

Liberalising Labour Migration Policies at the European Level: Germany's Preferences on the Freedom of Movement Provisions of the Ankara Agreement

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On 12 September 1963, the European Economic Community concluded an association agreement with Turkey (Agreement Creating an Association Between the Republic of Turkey and the European Economic Community, also called Ankara Agreement). The Agreement entered into force on 1 December 1964. It was supposed to establish a customs union between the two parties in three steps and possibly prepare Turkey for EEC membership. The Agreement contained provisions on the establishment of the freedom of movement for workers between Turkey and the EEC and thus constituted the first instance of liberalising economic migration policies at the EU level.

This is puzzling for a number of reasons. EEC Member States could agree on common European action for provisions on freedom of movement between the EEC and Turkey, which constituted a liberalisation. However, around 40 years later, efforts to create common EU measures on legal economic migration from outside the Union into the Union failed because of pronounced opposition and disagreement about the nature of such measures.¹ In addition, the Federal Republic of Germany² had become one of the fiercest opponents of common EU measures on economic migration. Moreover, the federal government of Germany concluded a bilateral labour recruitment agreement with Turkey on 30 October 1961 (Vereinbarung zur "Regelung der Vermittlung türkischer Arbeitnehmer nach der Bundesrepublik Deutschland"), before the Association Agreement with Turkey was brought to a successful conclusion. These developments pose an array of important questions. First, why did the federal government of Germany see the need for EEC involvement in this domain when everything was already regulated on the bilateral level? Second, why did the EEC only put in place provisions on freedom of movement with Turkey (and Greece) and not with other countries, such as Spain, Portugal, Morocco, Tunisia and Algeria, which have been used as a source of labour migrants by EEC Member States? Third, why do the freedom of movement provisions feature at all in an agreement which had the establishment of a custom union as its main objective? Finally, did the commitment to implement the freedom of movement provisions lack from the very beginning, thus leaving ultimate power to implement the freedom of movement provision with the Association Council, where every Member State has the right to veto? While

1. Council Directive on the conditions of entry and residence of third country nationals for the purpose of paid employment and self-employed economic activities, COM(2001) 386 final, which was proposed by the European Commission in July 2001, had to be formally withdrawn in 2006, as Member States could not reach an agreement on the Directive.
2. The analysis of the paper considers the Federal Republic of Germany, not the German Democratic Republic.

all these questions need to be – and will be – answered, the main and overarching question that concerns this paper is: why did Germany support the freedom of movement provisions of the Ankara Agreement?

The paper focuses on the period between the points in time when Turkey applied for European Economic Community (EEC) associate membership in 1959 and the Ankara Agreement entered into force in 1964.³

The empirical analysis consists of three causal factors – misfit, political salience and foreign policy considerations. In 1961, Germany concluded a bilateral labour recruitment agreement with Turkey. Its existence then minimised the misfit and the cost of including provisions on freedom of movement and right of establishment in the Ankara Agreement, which happened on Turkish demands. But only the constellation of the high foreign policy value of Turkey together with the relatively low domestic political salience of immigration matters and the bureaucratic nature of the decision-making process led to the German government's support of the provisions.

The paper uses archival primary data from three different archives which has been looked through for the first time with a particular focus on the freedom of movement provisions.⁴ The paper is structured as follows. It begins with presenting the theoretical framework. It then gives an overview of the freedom of movement provisions of the Ankara Agreement. This is followed by the empirical analysis. The paper ends with a concluding section.

I. Theoretical Framework

The theoretical model of bureaucratic politics is used as a macrostructure for analysing how the causal factors – misfit, political salience and foreign policy considerations – affect the relevant actors in terms of the distribution of costs and benefits, and how the final governmental preferences emerge from the preferences of the different actors involved.

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3. The focus of this paper is on the Ankara Agreement itself and not the decisions of the Association Council, because the articles of the Agreement contain the most far-reaching provisions with regard to the freedom of movement for Turkish workers. Although its implementation is not tied to a particular deadline, article 12 contains a binding obligation for Member States to establish the freedom of movement.
 4. The Bundesarchiv (German Federal Archive) in Koblenz, the Historical Archives of the European Union in Florence and the Political Archives of the Auswärtiges Amt (German Federal Foreign Office) in Berlin.

Misfit

The concept of the fit between national and EU-level legislation helps to analyse the role of national legislation.⁵ This approach is borrowed from the Europeanization literature that perceives EU policy-making as a two-level game, in which national decision-makers attempt to reconcile national with international obligations.⁶

The concept of a misfit or mismatch between the national legislation and the proposed EU policies has been used for both gauging the degree of change induced by the EU policies, and the different compliance or implementation trajectories of Member States.⁷ If the adaptation pressure to adjust national and EU-level legislation or regulation is low, only little changes to the status quo are required. As adaptation costs are low, domestic actors easily implement the changes induced at the EU level. However, if the adaptation pressure is substantial, European institutions induce a collision with national regulatory principles, practices and laws. In this scenario, adaptation costs can be very high; consequently they might lead to national resistance to the proposed changes and a poor implementation record. The Europeanization literature on misfit focuses heavily on the final result of the governmental preferences and does only pay scant attention to the process of how these preferences are formed, the actors involved in the process and the continuously evolving external context. The paper unpacks the black box of governmental preferences in tracing the causal processes that lead to certain outcomes in preferences.

By applying the above stipulations to the research question, the paper hypothesizes the following: A member state government supports the EU-level facilitation of economic migration policies if the misfit between the proposed measure and the national regulations is low.

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5. Cf. T.A. BÖRZEL, T. RISSE, *When Europe Hits Home: Europeanization and Domestic Change*, in: *European Integration online Papers*, 4(2000); K. FEATHERSTONE, *Introduction: In the Name of 'Europe'*, in: K. FEATHERSTONE, C.M. RADAELLI (eds), *The Politics of Europeanization*, Oxford University Press, Oxford, 2003; C.M. RADAELLI, *Whither Europeanization? Concept stretching and substantive change*, in: *European Integration online Papers*, 4(2000); C.M. RADAELLI, *The Europeanization of Public Policy*, in: K. FEATHERSTONE, C.M. RADAELLI (eds), *The Politics of Europeanization*, Oxford University Press, Oxford, 2003.
 6. R. PUTNAM, *Diplomacy and domestic politics: the logic of two-level games*, in: *International Organization*, 3(1988), pp.427-460.
 7. T.A. BÖRZEL, *Towards Convergence in Europe? Institutional Adaptation to Europeanization in Germany and Spain*, in: *Journal of Common Market Studies*, 4(1999), pp.573-596.; T.A. BÖRZEL, T. RISSE, op.cit.; M.G. COWLES, J. CAPORASO, T. RISSE, *Transforming Europe: Europeanization and Domestic Change*, Cornell University Press, Ithaca, 2001; A. HERITIER, C. KNILL, S. MINGERS, *Ringing the Changes in Europe: Regulatory Competition and the Transformation of the State. Britain, France, Germany*, Walter de Gruyter, Berlin, 1996; C. KNILL, D. LEHMKUHL, *How Europe Matters. Different Mechanisms of Europeanization*, in: *European Integration online Papers*, 3/7 (1999).

Political salience

This paper uses the definition of political salience put forward by Marc Rosenblum: ‘the level of popular attention to immigration issues’.⁸ The level of politicization changes how an issue is discussed at the political level and how the process of preference formation takes place.

If preference formation is sheltered from the attention of the masses, the debate is more bureaucratic than political. If this is the case, the debate is more likely to give more prominence to the potential benefits of immigration, e.g., filling labour shortages or establishing a strategic partnership with a third country. Alexander Caviedes notes: ‘Only labor migration policy that manages to pass under the radar of the general debate over immigration is immune from the caprices of public opinion’.⁹ Then it is easier to disconnect the debate from distributive questions, and the discussions are likely to develop into a conversation of national experts in the respective regulatory policy field. If the issues at stake are technically and legally complex, if they are not straightforwardly accessible to the public, and if the political salience and the possibility of political mobilization are low, a bureaucratic rather than a political debate is probable. Conversely, if the issues raised entail the redistribution of costs in an obvious and easily noticeable way, the discourse is likely to be more politically loaded.¹⁰

Accordingly, it is hypothesized, that if political salience is low, the debate is technical and bureaucratic and a member state will support delegating competencies on economic migration to the EU level to realize the economic benefits they promise to offer.

Foreign Policy Considerations

This section analyses how national immigration policies can be deployed as a tool of foreign policy. In order to examine how immigration policy might be used for foreign policy ends, a number of questions need to be answered: What is the link between foreign policy and immigration policy? How does the impact manifest itself and what kind of immigration policy does foreign policy influence? When does a country or a group of countries become relevant? Why would a sending country be interested in the open immigration policies of a host country (or a group of host countries)? How

8. M.R. ROSENBLUM, *The Transnational Politics of U.S. Immigration Policy*, Center for Comparative Immigration Studies, UCSD, La Jolla, 2004, pp.40-41.

9. A. CAVIEDES, *Prying Open Fortress Europe: The Turn to Sectoral Labor Migration*, Lexington, Plymouth, 2010, p.3.

10. A. HERITIER, *The accommodation of diversity in European policy-making and its outcomes: regulatory policy as a patchwork*, in: *Journal of European Public Policy*, 3(1996), pp.155 and 159.

can a third country or a group of third countries impact the preferences of a Member State?

Christopher Mitchell defines foreign policy aptly as ‘a set of concerns and actions in relation to foreign governments and societies, focused on the goals of security, prestige, and economic well-being’.¹¹ Rosenblum proposes a framework that predicts under what domestic conditions foreign policy factors are most likely to shape migration policies. By using two variables, foreign policy value and domestic political salience, Rosenblum’s framework distinguishes four possible modes of immigration policy making. The approach is informed by international considerations but also captures how they are filtered by domestic politics. Foreign policy value is defined here as ‘the importance of migration to U.S. bilateral relations with particular states and the importance of those states for the overall U.S. foreign policy agenda’.¹² The more important the sending state, the higher the foreign policy value. Foreign policy considerations are likely to play out most drastically when the foreign policy value of a country is high and the political salience of migration in the host country is low. Put differently, under these conditions we would expect foreign policy consideration to shape governmental preferences on immigration policy to a sizeable extent.

As for the causal link between foreign policy and immigration policy, we can distinguish two dimensions of influence. First, direct influence, and second, issue linkage. Direct influence of migration policies refers to the direct impact of a receiving country’s migration policies on a certain sending country (or certain sending countries), and how these policies relate to foreign policy goals. For instance, a government might decide to embarrass or weaken a hostile regime, to stabilise less radical but unstable regimes and to support regimes in line with its foreign policy objectives. Accordingly, migration policies towards adverse countries can under certain conditions be more generous and open than towards friendly regimes, as argued by Mitchell.¹³ With regard to the second dimension, concessions on migration policies are used in a bargaining scenario to attain particular benefits in a foreign policy domain, for instance, the pledging of allegiance of a sending country (or a group of sending countries) against an opponent regime.¹⁴

If a sending country (or countries) has (or have) a vested concern for more open immigration policies in a particular receiving country (or a group of receiving countries), the sending country might lobby to push for its objectives. Emigration countries generally advocate open policies because of the prospects to secure remittances, decrease domestic unemployment, raise wages, obtain new workers’ skills and draw

11. C. MITCHELL, *Introduction: Immigration and U.S. Foreign Policy toward the Caribbean, Central America, and Mexico*, in: C. MITCHELL (ed.), *Western Hemisphere Immigration and United States Foreign Policy*, The Pennsylvania State University Press, Pennsylvania, 1992.

12. M.R. ROSENBLUM, *The Transnational Politics ...*, op.cit., passim.

13. C. MITCHELL, *Introduction: Immigration and U.S. Foreign Policy ...*, op.cit., pp.23-24.

14. M.R. ROSENBLUM, *The Transnational Politics ...*, op.cit., p.29.

level with neighbouring countries with which a historical rivalry exists.¹⁵ The more a sending country cares about a receiving country's (or a group of receiving countries') immigration policy, the more likely it is to make an active effort at influencing and in turn to be successful with its attempts.

Thus, if the foreign policy value of a country (or of a certain group of countries) is perceived as high, domestic political salience of immigration is low and if the sending country (countries) exert(s) relevant pressure on the host government(s), a Member State will support relatively open immigration policies with regard to this country (those countries) both at the national and EU-level.

Bureaucratic Politics

The theoretical model of bureaucratic politics provides an analytical lens to examine how costs and benefits are distributed across actors, and how the final governmental preferences emerge from those of the different actors involved.¹⁶ In order to use it in a systematic way, the paper reduces the model to three main propositions:

First, the political contestation is structured by the rules of the game; they determine the action-channels. Graham T. Allison and Philip Zelikow define action channels as 'a regularized means of taking governmental action on a specific kind of issue'. They preselect the major players, determine their usual points of entrance into the game and distribute particular advantages and disadvantages. Accordingly, political decisions are the result of a process of contestation.

Second, the actors' position in a bureaucracy influences their preferences, as the mission of the bureaucratic players is generally to improve the position of their respective organization. Thus, different departments or units are likely to perceive costs and benefits varyingly, and consequently differ in their conclusions about certain policy issues.

Third, actors differ in terms of power, i.e., their ability to effectively influence government decisions and actions. Power can be structural, stemming from the particular organization of the bureaucracy, or based on certain skilled individuals.¹⁷

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15. M.J. MILLER, *International Migration in Post-Cold War International Relations*, in: B. GOSH (ed.), *Managing Migration: Time for a New International Regime?*, Oxford University Press, Oxford, 2000, p.36; M.R. ROSENBLUM, *Moving Beyond the Policy of No Policy: Emigration from Mexico and Central America*, *Latin American Politics and Society*, 4(2004), pp.91-125.
 16. G.T. ALLISON, *Conceptual Models and the Cuban Missile Crisis*, in: *The American Political Science Review*, 3(1969), pp.689-718; G.T. ALLISON, M.H. HALPERIN, *A Paradigm and Some Policy Implications*, in: *World Politics*, 24/Supplement: *Theory and Policy in International Relations* (1972), pp.40-79; G.T. ALLISON, P. ZELIKOW, *Essence of decision: explaining the Cuban Missile Crisis*, Addison-Wesley Educational Publishers, New York, 1999².
 17. G.T. ALLISON, P. ZELIKOW, *Essence of decision ...*, op.cit., pp.300 and 307.

These three predications are used to analyse how the causal factors lead to the final preference of a government.

II. Genesis of the Ankara Agreement and its provisions on economic migration

Turkey applied to become an associate member of the European Economic Community (EEC) on 31 July 1959 – two months after Greece had put forward its application. Negotiations on an association agreement between the Republic of Turkey and the EEC started on 28 September 1959, and took ten at times slow and difficult rounds lasting several days each, before they could be concluded on 25 June 1963; the agreement was signed on 12 September 1963 and entered into force on 1 December 1964. The association agreement between Greece and the EEC was concluded two years earlier, on 9 July 1961, after negotiations that were less lengthy.¹⁸

The Ankara agreement was concluded to make Turkey an associate member of the EEC, to establish a customs union, and to possibly pave the way for Turkish membership of the EEC.¹⁹ The careful wording of potential Turkish membership to the EEC indicates that the EEC was aware of at least some of the difficulties involved, for instance, the massive developmental gap as well as the prominent question of whether Turkey is a European country.

On the one hand, the EEC wanted to root Turkey firmly in the West, but was, on the other hand, not so sure if Turkish membership to the EEC might be a step too far. The Agreement's provisions on economic migration commit the contracting parties to securing progressively the freedom of movement of workers (article 12), the right of establishment (article 13) as well as the freedom to provide services (article 14). The Agreement also contains a number of further economic provisions for economic union regarding, for instance, transport, competition, taxation, balance of payment and movement of capital. The articles, including the ones on the freedom of movement, are only brief and rather vague in their wording. They are supposed to be supplemented with additional protocols at a later stage. Article 36 of the Additional Protocol from 1977 provides for the gradual establishment of free movement by 1986,

18. J.N. BRIDGE, *The EEC and Turkey: an Analysis of the Association Agreement and its Impact on Turkish Economic Development*, in: A. SHLAIM, G.N. YANNOPOULOS (eds), *The EEC and the Mediterranean Countries*, Cambridge University Press, Cambridge, 1976; H.-D. WÜLKER, *EWG und wirtschaftliche Assoziierungen: Eine Analyse wirtschaftspolitischer Probleme aktueller und potentieller Assoziierungsformen*, Deutsch-Schwedische Handelskammer, Deutsche Handelskammer in Österreich, Handelskammer Deutschland-Schweiz, Wien, 1971.

19. DEUTSCHER BUNDESTAG, *Sitzungsprotokoll des Deutschen Bundestages, 84-120 IV, 118. Sitzung, 4. März 1964*, Deutscher Bundestag, Berlin, 1964; J.F. JOSEPH, *The Introduction: Turkey at the Threshold of the European Union*, in: J.F. JOSEPH (ed.), *Turkey and the European Union: Internal Dynamics and External Challenges*, Palgrave Macmillan, New York, 2006, p.3.

with the process managed by the Association Council.²⁰ Member States hold veto powers in the Council and freedom of movement was never established.

Sena Ceylanoglu suggests that provisions on economic migration were taken from the Treaty of Rome which together with its four freedoms served as a model for the association agreement, and that there was no disagreement about the freedom of movement provisions in the negotiations.²¹ The paper shows that this is only partially true, as there was disagreement and the wording and content of the freedom of movement provisions in the Ankara Agreement differ from both the Treaty of Rome and the Association Agreement with Greece.

III. Explaining Germany's preferences

This empirical section explains the German government's preferences on the freedom of movement provisions of the Ankara Agreement by discussing the causal factors devised in the theoretical section (misfit, political salience and foreign policy considerations) in light of the empirical evidence. The bureaucratic politics framework provides the macrostructure to analyse how the causal factors lead to the final governmental preference by considering all relevant actors.

Misfit

The point of reference to determine the misfit between the Ankara Agreement and Germany's national regulations was the bilateral labour recruitment agreement the German government had concluded with its Turkish counterpart on 30 October 1961. It entered into force retroactively on 1 September 1961 (*Vereinbarung zur "Regelung der Vermittlung türkischer Arbeitnehmer nach der Bundesrepublik Deutschland"*).²² Labour migration of foreign nationals to Germany commenced in 1955, when the booming German economy had depleted domestic resources and was calling for the import of further workers from abroad.²³ The legal framework was generated by

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20. *Official Journal of the European Communities*, 31.12.1977; M. UGUR, *The European Union and Turkey: An Anchor/Credibility Dilemma*, Ashgate, Aldershot, 1999, p.143.
 21. S. CEYLANOGLU, *Europäische Wirtschaftsgemeinschaft, Griechenland und die Türkei: Die Assoziationsabkommen im Vergleich (1959-1963)*, Nomos Verlagsgesellschaft, Baden-Baden, 2004, p.18.
 22. BUNDESMINISTER FÜR ARBEIT UND SOZIALORDNUNG, *Regelung der Vermittlung türkischer Arbeitnehmer nach der Bundesrepublik Deutschland*, in: *Bundesarbeitsblatt*, 3(1962), pp. 69-71; K. HUNN, "Nächstes Jahr kehren wir zurück...". *Die Geschichte der türkischen "Gastarbeiter" in der Bundesrepublik*, Wallstein Verlag, Düsseldorf, 2005, p.46.
 23. S. GREEN, *Divergent Traditions, Converging Responses: Immigration and Integration Policy in the UK and Germany*, in: *German Politics*, 1(2007), pp.95-115.

bilateral labour recruitment agreements, starting with Italy in 1955, Spain and Greece in 1960, and with Turkey in 1961. The wave of conclusion of such agreements continued with Morocco in 1963, Portugal in 1964, Tunisia in 1965 and Yugoslavia in 1968.

The implementation of the agreement on the German side was put into the hands of the Federal Agency for Employment Service and Unemployment Benefits. It was supposed to act together with its Turkish equivalent as an agent to place Turkish workers with German employers. The agreement stipulated that each accepted worker was issued a standard work contract and a so-called legitimization card. The card replaced the work permit, which would usually be required, for a maximum period of one year. If the worker desired to stay longer than this period, the agreement foresaw that the worker would need to request a work permit at the local employment office and a residence permit at the local foreigners authority. The residence permit could only be issued for a maximum period of two years. The agreement was less generous than the ones with the other European countries, such as Italy, Spain, and Greece;²⁴ for instance, it contained no provisions on transferring earnings, family reunification, the right to receive child allowances, or the possibility for German firms to request specific Turkish workers by name, who would then enjoy a simplified admission procedure.²⁵ This suggests that the German government was less keen to conclude such an agreement with Turkey compared to countries such as Italy, Spain and Greece. Labour shortages affected the conclusion of the bilateral agreement with Turkey. However, foreign political dynamics also played an important role in convincing the German government to conclude the agreement.

The bilateral agreement is certainly more concrete than the provisions in the Ankara Agreement. This shows that the Ankara Agreement was an EC-wide compromise, albeit shaped by the countries with bilateral agreements in place. The Ankara Agreement contains a binding commitment to establish freedom of movement and establishment for workers from Turkey. In contrast, the bilateral agreement consists of specific measures that had an immediate effect on regulating labour migration from Turkey to Germany. Hence, the national regulations were more open than the EEC-level measures and the fights had taken place in the preference formation on the bilateral agreement. Consequently, the German stance on the provisions on freedom of movement and establishment was rather relaxed.

The Ankara Agreement did not thwart any national regulations or preclude the inauguration of future bilateral agreements. As the bilateral agreement was more detailed than the relevant provisions of the Ankara Agreement, and allowed Turkish nationals to enter the German labour market with immediate effect, there was no

24. A revised version of the agreement came into force on 30 October 1964, which made its provisions very similar to the other bilateral labour recruitment agreements.

25. BUNDESMINISTER FÜR ARBEIT UND SOZIALORDNUNG, *Regelung der Vermittlung türkischer Arbeitnehmer nach der Bundesrepublik Deutschland*, 1962; K. HUNN, "Nächstes Jahr kehren wir zurück" ..., op.cit., pp.55-56; J.D. Steinert, *Migration und Politik: Westdeutschland – Europa – Übersee 1945-1961*, Secolo Verlag, Osnabrück, 1995, p.308.

misfit that could trouble the German decision makers. Consequently, consent to the provisions on freedom of movement of the Ankara Agreement was easily given as no political or economic costs were looming as a result of a misfit between national and EU-level regulations.

Political Salience

Immigration was not politically salient at the time the Ankara Agreement was being negotiated. Immigration was largely seen as a temporal phenomenon that would help the German economy to push ahead with full force. The potential difficulties associated with integrating migrants were unknown. In addition, the Ankara Agreement hardly appeared in general public debate which made any politicisation of the decision-making process even more unlikely. Hence, the decision-making process on the freedom of movement provisions of the Ankara Agreement followed the route laid out by the rules of the game – an exception is the role of the Turkish government; this will be discussed below.

Foreign Policy Considerations

Turkey was of high foreign policy value for Germany for a number of reasons. Most notably, its role in fighting the threat emanating from the Soviet Union, interlinked with strong support for the Association Agreement by the US and Germany's desire to promote European integration as a means to regain a foreign policy profile. Finally, there was a historically established special relationship between Germany and Turkey.

The German Federal Minister of Economics Ludwig Erhard mentioned the importance of finding a quick solution for the Greek and Turkish bids, in order not to upset the governments and people of these two countries that constituted a cornerstone of the North Atlantic Treaty Organization (NATO).²⁶ A German aide-mémoire indicates the importance of Turkey's geographic location and military considerations for the conclusion of the Agreement.²⁷ In a meeting held in the Council of the EEC

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26. HAEU [Historical Archives of the European Union, Brussels], Commission of the EEC, 2. Communication de la Commission sur les conversations avec: a) une délégation du Gouvernement grec, suite à la décision du Conseil en date du 25 juillet 1959 b) une délégation du Gouvernement turc, suite à la décision du Conseil en date du 11 septembre 1959.
27. BAArch [Bundesarchiv, Koblenz], Bundesministerium für Wirtschaft, Denkschrift zum Abkommen zur Gründung einer Assoziation zwischen der Europäischen Wirtschaftsgemeinschaft und der Türkei, 1963.

on 3 April 1962, the German delegation reminded the other Member States that it was important not to offend Turkey for geopolitical security reasons.²⁸

It was crucial for Germany to have very close ties with the Western powers and to intertwine as deeply and quickly as possible with the member countries of organisations, such as the EEC and NATO. Being integrated into the EEC gave Germany a voice at the European level and was one of the main priorities of Chancellor Konrad Adenauer.²⁹ Integrating with its Western European neighbours was then seen as the prime route to re-establish some of Germany's geopolitical power.

Germany was no nuclear power and needed support of the Western powers, in particular the US, to deter the Soviet Union whose influence began immediately after Germany's Eastern borders.³⁰ This fundamental dependence made Germany subordinate to the US, and meant that German politicians had to take into account US interests when making foreign policy.³¹ The negotiations of the Ankara Agreement show that US pressure was an important factor in the EEC's efforts to integrate Turkey into Europe. This is particularly the case for Germany.³²

The containment policy of the US inaugurated by the Truman Doctrine in 1947 made it an important US foreign policy goal to support states endangered by Communism and Soviet rule, such as Turkey, and to anchor them in the West. Turkey was particularly important, as on 30 October 1959, it had agreed to station US missiles on its ground that could reach the Soviet Union. Consequently, the US supported the Ankara Agreement, largely on political grounds. Nonetheless, budgetary considerations played a role, too. Increasing financial aid from the EEC to Turkey meant a relief for US finances. In particular, with regard to Germany and its increasing economic prosperity and capacity, the US expected a return service for the Marshall Plan. The German government did not have much latitude in that respect and met the demands. Thus, Germany supported Turkey's fast integration in the West by means of the Ankara Agreement.³³

28. BArch, Ständige Vertretung der BRD bei der EWG, 65. Tagung des Rates der EWG am 03.04.1962.

29. A. MORAVCSIK, *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Cornell University Press, Ithaca, 1998, p.27.

30. W. RUDZIO, *Das politische System der Bundesrepublik Deutschland*, Leske + Budrich, Opladen, 2003, p.17; 65. Tagung des Rates, op.cit.

31. W. BESSON, *Die Außenpolitik der Bundesrepublik: Erfahrungen und Maßstäbe*, Piper, München, 1970, p.185.

32. HAEU [Florence], Commission of the EEC, Note à l'attention de MM. Rey et Marjolin. Objet: Négociations avec la Turquie, Réunion du Coreper, 10.01.1963; E. KRIEGER, *Die Europakandidatur der Türkei: Der Entscheidungsprozess der Europäischen Wirtschaftsgemeinschaft während den Assoziierungsverhandlungen mit der Türkei 1959-1963*, Chronos Verlag, Zürich, 2006, p.189; C. ÖZREN, *Die Beziehungen der beiden deutschen Staaten zur Türkei (1945/9-1963): Politische und ökonomische Interessen im Zeichen der deutschen Teilung*, LIT, Münster, 1999, p.243.

33. M. JAMIN, *Die deutsch-türkischen Anwerbevereinbarungen von 1961 und 1964*, in: A. ERYILMAZ, M. JAMIN (eds), *Fremde Heimat: Eine Geschichte der Einwanderung aus der Türkei*, Klartext Verlag, Essen, 1998, pp.70-71; S. CEYLANOGLU, op.cit., pp.213-218; G. GÜRBAY, *Die Türkei-Politik der Bundesrepublik Deutschland unter Konrad Adenauer (1949-1963)*, Centaurus-Verlagsgesellschaft, Pfaffenweiler, 1990, p.175; C. ÖZREN, op.cit., p.293; E. KRIEGER, op.cit., p.178.

The foreign policy value of Turkey to Germany was further increased by the fact that, historically, the relationship between the two countries had been a special and cordial one. Germany was an important trade partner and ally for Turkey and, in addition, the two countries were united by the long-established ‘German-Turkish friendship’ and the alliance in the First World War. Unlike a few years later, in the 1950s and early 1960s, this ‘friendship’ was still an appropriate characterisation of German-Turkish relations. The German Federal Foreign Office praised this alliance and friendship strongly in 1963 and attributed great significance to it – at least officially. An internal document of the Federal Foreign Office indicates that the traditional bond with Turkey and its history as a reliable ally were still important considerations for Germany when the Ankara Agreement was discussed.³⁴ In July 1962, the Turkish government thanked the German government in an aide-mémoire for its continued support of the Turkish bid.³⁵ This special relationship further increased Turkey’s foreign policy value and gave Turkey the opportunity to voice its interest to the German government with a good chance of being taken seriously. As discussed above, political salience of migration was low, which increased the importance of the foreign policy value of Turkey in the preference formation.

Concerns about political security provide a convincing explanation for why Germany supported the Ankara Agreement as a whole. However, they do not give an indication of why the freedom of movement provisions feature in the Agreement. Including Turkey’s diplomatic efforts in the conclusion of the Agreement in the analysis provides a more nuanced view. The provisions of the freedom of movement for workers were important for Turkey. In the late 1950s, Turkey was in an economic and political crisis. The Turkish government anticipated that the freedom of movement provisions promised several immediate benefits to Turkey.³⁶ First, Turkey’s economy was suffering sustained underemployment. The possibility of exporting workers to the EEC promised relief for the domestic labour market. A further benefit was that Turkish workers could obtain professional qualifications in the EEC that would benefit Turkey’s economic development after the return of the workers. Remittances from workers abroad could improve Turkey’s balance of payments.³⁷

In order to advance its goals, Turkey used two framing devices, first the Soviet threat, and second being disadvantaged vis-à-vis Greece. For instance, in April 1962, the Turkish Prime Minister, İsmet İnönü, stressed the fragility of the country despite

34. PAAA [Politisches Archiv des Auswärtigen Amts, Berlin], AUSWÄRTIGES AMT, Antrag der Türkei auf Aussoziierung mit der EWG, 1959. See also G. GÜRBEY, op.cit., pp.9-10 and K. HUNN, "Nächstes Jahr kehren wir zurück ...", pp.34-35.

35. PAAA, 81.12/5, Assoziierungsabkommen mit der Türkei, Turkish Embassy to the Federal Republic of Germany. Aide-mémoire, 1962.

36. A.S. GITMEZ, *Turkish Experience of Work Emigration: Economic Development or Individual Well-Being?*, in: *Yapı Kredi Economic Review*, 4(1989), p.4; A. ESCOBAR, K. HAILBRONNER, P. MARTIN, L. MEZA, *Migration and Development: Mexico and Turkey*, in: *International Migration Review*, 3(2006), p.716.

37. BAArch, Bundesministerium für Wirtschaft (1959c), Neue türkische Note, 05.10.1959; Commission of the EEC, *Compte rendu des conversations exploratoires entre les délégations de la Turquie et de la Commission (28-30 Septembre 1959)*; H.-D. WÜLKER, op.cit., p.69.

it being an important pillar of NATO and expressed his concern about the prolongation of the conclusion of the Agreement by the Community. In August 1961, the Turkish Foreign Minister, Selim Rauf Sarper, conveyed an aide-mémoire to the German Embassy in Ankara expressing explicit Turkish expectations for German support of the Turkish bid for associate membership.³⁸

The most important point is that Turkish motivations to join the EEC have to be seen in the light of developments that took place in the wake of Greece's bid for EEC membership. Turkey did not want to fall behind its main rival Greece.³⁹ The Turkish government used the necessity of equal treatment with Greece as a second framing device to make its case vis-à-vis the EEC. A letter about the German position sent around within the Federal Ministry of Economics states that the Commission also saw the Turkish desire for equal treatment with Greece as the main reason for its attempts to conclude the Association Agreement with the EEC. The letter further argues that the sensitivity of the Greeks and the Turks as well as their mutual jealousy blocked the way to an Association Agreement with Turkey that differed fundamentally from the one with Greece. The letter further put forward that although an Agreement with Turkey that was completely identical to the one with Greece was not desirable due to Turkey's lack of economic development, there was not much latitude to take this into account. In addition, a note of the federal government's position with regard to the Association Agreement with Turkey shows that it was considered as politically impossible to refuse Turkey from becoming an associate member of the EEC, as Greece now was.⁴⁰

This argument is further corroborated by the fact that the Turkish delegation was at times badly prepared for the negotiations and predominantly tried to achieve the same provisions that had been agreed in the Athens Agreement. Turkey actively exerted pressure on Germany and the other EEC Member States, for instance, vocally by the Turkish Foreign Minister, Fatin Rüştü Zorlu, including reference to the importance of equal treatment with Greece.⁴¹

This Turkish behaviour, induced by its relative position to Greece, is also the key to the freedom of movement provisions in the Ankara Agreement. Before the Athens Agreement was concluded, Turkey did not have any particular demands with regard to freedom of movement, apart from technical assistance from the EEC. At a later stage of the negotiations and after the Athens Agreement was successfully signed,

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38. Ständige Vertretung der BRD bei der EWG, 65. Tagung des Rates, 1962; BArch, Wi 412-88.01 – 775/61, Embassy of the FRG in Ankara to the Auswärtiges Amt, 25.08.1961.
39. PAAA, Wesentliche Ergebnisse der EWG-Ratssitzung am 24/25.07.1961; HAEU, Commission of the EEC, Assoziierung der Türkei mit der Gemeinschaft, (Besprechungen vom 14.-21. Oktober 1960).
40. BArch, Bundesministerium für Wirtschaft, Rahmen für die Assoziierung der Türkei mit der EWG, 1961; S/361/61 (NT4), Council of the EEC, 19.07.1961, Einleitende Aufzeichnung.
41. Communication de la Commission sur les conversations . . . , du 25 juillet 1959 [and] du 11 septembre 1959, op.cit.; HAEU, Commission of the EEC, Assoziierung der Türkei mit der Gemeinschaft, (Besprechungen vom 14.-21. Oktober 1960); BArch, Bundesministerium für Wirtschaft, Fernschreiben aus Ankara, 17.03.1960.

the Turkish delegation's proposal for the content of the freedom of movement provisions consisted of a copy of the text of the Athens Agreement's relevant provisions.⁴² It is important to note that Turkey demanded explicitly that the freedom of movement provisions were similar to the ones in the Athens Agreement. However, after Turkey articulated these demands, the Community did object to having the same provision in the Ankara Agreement, and pushed for formulations that were less encompassing.⁴³ Title III of the Ankara Agreement does not include articles on the exchange of young workers and the provision of technical assistance by the Community, like the ones in the Athens Agreement. In addition, the wording of the freedom of movement provisions in the Athens Agreement is more concrete than in the Ankara Agreement. Thus, Title III of the Ankara Agreement was neither completely uncontested, nor is it just a copy of Title III of the Athens Agreement.

Bureaucratic politics

The rules of the game were set by the joint rules of internal procedure of the German Federal Ministries (*Gemeinsame Geschäftsordnung der Bundesministerien – Besonderer Teil*, as in force in 1959-1963). Sections 22, 75 and 76 determine that the Ministries in charge of concluding agreements are the Federal Ministry of Economics and the Federal Foreign Office. Neither the Länder nor interest groups needed not to be included according to the rules.

The Federal Foreign Office was responsible for questions regarding association agreements. The economic appraisal of the agreement rested with the Federal Ministry of Economics. This constellation gave rise to a turf war in the establishment of ministerial competencies in a new policy-making domain where boundaries of responsibility and influence were still rather fluid.⁴⁴

To distil the individual actors' positions, the second provision of the bureaucratic politics framework proves useful, i.e. an actor's position is a result on where it is situated in the bureaucracy: The Federal Foreign Office's principal objective is the fostering of relations with other states and international organisations. Accordingly, it was the first Ministry to support the Agreement and the freedom of movement provisions. Other Ministries were more sceptical. For instance, the Federal Ministry of Finance was worried about money flowing from Germany to Turkey, which was still relatively poor. Being the guardian of the German federal budget, this position is not surprising. The Federal Foreign Office did not regard these concerns as worthy

42. BArch, Council of the EEC, Einleitende Aufzeichnung. Betr. Mitteilung der Kommission über die Besprechung mit einer Delegation der griechischen Regierung aufgrund des Ratsbeschlusses vom 25.07.59 einer Delegation der türkischen Regierung aufgrund Des Ratsbeschlusses vom 11.09.59; Bundesministerium für Wirtschaft, Vermerk, betr. Verhandlungen über die Assoziierung der Türkei vom 14.-18. Januar 1963, 23.01.1963.

43. PAAA, Türkischer Entwurf eines Assoziierungsabkommens mit der EWG, 1963.

44. BArch, Bundesministerium für Wirtschaft, Assoziierung dritter Länder mit der EWG, 1959.

of blocking the agreement, and remained committed to its stance that the Agreement was urgently necessary for geopolitical reasons.

The Federal Minister of Economic Affairs, Ludwig Erhard, initially rejected a customs union with Turkey in favour of a large free-trade area, which would not have included provisions on the movement of persons.⁴⁵ But also, similarly to the Federal Ministry of Finance, it was worried about the potential economic costs that the conclusion of an association agreement with Turkey might entail. Providing economic assistance to a country of Turkey's size was seen as surpassing the capacities of Germany.⁴⁶ In addition, the Federal Ministry of Agriculture voiced some reservations regarding the inclusion of tariff-quotas for Turkish tobacco to enter the Community. The Ministry was concerned that this might disadvantage domestic tobacco producers.⁴⁷

In the end, the view of the Federal Foreign Office prevailed. This was certainly not due to any superior structural power of the Ministry. Rather, the foreign political argument was the most powerful and found resonance in the highest echelon of the German government. It allowed Turkey to include provisions on freedom of movement and establishment in the Agreement, which resembled the provisions outlined in the Athens Agreement. This implies that the Turkish government belonged to the relevant actors that were involved in the decision-making process. Allison and Zelikow acknowledge that foreign officials can be part of the process; however, the framework does not further elaborate on how exactly foreign governments can take part.⁴⁸ We would expect the rules of the game to include them somehow. Consequently the definition of the rules of the game should allow a point of entry for other actors, such as for instance foreign governments, by external pressure.

IV. Conclusion

Three causal factors have been used to explain why the German government supported the provisions on freedom of movement and right of establishment in the Ankara Agreement: misfit, political salience and foreign policy considerations. As a broader theoretical lens, the paper uses a bureaucratic politics stance that analyses actors' positions and their influence according to their position in the organisation, their power structures and the institutional design that organises the relations between the actors.

45. S. CEYLANOGLU, *op.cit.*, pp.195-196; C. ÖZREN, *op.cit.*, pp.242-243.

46. BArch, EA3 – 5053/59, Bundesministerium für Wirtschaft, Vermerk über das Problem einer Assoziation Griechenlands und der Türkei mit der EWG, 27.08.1959; B102/12172, Wirtschaftliche Grundsatzfragen der Assoziierung oder des Beitritts der Türkei zur EWG, Bd.1, 30.11.1959-1960.

47. BArch, B126/2554, Bundeskanzleramt – Referat 6, Assoziierung der Türkei mit der EWG 3949/59, 5505/61, 5493/63, 5629/63.

48. G.T. ALLISON, P. ZELIKOW, *Essence of decision ...*, *op.cit.*, p.258.

The bilateral recruitment agreement had feedback effects and reduced the costs of yielding to Turkish bids to include provisions with relevance for migration in the Ankara Agreement. This is because, according to the misfit hypothesis, the Ankara Agreement did not entail any significant costs for actors as the national regulations, i.e., the bilateral labour recruitment agreement between Germany and Turkey would continue to apply. Hence, the Association Agreement did not infringe upon Germany's national regulations. Considering foreign policy considerations elucidates why Turkey was in the position to, and in fact did, propose the insertion of provisions on freedom of movement in the Agreement. It did so principally because it did not want to conclude an agreement that would be significantly less profound than the agreement concluded between the EEC and Greece. Doing otherwise would have produced national embarrassment for Turkey vis-à-vis its long-term rival Greece. That the German government was receptive to Turkey's bids can be explained by foreign policy considerations. Given the geopolitical insecurity of the early Cold War years, Turkey was a key ally for the West that the US did not want to be susceptible to Soviet courtings. Hence, its foreign policy value for Germany was high. This together with the low domestic political salience of migration and the uncontroversial as well as prevalent dictum of the need to continue fuelling the post-war economic boom with foreign labour maximised the influence Turkey could have on the German government. The government in Ankara gladly used this opportunity.

The case nicely demonstrates the interplay of the different causal factors underpinning full German support for a liberalisation measure at the EU level. Each causal factor played a role in the process of preference formation; the most important ones are the misfit and foreign policy considerations.

The paper fills a gap in the literature on the Ankara Agreement and on EU immigration policy. The existing literature on the Ankara Agreement fails to provide a satisfactory explanation of why the freedom of movement provisions are included in the Agreement, and focuses too much on political security factors.⁴⁹ As a result, it misses the complex interplay of political and economic factors that led to Germany's support of the freedom of movement provisions. The paper has shown that the freedom of movement provisions were not just taken from the Treaty of Rome, as put forward by the literature, but are modified versions of the provisions in the Athens Agreement. With regards to the literature on EU immigration policy, it has been shown that Member States have supported liberalisation of immigration measures at the EU level – given that the three causal factors are in place. This challenges the assumption that has been implicitly present in the work on EU immigration policy, i.e., that co-operation at the EU level is only possible if it contributes to making immigration controls into the Union stricter; the immigration of highly skilled workers is the exception.

The findings of this paper outline the foreign policy considerations that were crucial for this process. They show the importance that foreign policy considerations can

49. See, for instance S. CEYLANOGLU, *op.cit.*; G. GÜRBEY, *op.cit.*; E. KRIEGER, *op.cit.*; C. ÖZREN, *op.cit.*

have for the EU-level liberalisation of immigration policies, as well as the significance of the Federal Foreign Office in this regard. The Federal Foreign Office is generally concerned with relations with other countries and less so with domestic political matters that are the chief concerns of the Interior, Employment, Economics and Finance Ministries, such as domestic security, and potential fiscal, political or social costs of immigration.

Theoretically, the paper has assembled different theoretical concepts that are usually not associated with EU policies on immigration. In particular, the bureaucratic politics framework, together with actors' perceived costs and benefits, provide a sound base to approach the black box of governmental sovereignty concerns with regards to delegating immigration competencies to the European level. Furthermore, the bureaucratic politics framework constitutes an analytical lens that might also be applied to other countries and policy initiatives to better understand the causal processes that form certain government preferences on immigration matters. With particular regard to the bureaucratic politics framework, the rules of the game definition should be modified to enable a clear point of entry for a foreign government to influence governments' preference formation without being formally invited to take part in the process. The paper shows that the Turkish government made an important contribution to the decision-making process by lobbying the German government out of its own initiative.

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