

TURKEY-EU RELATIONS

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Introduction

In the aftermath of the World War II (WWII), Europeans focused on establishing mechanisms for cooperation in an attempt to prevent the devastating consequences of another war. As a first step, France, Western Germany, Italy, Belgium, the Netherlands and Luxembourg established the European Coal and Steel Community (ECSC) by signing the Paris Agreement in 1951. In 1957, the same countries signed the Rome Treaty which established the European Economic Community (EEC) and European Atomic Agency (EAA) (Borchardt, 1993:5).

Economic integration has become an important component of the EU integration process. Turkey whose efforts at modernization were modelled on the West opted to become a member of Western organisations during the Republican era. Towards this end, Turkey applied for EEC membership on 31 July 1959. Within this chapter, Part I will cover the signing of the Ankara Treaty, Part II will cover the implementation of the Additional Protocol and Part III will cover the period stretching from Turkey's application for full membership in 1987 to the of period membership of the Customs Union in 1996 and briefly look at at the decisions taken at the 2002 Copenhagen Summit with regard to Turkey and Part IV covers the post- Copenhagen Treaty developments (Çalış, 2006:79).

I. Signing of the Ankara Agreement

Asia, the Middle East and the West have all played unique roles in shaping the direction of Turkey's foreign policy. Asiatic characteristics of feudalism and nomadic life styles influence many aspects of life (Tezcan, 2002:19). The Middle Eastern aspect is dominated mainly by Islamic elements. Efforts to put pressures on Muslims living in other parts of the world cause reactions amongst the Turkish public opinion. The Western influence has the most decisive influence in Turkey. Turkey is the only Muslim state in the world

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implementing a policy of secularization. The Turkish elites started the Westernization process nearly 100 years earlier (1839) than the elites of the colonized countries (Oran, 2006; Çalış, 2006:141). Eventually the Ottoman Empire was admitted to the European Concert at the Paris Conference, 1856. (Ünal, 2007:25)

The Turkish Republic was established following the disintegration of the Ottoman Empire and many characteristics of the Republic were inherited from the Empire. In a similar fashion to the Ottoman Empire which was able to utilize the Balance of Powers to its benefit, Turkey was able to benefit from a status quo oriented and a balanced foreign policy approach.

The Republic of Turkey founded after the World War I (WWI) accepted the Western model for secularization. This status quo oriented approach of Turkey rejecting irredentist policies can be summarized in the words of Atatürk `peace at home, peace in the world` while Turkey pursued a pro-Western policy it strived towards a balance between West and its opponents (Gönlübol-Kürkçüoğlu, 1985: 462; Oran, 2006).

Turkey maintained its policy of Westernisation after WWII. Subsequently, during the Cold War period Turkey established a close alliance with the West and became a founding member of the United Nations (UN), a member of North Atlantic Treaty Organisation (NATO), the Council of Europe, Organisation for Economic Cooperation and Development (OECD) and Western European Union (WEU). The main elements of Turkey's foreign policy in terms of freedom, democracy and human rights overlap with that of its European partners. (Kürkçüoğlu, 1978: 213-247; Bozkurt-Ozcan-Koktas, 2004:344)

Economic development was an important reason behind Turkish modernization movement. Turkey saw establishing economic relations with Europe as a natural extension of its political relations with Western Europe. In addition to the expectations based on the belief that EEC membership would boost the economic development process, another main reason why Turkey applied for associate membership on 31 July 1959 was due to its desire not to be left behind Greece (Uysal, 2001:140-153). After consultations with Turkey, the Ankara Association Agreement was signed between Turkey and the member states on the 12 September 1963 (Karluk, 1996:392; Bozkurt-Ozcan-Koktas, 2004:344; Uysal, 2001:140-153).

The Ankara Agreement was aimed at narrowing the gap between the economy of Turkey and that of EEC member states in an attempt to prepare Turkey for eventual membership. The Article 28 of the agreement stipulated that when Turkey fulfilled all the conditions, the issue of membership would

be reviewed by the member states. The Ankara Agreement envisaged three phases for Turkey-EEC Association (Avrupa Birliği El Kitabı, 1995:11; Bozkurt-Ozcan-Koktas, 2004:348-351; Uysal, 2001:140-153):

1) Preparatory Period: During this period the Community fulfilled its unilateral responsibilities towards Turkey and tried to prepare Turkey for Customs Union until 1972. The easing of the import conditions from Turkey on certain agricultural products and the first Protocol led to an increase in the share of Turkey's trade with the Community during 1964-1972.

2) Transition Period: This period which started in 1973 aimed at establishing a Customs Union for industrial products. Apart from some exceptions, the EU banned all customs taxes and restrictions on Turkish industrial products and it was envisaged that Turkey would gradually lift customs duties on industrial products originating from the Community within a period of 12 years. This period was set to 22 years for sensitive products that were subject to protection.

3) Final Period: This period was defined by Article 5 of the Agreement as the period of customs union between Turkey and the Community and envisaged the coordination of economic policies between the parties.

The power to manage the partnership regime was given to the Association Council by the Ankara Agreement.

II. Enforcement of Additional Protocol and Transition Period

While Turkey did not undertake any responsibility during the transition period, during the debates on the approval of the Additional Protocol paving the way for the Preparatory period, The Justice Party and the Republican Confidence Party voted in favour while the Republican People's Party and the Democrat Party voted against the Protocol arguing that Turkey was not in a position to fulfill its obligations under the Protocol (Uysal, 2001: 140-153).

The first section of Additional Protocol included articles (Art 2-35) which related to the free movement of goods while the second section (Art 36-42) entitled the `free movement of people and services` covered issues such as the right of free movement of workers and the right of settlement and transportation. The protocol included a section on the `convergence of economic policies` and focused on community aquis related to competition and taxation and mentioned the method by which Turkey would comply with the relevant aquis (Uysal, 2001: 140-153).

Following the launch of Transition Period, Turkey experienced some problems owing to the establishment of the European Free Trade Association (EFTA) and enlargement. The generalized preferential tariff policy allowing

developing countries to export to the community without customs taxes and restrictions on agricultural exports also had a negative impact on the Turkish economy.

This situation led to criticisms from the the Turkish governments that Turkey's obligations concerning industrial products increased while its advantages in agricultural products declined. Some argued that the Community's Mediterranean Policy which allowed custom free trade with the Community and provided some privileges for agricultural products had the effect of reducing Turkey's competitiveness in agricultural products. Moreover, the free movement of workers which was envisaged to take place between 1976 and 1986 did not take place as it was planned. The unemployment which accompanied the economic crisis after the 1974 oil crisis had also stopped the employment of foreign workers. The problem acquired a new dimension when Western Germany, France and the Benelux countries started to ask for visas from Turkish citizens (Uysal, 2001: 140-153)

The economic decline in Turkey led to fears that Turkey would not be able to fulfill its obligations and there were demands from the 12 March government in Turkey to amend the requirements in favour of Turkey during the transition period. (Uysal, 2001: 140-153)

The negative economic conditions had a negative impact on relations between and the Community and two political parties that formed the coalition, namely the Nationalist Movement Party (MHP) and the National Salvation Party (MSP) who objected to the Community on political grounds (Bozkurt, 1992:37). The religiously oriented MSP perceived the Community as a Zionist organisation established by Masons and Christians and expressed its preference for an "Islamic Common Market"(Uysal, 2001: 140-153; Bozkurt, 1992:37).

Anti western feelings in Turkey were on the rise following the Cuban missile crisis, Johnson's letter and the developments regarding Cyprus. However there were concerns that Turkey's competitiveness would be negatively affected from the membership applications of Greece, Spain and Portugal. Moreover, the Iranian Revolution and the Soviet invasion of Afghanistan which changed regional balances and caused internal political instability led the minority government's Justice Party to ask for the speeding up of the transition period. This was partly to get the support of the west at a time when a military intervention was foreseen. Meanwhile the constitutional order of Turkey was interrupted with the military coup that took place on 12 September 1980 and a new problematic era started in Turkey's relations with the Community(Uysal, 2001: 140-153; Çayhan ve Ateşoğlu, 1996:101).

The decision of the National Security Council to ban all political parties and the orders for the execution of trade union leaders in Turkey led the Commission to advise the suspension of financial aid to Turkey until the human rights and democratic freedoms came back into effect. Following these developments a new era dominated by political decisions and expectations was opened between Turkey and the Community (Uysal, 2001: 140-153; Eralp, 1996:47; Çayhan ve Ateşoğlu, 1996:103).

III. Full Membership Application and Customs Union

The Motherland Party (ANAP) government under the leadership of Turgut Özal applied for full membership on 14 April 1987. The application was based on Article 237 of the Treaty of Rome's stipulations that "any European state may apply to become a member of the Community" rather than the Ankara Agreement and Additional Protocol. (Uysal, 2001: 140-153).

The Commission in a report dated the 17 December 1989 rejected the application on the grounds of human rights and criticisms related to the Cyprus problem. The Council of Ministers adopted the Commission's decisions on 5 February 1990. (Uysal, 2001: 140-153; Çayhan ve Ateşoğlu, 1996:104). In the aftermath of these developments, the Commission was asked to work on a co-operation package with Turkey in order to stop Turkey turning its back on the Community and to improve relations. Within this framework, it was planned to establish a Customs Union in industrial products in 1995 and to gradually lift the custom taxes on agricultural products and textiles. Among other things, the cooperation envisaged the implementation of the 4th Financial Protocol and the relaunch of financial cooperation and political dialogue. With the enforcement of the Customs Union on 1 January 1996, the final phase of the Ankara Agreement came into effect. The Association's decision numbered 1/95 set out the provisions for the implementation of the Customs Union. The first part includes provisions related to the "free movement of goods", while the second part covers "agricultural products. The third part covers the "Custom Provisions" and the fourth part is entitled "Approximation of Laws". (Uysal, 2001: 140-153; Çayhan ve Ateşoğlu, 1996:132; Eralp, 1996:55).

While Turkey undertook obligations almost on an equal level with that of a full member, it is the only state which entered into the Customs Union without full membership. Even though Turkey is not part of the decision making mechanisms on many issues (customs, preferential trade with third countries, decisions and embargoes), it has to comply with the decisions of the EU on these matters (Uysal, 2001: 140-153; Manisalı, 1998:44).

.The applications of Central and Eastern European states for membership

following their transition to market economies in the early 1990s led to debates regarding the widening and extension of the EU. During this period several decisions were taken at EU summits with regard to Turkey (Somuncuoğlu, 2002:41):

- Maastricht Summit (9-10 Decemeber 1991): Three preconditions were emphasized for membership: The applicant country must be European, have a democratic regime and respect human rights.

- Lisbon summit (25-27 June 1992): The applications of Cyprus, Malta and Turkey were assessed and Turkey's right for full membership based on the Ankara Agreement was emphasized.

- Copenhagen Summit (21-22 June 1993): This summit mentioned that central and eastern European states could become members as soon as they had completed the political and economic requirements. The Copenhagen criteria were announced and a decision was taken that cooperation with Turkey would be based on the Customs Union.

- Cannes Summit (26-27 June 1995): For the first time non EU states were invited. With regard to Turkey only the issue of the completion of the Customs Union was mentioned.

- Dublin Summit (13-14 December 1996): Central and Eastern European states, Cyprus and Malta were invited to this meeting. The Aegean question was mentioned for the first time. The summit also pointed out the need to improve human rights standards.

- Luxembourg Summit (12-13 December 1997): The three main issues taken by the Summit were : EU's policies in the new century and the reforms that should be undertaken by the EU, enlargement and the financial framework to be used for the 2000-2006 period. Compliance with the Copenhagen Criteria became a basic condition of EU membership in the forthcoming period (Bozkurt-Ozcan-Koktas, 2004:369-370; Çalış, 2006:331-360; DTM, 1999:246).

A decision was taken during the Summit to launch membership negotiations with the Czech Republic, Estonia, Hungary, Poland, Slovenia and the Greek Cypriot Administration in April 1998. It was also decided to establish closer relations with the second group of states Bulgaria, Romania, Lithuania and Latvia within the association agreements (Uysal, 2001: 140-153; Barchard, 1998:1). Paragraph 31-36 of the Summit declaration covered Turkey. The Summit has significance for Turkey-EU relations as it refers to Article 28 of the Ankara Agreement. For the first time a Summit had declared that Turkey's membership application would be reviewed following the fulfillment of its obligations under the Ankara Agreement. Turkey was also invited to the European Council meeting together with other applicants. It

was seen that Turkey-EU relations would proceed on the basis of the Ankara Agreement rather than on the basis of Turkey's application in 1987. However Turkey interpreted this as discrimination and refused to attend the European conferences. The EU had asked for the improvement of the human rights situation, respect for minorities, settlement of disputes with Greece through the International Court of Justice (ICJ) and the settlement of the Cyprus issue on the basis of UN decisions (Uysal, 2001: 140-153).

At the Summit, the negotiation timetable for all the applicant countries was announced except that of Turkey. It was envisaged that central and eastern European states together with Cyprus and Malta were to be full members. It is not difficult to discern that only Turkey's application was made subject to the Copenhagen criteria (Somuncuoğlu, 2002:49).

In the aftermath of the December 1997 Council Summit decisions, the Commission started to submit reports to the Council and the Parliament on a regular basis. The reports on Turkey are mostly follow up reports based on previous reports on Turkey. In its report, the Commission;

- Briefly explain the relations between the EU and Turkey.
- Analyses Turkey's position in terms of political criteria for membership.
- Analyses Turkey's position in terms of economic criteria for membership.
- Reviews Turkey's ability to undertake its obligations for membership.

(http://projeler.meb.gov.tr/pkm1/dokumanlar/duzenli_ilerleme_raporlari/2007ilerlemeraporu_tr_.pdf).

At the Cardiff Summit held on 15-16 June 1998, paragraph 68 of the Presidency's declaration covers Turkey. It calls for a European strategy for Turkey and calls upon Turkey to continue with the approximation of its laws with the EU *acquis* (Bozkurt-Ozcan-Koktas, 2004:371).

Turkey submitted a document entitled "Strategy for the Development of Relations between Turkey and the EU" to the Commission on 22 July 1998. The Commission included Turkey in its first regular report prepared for the 12 candidate states (4 November 1998). The second regular report announced on October 1999 assessed the latest developments in Turkey in terms of the Copenhagen criteria. The report mentioned deficiencies in the field of human rights and the protection of minorities, the continuing practice of torture and repression of the right of expression. While the report mentioned that Turkey was in a more favourable position in economic terms, it pointed out the condition that once Turkey had acquired all elements of a market economy,

provided macro economic stability and implemented legal and structural reforms, it would be able to cope with competitive pressures and market forces within the EU (Avrupa Birliği El Kitabı, 1995:107; Somuncuoğlu, 2002:49-58).

IV. Developments in the Aftermath of the Copenhagen Summit (Dec 2002)

At the Copenhagen Summit (December 2002), it was decided to start accession negotiations without delay if Turkey fulfilled the Copenhagen criteria. Also the current participation strategy that related to supporting Turkey on the path to EU membership was indicated. The commission was invited to intensify the process of the review of legislations. It also declared that the EU- Turkey Customs Union would be extended and deepened. Financial aid to Turkey would be significantly increased in the pre-accession process (<http://www.mfa.gov.tr/turkiye-ab-iliskileri.tr.mfa>).

After the Helsinki Summit in 1999, Turkey implemented important political reforms in the field of human rights and fundamental freedoms and also made legal and administrative reforms. Particularly the Turkish Penal Code became close to EU standards with all relevant changes in legislation on the limits of freedom of thought and expression. (Tezcan, 2002:147; T.C. Avrupa Birliği Genel Sekreterliği, 2007).

In December 2002, in accordance with the results of the Copenhagen Summit, the EU Commission prepared the report and recommendation and released the "Effect Assesment Study" that includes the possible effects of Turkey's EU membership in the future. In the Comission's report, Turkey's adaptation process for the EU was considered comprehensively and it was recommended that the negotiations should be started with Turkey by pointing out that the criteria have been adequately performed. In addition to this, the Comission could apply to suspend the negotiations in case of permanent and serious violations of democracy, human rights, respect of fundamental rights and freedom. Otherwise for the duration of the negotiation, the Council would oversee whether the conformity and implementation of the statute would progress smoothly, and would identify the criteria concerning the temporary closing (and in case of the necessity) opening of each debated title. The Negotiation is an uncertain process and it is impossible to foresee and estimate its results. (Ünal, 2005: 33-34; Tezcan, 2002:147).

In the Effect Assesment Study, it is expressed that the EU membership of Turkey will contribute to issues such as law, internal affairs, economy, budget, internal market, agriculture and fishing industry within the whole the Union. Consequently, at the December 17th 2004 Brussels Summit of the

EU Presidents and Prime Ministers which was important for the relationship of Turkey and the EU, it was determined that the membership negotiations with Turkey would be started on October 13th 2005. After the summit, the EU Commission was employed to prepare two main documents named the "Framework of the Negotiations Document" and the "Declaration on Political and Cultural Dialogue (Civil Society Dialogue)". On June 29th 2005 the Commission published the declaration, "Civil Society Dialogue Between Applicant Countries and the EU", to remove mutual preconceived opinions and the lack of information between Turkey and EU Countries. The aims of the Civil Society dialogue are the development of collaborative opportunities in Turkey and in EU Countries by means of non-governmental organisations, universities and mass media institutions, to contribute to the integration of Turkey within EU programmes (http://www.abgs.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/NegotiatingFrameowrk/Negotiating_Frameowrk_Full.pdf).

It was decided to start the accession negotiations with Turkey following the approval of the Framework of the Negotiations Document by the EU Foreign Ministers on 3 October 2006. At the Inter governmental Conference dated 12 June 2006, de facto negotiations were started and the first negotiation session was entitled "Science and Research" (<http://www.mfa.gov.tr/turkiye-ab-iliskileri.tr.mfa>).

In the decision dated 29 November 2006, the EU Commission recommended not to open the negotiations to the Intergovernmental Conference on articles which include policy issues relating to Turkey's relationship with the Cyprus Republic and 8 other issues ("Free Movement of Goods", "Business establishment Right and Employment Offer liberty", "Financial Duties", "Agriculture and Rural Country Development", "Fishing Industry", "Transmission Policy", "Customs Union" and "External Relations"). Other issues and articles would continue to be open to discussion but not to close any session temporarily till verification of Commission that Turkey completed the obligations, expressing that Turkey not to put into practice the Additional Protocol to Ankara Treaty.

The Commission's suggestion was approved at the Summit of the EU Presidents and Prime Ministers dated 14-15 December 2006. At the same time, with the assumption of the Germany presidency, after January 2007 the accession negotiations accelerated again and negotiations opened on the issue "Industrial and Enterprise Policy" at the Inter-governmental Conference dated 29 March 2007. Also in the term of the Portuguese presidency, negotiations were started on Trans-Europe Networks and the Conservation of the

Consumer and Welfare at the Inter-governmental Conference, organized on December 19th 2007. Decisions which were taken by Foreign Ministers of the EU Countries and were approved by the Presidents and Prime Ministers on December 10th during negotiations, emphasized the loyalty of the EU to the expansion process which also includes Turkey, though returning to the 2006 and 2007 Expansion Strategy Documents. In 2008, the Progress Report stated that Turkey performed the negotiations on 8 issues. The taxation issue was opened to negotiation at the inter-governmental conference in Brussels on June 30th 2009. Consequently, in the negotiation process which continued until the beginning from October 2005, 11 titles of 35 were opened to negotiation. The negotiations on Science and Research issues were temporarily closed during the sessions on Enterprise and Industry Policy, Statistic, Financial Control, Trans-Europe Networks, Conservation of the Consumer and Welfare, Intellectual ownership Law, Enterprise Law, Knowledge society and Mass Media, Free Movement of Monetary Fund and Taxation (<http://www.mfa.gov.tr/turkiye-ab-iliskileri.tr.mfa>; Çalış, 2006:473).

Conclusion

Significant changes have taken place in the world in both political and economic affairs since 1963, the date of the signing of the Ankara Agreement which constituted the main reference point in Turkey-EU relations. Changes such as the membership of 10 Central and Eastern European states following the dissolution of the Soviet Union and the transition of the former Eastern block countries to a market economy have had a profound impact on Turkey-EU relations.

Once Turkey speeded up its efforts to comply with the Copenhagen criteria since 2002, Turkey-EU relations which experienced fluctuations for many years moved to a more solid ground with the introduction of a time-table for negotiations. Since 1 July 2009 Sweden assumed the rotating Presidency of the EU. It is a well known fact that Sweden as a leading member of the pro-Enlargement camp has been lending open support to Turkey.

Sweden is of the view that the behaviour of those countries blocking Turkey's membership after agreeing to the opening of accession negotiations with Turkey constitutes inconsistency. In line with this view, Cecilia Malstorm, Sweden's minister responsible for EU affairs declared that the dialogue between Ankara was going well and stated that they were ready to launch negotiations on the Environment Chapter. It is important for Turkey, which has negotiated 11 Chapters so far to start negotiations on an Environment Chapter (Star Gazetesi, 4 Sept.2009).

Meanwhile The JD (AK Party) Party which gained the respect of its neighbours due to the launch of accession negotiations with the EU has built upon the regional policy inherited from the past and considered this policy among one of the most important successes of the government.

The policy of having no or zero problems with the neighbours pursued by President Abdullah Gul and Prime Minister R. Tayyip Erdogan is associated with the Foreign Minister Ahmet Davudoglu and aims to reverse the former policy thinking of finding scapegoats for internal problems through an active foreign policy. In addition to mediating between Syria and Israel, Turkey made an important contribution to regional peace by supporting a trilateral process with Pakistan and Afghanistan; helped to resolve the Presidential election crisis of Lebanon in 2008; promoted the Caucasus' Stability and Cooperation Platform and contributed to the EU mission in the Balkans and NATO's mission in Afghanistan at the military and command level.

Turkey has also become an observer in the Gulf Cooperation Council and African Union and became the President of the 57- member Organisation of the Islamic Conference (OIC) in its first democratic elections. Turkey's goal oriented efforts reached its peak when 151 countries voted for Turkey's election as a non permanent member of the UN Security Council for 2009-2010 .

Taking into consideration the upcoming Presidency of Spain in January 2010 and its positive attitude vis a vis Turkey, the forthcoming era points to a period characterised by mutual gains. Notwithstanding this, the real decisive factor in Turkey-EU relations is whether Turkey will undertake concrete steps as a sign of its commitment to the EU process and whether the EU will be able to proceed on the principle of *pacta sunt servanda* and work on a fair and objective basis (Kutlay, 2009: <http://www.usakgundem.com>).

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