project conducted by IKV concerned introducing the methodology of impact analysis studies before the adoption of critical policy choices (IKV 2006). A series of seminars were organized aimed at introducing the concept to the officials in the public sector, private sector actors and civil society organizations. Hence, a model of policy-making involving periodic and coherent consultation with representative organizations and conducting impact analysis studies was internalized by the IKV and then communicated to the Turkish state, social and economic representatives in an aim to upgrade the process.

With the start of negotiations, the reforms undertaken by Turkey to adopt the acquis communautaire in its legal system brought fundamental changes in all economic sectors. With the financial support of the European Commission[[22]](#footnote-22), IKV carried out a research project on the impact of horizontal implementation of the acquis communautaire on the six leading sectors in Turkey; cement, food, chemical, automotive, ceramic, textile and clothing sectors. Concerning the establishment of new regulations such as competition law, law on intellectual property rights, and others, IKV was the voice of the business society, and as soon as the advantages of these changes were realized, the economic benefits of further integration to the Single Market became the aim. But this did not keep IKV to constantly voice the concerns of the business community, such as the visa requirements, Member States’ quotas and discriminatory practices against Turkish trucks (IKV 2014b). Even though Turkey is a partner in the CU, which means that the trucks won’t be paying any duties for the goods they haul, the total value of trade was lost because of the delays, cost and hassle at the borders.

IKV had a double communicative function, from the start: to convey the business community’s concerns and expectations not only to the related Turkish authorities, i.e. Ministry of Foreign Affairs, Ministry of Economy and Industry and Prime Ministry, but also to EC institutions and bodies, especially the European Commission, Council and to the European Parliament after the 1990s. The establishment of the Brussels office in 1985 was an important step in this dialogue. It is the first such office founded in Brussels as Turkish NGO and has been instrumental in forging close links with EU officials especially the Turkey desk of the European Commission and MEPs. These links never crossed the border of ethical and professional standards of conduct and only involved a regular conveying of opinions, information and feedback regarding developments in Turkey-EU relations. IKV’s Brussels office has also served as a venue for visitors from NGOs in Turkey and provided them with advice on EU affairs[[23]](#footnote-23).

Regular visits by IKV’s Brussels representative to the EU institutions, dissemination of IKV reports and brochures and organization of meetings and seminars were among the main activities of the Brussels office. Three sets of activities can be given as examples: “Window to Turkey” seminar series, aiming to inform about the latest developments and provide an overview of the political, economic and cultural frameworks and structures of Turkey. These seminars were addressed mainly to the representatives of the European Parliament, Desk Officer Turkey of the Directorate General Enlargement and COREPER enlargement group. The second activity series was “Window to EU” seminar series, coordinated a group composed of representatives of civil society and business organizations and organized trips to Brussels with the group, where they meet experts and officials from the European Commission, Council and Parliament in a series of meetings[[24]](#footnote-24). The third activity, namely, “European Parliamentarians and Turkish Civil Society: Dialogue for Better Understanding Each Other”, is a program aiming to create a discussion platform between the Turkish civil society and the Members of the European Parliament and to give both sides the opportunity to better understand each other.

IKV has also been involved in educational activities with the aim to raise awareness on Turkey’s EU bid and provide information and analysis on Turkey-EU relations. Some examples are the certificate program on EU Law summer school in collaboration with Amsterdam University’s School of Law; regular panels and seminars in different cities of Turkey in collaboration with local business chambers; seminars on Turkey-EU relations in the Member State holding the presidency of Council of the EU.

State-business relations may easily turn into clientalism and patronage relations. As Karin Vorhoff (2000) has observed, the economic sector in Turkey, “is divided along cultural and ideological lines, thereby impeding businessmen and industrialists from confronting their state and government as a strong and united pressure or interest group that can be counted as a civil society… .” The state also influences economic actors through the adjudication of big SEEs, legislation and even the economic practices of the executive. Nicolas Manceau gives three reasons why NGOs cannot detach themselves from the state. First, the actual activities of the organizations are aimed at establishing privileged relations with the state; second, the search for financial resources by the institutions so as to survive financially leads the institution to cooperate with the state and the third is the composition of the institution’s managing team, employees and members as a blend of people from the political administrative world and the private sector (Monceau 2000, 299). How were these dynamics in the case of IKV?

IKV’s relations with governmental bodies have been particularly immune to clientalistic influences. As a specialized research organization IKV has never become a tool of business people to forge close relations with public officials or to receive favors. Instead, IKV was able to maintain a safe distance from such attempts due to its clearly-defined area of expertise and also its organizational structure. IKV is governed by an executive board made up of 17 members who are accountable to a general council. The general council is made up of delegates of IKV’s trustee organizations. Each trustee organization is assigned a specified number of delegates which is determined in proportion to the financial support provided by each trustee organization[[25]](#footnote-25). The general council meets annually and elects the executive board every two years. The executive board reflects a mixture of delegates of the different trustee organizations. This organizational structure is a guarantee against any one trustee organization gaining undue influence in the running of the IKV and leads to a balance between the positions of the trustee organizations. Hence none of the trustee organizations or members of the board can use the IKV as an apparatus for patronage relations with the political cadres owing to the system of checks and balances embedded in the organizational structure. This makes IKV the reliable organization to be consulted by the relevant Ministries before association meetings.

IKV had established relations with different political governing parties in more than fifty years. One of IKV’s most important features is defined in its mission as being non-political and working for EU integration of Turkey in a determined way without being affected by conjunctural shifts. The IKV is also an NGO that is respected among the EU circles. One of the major concerns of the IKV is to work and support the bureaucracy on EU issues and at the same time preserve its autonomy from decision-making bodies. In this way the IKV was able to preserve itself and protect its existence over the shifts and turbulences of the country’s political life. It survived two military coups and the postmodern coup of 1997, the Gulenist infiltration and the coup attempt of 15 July 2016.

IKV has also been instrumental in coordinating NGO’s and bringing them together in the cause of Turkey’s EU goal. On 22 April 2011, IKV, TOBB and Turkey-Europe Foundation (TAV) came together with representatives of 61 NGO’s and adopted a joint declaration voicing the support of Turkey’s civil society for the continuation of Turkey’s accession negotiations, noted that EU membership is an indispensable aim of Turkish people and called for the acceleration of this process. IKV always emphasized the view that the Europeanisation process would be most effective if it leads the country towards European norms and standards by applying a credible membership perspective rather than adopting an unfavorable attitude and applying sanctions to Turkey, causing long period of stalemate.

It was also IKV that supported the customs union modernization process and contributed its views to the World Bank’s report regarding its revision. This is reflected in the press release on the World Bank report on the CU (04.10.2014) “We regard the World Bank group report titled “Evaluation of the EU-Turkey Customs Union” as significant and highly important. The report evaluates the economic impacts of the Customs Union, its expansion to cover new areas, and inclusion of effective consultation and dispute resolution mechanism. The World Bank presents a holistic and integrated approach in this report by considering the views and grievances of both parties. Based on the report, we endorse the World Bank’s coherent account of critical problems concerning the customs union such as Free Trade Agreements (FTA), visas and road transport quotas, and its efforts in finding solutions to these matters. Furthermore, as the IKV, we hope that this integrated approach that considers into account both the possibilities of updating and expanding the customs union as well as dealing with its problems is also upheld by the EU side.” (IKV 2014b). In that regard, IKV in particular and the Turkish business community in general, have been vocal and active in pointing out not only the benefits of the Customs Union but also its deficiencies and how those can be remedied and lobbied both to the Turkish authorities as well as the EU institutions, EU Member States and their counterparts in Europe for triggering the updating negotiations of the trade relations to be initiated. Regarding the problem of asymmetry, IKV General Secretary Nas states “.. Turkey’s participation into the EU’s trade policy-making process as an observer could provide for an impetus regarding the modernization of the Customs Union. Turkey cannot be a voting member since it has not yet acceded to the EU. However, the presence of Turkish officials and continuous exchange and dialogue between them and their EU counterparts would have the effect of integrating Turkey further into the policy-making process of the EU in the area of trade policy. This could contribute to a gradual Europeanization of policy-making in Turkey and better align Turkey’s trade policy to that of the EU” (Nas 2017, 20). These efforts, however, due to the current political difficulties and impasse in Turkey-EU relations, have not yielded a concrete result for the time being.

Regarding the staff of IKV, it is a research organization made up of experts (junior, and senior). The organizational structure changed over time, increasing specialized units and experts. Each researcher is specialized in a few policy areas and follow developments in the EU and Turkey-EU relations in these policy areas. After the start of accession negotiations, IKV began to closely monitor the progress of negotiations focusing on the process of adaptation to EU acquis. Experts of IKV also monitored Turkey’s alignment to the Copenhagen criteria and prepared opinion on the progress of relations.

Throughout the long and arduous process of Turkey’s EU integration, IKV has played a unique and critical role as a non-governmental and non-profit research-based organization. It has acted as a channel of communication, conveyor of messages and a norm entrepreneur in Turkey’s at least partial alignment to EU norms and values. In terms of the steering of Turkey’s relations with the EU, it was regularly consulted by the relevant ministries in Turkey, the Ministry of Trade, formerly the Ministry of Economics, and the former ministry of EU Affairs. Hence it was able to act as a contributor to policy-making and inform the business community regarding the potential effects and requirements of integration to the EU single market. After Turkey’s EU candidacy and start of accession negotiations, IKV focused on the chapters to be negotiated with the EU and concentrated its activities of guiding and informing the business community on the membership process. Especially following the downturn of Turkey-EU relations after 2011 and especially after the coup attempt of 2016, IKV aimed to call for a return to negotiations and re-energizing of Turkey-EU relations. However, despite these calls and recommendations on how to reignite Turkey’s EU integration, the deterioration in Turkey-EU relations continues. IKV keeps its position of supporting Turkey’s EU accession and supports the opening of CU modernization talks and visa liberalization for Turkish citizens.

**Conclusion**

The analysis in this paper attests to the potential achievements and constraints of the interest-oriented approach of the business community in Turkey for the development of the relations with the EU. Such interest oriented approach not only resulted in the business community being an agent and promoter for the inception of the Customs Union in the early and mid-1990s and advocating for its modernization in recent times, but also resulted in adherence in and promotion of the fundamental values and principles underlying the European Union, such as democracy, protection of human rights and rule of law, by the same business community to a large extent as well. This transformation in the business community was at least partially induced by the EU prospects of the country and the Europeanisation process that it entails. Such support, albeit significant and influential, however, could not be the principal change agent and drive the process on its own due to the multifaceted and essentially political nature of the relations between Turkey and the EU. This outcome can be considered as foreseeable. This, to a large extent, demonstrates the limits of Europeanisation and the role institutions, civil society and interest-oriented segments of the society to bring on change on their own, while political conditions and the ambivalent political will in both the EU and the associated and/or accession country are not conducive to further the relations.

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2. Professor at Ankara University Law Faculty. [↑](#footnote-ref-2)
3. Associate professor at the Yıldız Technical University, Istanbul, secretary-general of Economic Development Foundation (IKV) [↑](#footnote-ref-3)
4. Article 16 states that “Turkey shall align itself progressively with the Community’s autonomous regimes and preferential agreements with third countries.” [↑](#footnote-ref-4)
5. See especially for a detailed critique of the institutional design of the Customs Union. In that regard it should be pointed out that the prediction of Peers in the conclusion of his work in 1996 turned into reality in time, with the criticism voiced in many different actors in Turkey about the problems related to the institutional design of the Customs Union. As Peers had stated: […] there is bound to be a limit to Turkish leaders’ willingness to stand with their noses pressed up againt the glass as the EC institutions make decisions affecting their country’s fate.” [↑](#footnote-ref-5)
6. See for this argument especially in case of adopting a full regulatory harmonisation model option for the modernisation of the Customs Union, Sinan Ülgen-Pelin Yenigün Dilek, New Period in the Customs Union and the Business World, İstanbul, TÜSİAD, October 2015, p. 17. [↑](#footnote-ref-6)
7. After Turkey applied for membership in 1989, the European Commission instead of approving the application had recommended that the parties reinforce cooperation within the framework of association and launch negotiations to conclude a CU by the end of 1995. [↑](#footnote-ref-7)
8. Ironically, under the negotiation process, the chapter on the CU, the area where Turkey has an outstanding level of alignment with the acquis, is one of the eight chapters suspended by the European Council on 14/15 December 2006, due to Cyprus issue. [↑](#footnote-ref-8)
9. There have been many areas of concern with the implementation of the CU agreement. Concerning the CCT, Article 13 envisages that *“Upon the entry into force of this Decision, Turkey shall, in relation to countries which are not members of the Community, align itself on the Common Customs Tariff”*; while CU Decision 1/95 also allowed both sides to retain their rights to initiate, investigate and impose trade defense instruments in cases of import surges in both their bilateral trade and trade with third countries. [↑](#footnote-ref-9)
10. For a detailed analysis see C. Balkır 2016:12-29. [↑](#footnote-ref-10)
11. For the text of the Ankara Agreement, see Official Journal of the EC, 29 December 1964. [↑](#footnote-ref-11)
12. For the chain of events that led to the decision of 6 March 1995, see Canan Balkır 1985: 51-79. [↑](#footnote-ref-12)
13. Survey on Turkish elite and the EU carried out by Nicolas Monceau (UMR 5194 PACTE and Grenoble IEP-Pierre Mendes France University). Fieldwork: Turkey, December 2004 - February 2005; Eurobarometer 63.4., autumn 2004. [↑](#footnote-ref-13)
14. Literature on the Europeanization of civil society in Turkey (Diez *et al.*, 2005; Göksel and Güneş, 2005; Grigoriadis, 2009; İçduygu, 2007; Ergun, 2010; İçduygu, 2011; Börzel and Soyaltin, 2012; Öner, 2012; S.A.Düzgit &A.Kaliber 2016, and others. [↑](#footnote-ref-14)
15. See Kabaalioğlu (1992:173) concerning the EC not fulfilling its obligations to Turkey Kabaalioğlu states “…the Association Agreement, according to the European Court of Justice in Luxembourg, is part and parcel of European law. It is binding on all the institutions of the European Communities and also on the member states. It is analyzing this Association Agreement, taking into consideration the final aim of the Association Agreement, which will prepare Turkey for full membership.” [↑](#footnote-ref-15)
16. Due to the CU, Turkey had to conclude FTAs with the CEECs after the EU. However, these FTAs were terminated by Decision 2008/13816 when these countries became full members of the EU as of 01.05.2004. [↑](#footnote-ref-16)
17. See A. Kemal Aydın, “Serbest Ticaret Anlaşmalarının Yeri ve Türkiye’nin Dış Ticaretinin Geliştirilmesindeki Önemi,” Republic of Turkey Ministry of Foreign Affairs, <http://www.mfa.gov.tr/serbest-ticaret-anlasmalarinin-yeri-ve-turkiye_nin-dis-ticaretinin-gelistirilmesindeki-onemi.tr.mfa> (accessed April 16, 2013). [↑](#footnote-ref-17)
18. The Commission’s objective of “extending and deepening” the CU was endorsed by EU Member States at the December 2002 Copenhagen Council. [↑](#footnote-ref-18)
19. In 2006, TUSKON organized the first ‘Turkish-African Trading Bridge’, and afterwards organized trade summits with Eurasian, Asia-Pacific and African countries. They claimed that their achievement is a typical reflection of religious motivation, including opening up to Africa, as part of a religious service….” (G.Bacık and I.Afacan, “Turkey Discovers Sub-Saharan Africa: The Critical Role of Agents in the Construction of Turkish Foreign Policy Discourse”, Turkish Studies, Routledge, p. 497.). [↑](#footnote-ref-19)
20. On 10.10.2018 MUSIAD issued the press release in 10 languages for the Reform Action Group Meeting held with the participation of Foreign Minister, Justice Minister, Treasury and Finance Minister and Interior Minister. [↑](#footnote-ref-20)
21. See IKV’s many publications outlining the main points and details of EU policies such as EU Policies of Turkey series: AB Politikaları ve Türkiye: Bilgi Toplumu ve Medya (EU Policies and Turkey: Information Society and Media), IKV Publication no: 248, 2011. [↑](#footnote-ref-21)
22. Economic Development Foundation presented a project under “The EU Civil Society Dialogue: Europa – Bridge of Knowledge Programme (DG ELARG/MEDTQ/12-02) entitled “The Effects of Horizontal Implementation of the acquis communautaire on the leading Turkish Sectors” and signed the financial agreement of the project in December 2006. [↑](#footnote-ref-22)
23. As an example see IKV press release, “IKV Brought MEPs together with Turkish Experts ahead of the AFET Vote on the Turkey Report”, 19.02.2019, <https://www.ikv.org.tr/ikv.asp?ust_id=3352&id=3389> (23.04.2019). [↑](#footnote-ref-23)
24. See Window to Eu Project, <https://www.ikv.org.tr/ikv.asp?id=55> (23.04.2019). [↑](#footnote-ref-24)
25. See IKV Brochure at https://www.ikv.org.tr/ikv\_brosur\_2016/en/html/index.html# [↑](#footnote-ref-25)