

20 Eylül 2002

## **The Copenhagen Summit: The Lithmus Test for Turkish Candidacy**

*Turkey has expressed its political will to become a member of the eu many times during this long and sometimes uncertain path. The Turkish parliament recently adopted a landmark legislation and demonstrated its political will and resolve to fulfill the copenhagen criteria and therefore become a member of the european union. This comprehensive reform package is of historic significance in its scope and content and has opened up new horizons for the Turkish republic. The package includes almost all the controversial issues that have been fiercely debated by the Turkish public since the beginning of the adoption of the national programme. This package contains the most sweeping and comprehensive reforms ever achieved by our country since Turkey entered into a multi-party democratic system in 1946. In a period of political uncertainty and an early general election environment, the adoption of these reforms demonstrates clearly the firm commitment of our nation to democracy, human rights, the rule of law and protection of minorities as universal values. The response of the parliament enjoys the support of the vast majority for the Turkish nation as almost every public opinion poll conducted since the Helsinki Summit indicates that around 70 percent of the Turkish nation has always expressed their preference for integration with the European Union. The Copenhagen summit will therefore be a lithmus test for the Turkish candidacy, yet it will also test the courage, wisdom and farsightedness of the whole continent shaping the politics of the 21<sup>st</sup> century. The EU and Turkey have a historic responsibility to build such a future.*

The Turkey-EU relations have followed a road of more than four decades and this road has now reached its most critical junction. Turkey considers membership to the European Union as a step forward in realizing Atatürk's founding vision and philosophy for the Republic. Therefore, decision to be taken in the Copenhagen Summit will be a milestone for the relations between Turkey and the EU.

The way ahead is to ensure alignment with the universal norms in the EU acquis and with practices in EU Member States, principally in the areas of democracy and human rights. As Turkey becomes a part of the Union, it is obvious that it can assume an important role in the process of European integration through diverse and solid inputs that it can offer.

It will be appropriate to remember Turkey's place among the EU member and candidate countries with brief details; Turkey is the largest among the EU candidate countries, economically, geographically and demographically. It is the only candidate country to have concluded a customs union with the EU. With a population of approximately 69 millions and an area more than twice the size of Germany and 1.5 times the size of France, Turkey is a large country. Approximately one third of its population is 15 years of age or below. About %70 lives in urban areas. According to 2000 figures, Turkey had a GNP of 210 billion € Her major trade partner is the EU and Turkey is the EU's 7<sup>th</sup> partner.

Turkey has expressed its political will to become a member of the EU many times during this long and sometimes uncertain path. On the 3<sup>rd</sup> of August 2002, the Turkish parliament after almost 17 hours of continuous discussions adopted a landmark legislation and demonstrated its political will and resolve to fulfill the Copenhagen Criteria and therefore become a member of the European Union.

This decision also implies the support of the parliamentarians to the ideal of becoming a member of the EU. It should be noted that the adoption of this reform package took place after the decision of the parliament to set early general elections for the 3<sup>rd</sup> of November and thereby dissolve itself. Once a decision on elections is taken, it is quite natural that the majority of the parliamentarians shift their interest and motivation to the election process from

the legislative works. This is especially true when these decisions involve controversial, politically costly and risky elements.

Yet, at such circumstances, almost 90 percent of the members of parliament convened to meet and discuss the reform package that will align Turkey with the Copenhagen Political Criteria so as to overcome another set of impediments on the way leading to full membership of the EU.

The response of the parliament enjoys the support of the vast majority for the Turkish nation as almost every public opinion poll conducted since the Helsinki Summit indicates that around 70 percent of the Turkish nation has always expressed their preference for integration with the European Union. In fact, for the first time in Turkish politics, all political parties represented in our parliament share our goal of membership. During the most heated debates that took place on the evening of the 2<sup>nd</sup> of August, none of the political parties expressed any deviation from this goal.

This comprehensive reform package is of historic significance in its scope and content and has opened up new horizons for the Turkish Republic. The package includes almost all the controversial issues that have been fiercely debated by the Turkish public since the beginning of the adoption of the National Programme.

Starting with the Association Agreement signed in 1963, Turkey has been closely related with the economic and political developments in the European integration process. Following the decision taken at the Luxembourg Summit in 1997 that can be considered as a failure and almost destroyed the bilateral relations, the Helsinki Summit of 1999 has launched a new era in Turkey-EU

relations. In Helsinki, Turkey was officially declared a candidate country on the basis of the same criteria as applied to the other candidate states.

The same criteria means, Turkey has to fulfill, as all other candidate countries, the Copenhagen criteria. Turkey is to ‘benefit from a pre-accession strategy to stimulate and support its reforms’ as a candidate country. During the pre-accession period, we need to renovate our entire system while aligning our legislation with the EU norms. New institutions also have to be built in order to enforce this legislation.

Turkish Government concluded and adopted the National Programme for the Adoption and Implementation of the Acquis in March 2001. This document details Turkey’s priorities and elaborates on the steps to be taken for compliance with the priorities laid down.

In the process of accession to the EU, we have made considerable progress during the past eighteen months within the scope of the National Programme. The pace and momentum for change in Turkey has increased as the parliament has speeded up the adoption of laws that have been in the pipeline for very long time periods. The constitutional amendments, the New Turkish Civil Code and the legislative amendments in the first, second and third packages of harmonization were highlights of the Turkish Governments’ efforts in fulfilling the Copenhagen political criteria. 34 articles, almost one-fifth of the whole constitution, have been amended broadening the scope of the freedom of expression, the right to assembly, other individual rights and liberties, including gender equality, and reducing the pre-trial detention period, which was so often the source of claims for ill treatment.

Outside factors and inputs have certainly affected the pace of this process. The positive environment created by the Helsinki Summit, starting of the pre-accession period and the Laeken European Council conclusions have certainly supported our efforts.

Turkey has undergone an overwhelming change during the post-Helsinki phase. Internal and external dynamics have intermingled while igniting the sparks of these reforms. In order to have a full picture of what has been done in relation to the Political Criteria, one has to start with the Constitutional amendments.

In October 2001, the Turkish Grand National Assembly has agreed with an absolute majority to amend 34 articles. This package was a most comprehensive set of constitutional amendments to date, testifying to the will of the Turkish Parliament and political parties represented therein to proceed towards membership in the EU.

The constitutional amendments included several provisions on the enhancement of freedom of expression, prevention of torture, strengthening of democracy and civilian authority, freedom and security of the individual, privacy of individual life, inviolability of the domicile, freedom of communication, residence and unfettered movement, freedom of association, and on gender equality. With the amendments, the pre-trial detention period was reduced as well as the scope of the death penalty. Another significance of these constitutional amendments is the fact that they were enacted at a time when the world was undergoing the post-11 September trauma discussing the limits of personal freedoms.

Immediately after these constitutional amendments, the Turkish Parliament adopted a new Civil Code, which introduced further improvements notably as regards the freedom of association and the right to assembly, as well as gender equality, protection of the weak and the rights of child. With the new Turkish Civil Code, a number of the commitments of the Turkish National Programme under the section of Political Criteria have been met.

Once the Constitutional amendments were adopted, the need to align various laws with the amended articles of the Constitution, within the same spirit, came about. The first of the legislative packages to provide for such harmonization was adopted in February 2002. This package amended different existing acts, which were often referred to and criticized for being the legal source for the prosecution on the basis of expression and, which were on detention periods and applications.

Finally, on 3 August 2002, the Turkish Grand National Assembly adopted a comprehensive reform package, which included most of the commitments of the Turkish National Programme under the section of the Political Criteria. This package can be considered as an indicator for Turkey's collective political will for the EU membership and its European identity.

An overview of the main aspects of this latest package will be useful while elaborating on its significance in Turkey's EU membership perspective. With this package;

Turkey abolished the death penalty except for crimes committed in times of war or the imminent threat of war, in line with Additional Protocol No. 6 to the European Convention on the protection of Human Rights and Fundamental Freedoms.

Legal restriction on broadcasting in the different languages and dialects used traditionally by Turkish citizens in their daily lives is lifted.

Retransmission of broadcasts is ensured in line with the European Convention on Transfrontier Television.

The legal obstacle preventing Turkish citizens from learning the different languages and dialects used traditionally in their daily lives is lifted, allowing private courses to be opened for this purpose as well.

Freedom of expression is consolidated by a new provision added to the Turkish Penal Code, which underlines that expressions of thought, made with the intention of criticizing, without deliberate intent to insult or deride the fundamental institutions of the Republic, will not be penalized.

The scope of the freedom of the press is extended by the amendments made to the press act, which abrogate prison sentences.

By easing those provisions that had hitherto regulated the organization and functioning of civil society, the scope of freedom of association and the right to assembly are extended further.

Foundations of religious communities as defined in the Lausanne Treaty are enabled to acquire and dispose of immovable property. Furthermore, legal basis is provided for the activities of foundations that have already opened or would like to open branches in Turkey thus ending a void in that area.

Final decisions of Turkish courts, which are found by the European Court of Human Rights to have violated the Convention on the Protection of Human Rights and Fundamental Freedoms or its additional protocols and which create irreparable damage according to the Convention are now a reason for retrial.

New provisions are added to the Turkish Penal Code to define the crime of migrant trafficking and to provide penalties for perpetrators of this crime.

This package contains the most sweeping and comprehensive reforms ever achieved by our country since Turkey entered into a multi-party democratic system in 1946. In a period of political uncertainty and an early general election environment, the adoption of these reforms demonstrates clearly the firm commitment of our nation to democracy, human rights, the rule of law and protection of minorities as universal values.

These reforms reflect a drastic and fundamental change in the concept of identity and Turkish citizenship. This change brings about a new understanding that embraces all Turkish citizens with their cultural diversity and heritage. It appreciates cultural diversity and undertakes not only to respect but also to promote such diversity as an enriching factor for national unity.

In a country that has suffered so much from terrorism and lost more than thirty thousand of its citizens as victims of terror, at a time when separatist terrorism is still active and sufferings of the families of the victims have not yet cooled off, at a moment when the political exploitation could seem extremely attractive, the elimination of the death penalty for crimes of terror is the most dramatic measure one can imagine. For those who do not face such challenges, this may seem as a simple and straightforward measure to align the Turkish



legal system with the European norms. Yet, in this context this has become a major achievement for Turkey.

As Turkey continues to work and change its political, economic and administrative structures, the European Union must also approach Turkey with a clear political vision. We know our shortcomings and are trying to address them. The overall trend, especially since the implementation of our National Programme, is impressive. But those who cannot or do not wish to distinguish between the major trends and isolated events can always find an excuse for Turkey's exclusion. Those who are quite willing to overlook some important deficiencies in others for the sake of political expediency should not try to exploit certain deficiencies of our system. It must be understood that this is an ongoing process, and that Turkey is committed to overcome the shortcomings.

In order to alleviate the suspicions of euro-sceptics, a well-defined and clear perspective for full membership of Turkey is necessary. The Copenhagen Summit will be crucial in this respect. A decision on the membership of other candidate countries leaving Turkey out of the process will widen the gap between Turkey and the rest of the candidates.

The Copenhagen Summit will be a Litmus Test for the Turkish candidacy, yet it will also test the courage, wisdom and farsightedness of the whole continent shaping the politics of the 21<sup>st</sup> century. A broader vision of political grand design for a prosperous, stable and democratic future should only be possible with trans-continental cooperation. The EU and Turkey have a historic responsibility to build such a future. It is important to have the open mind, the political courage and willingness to set a date for the opening of the accession negotiations.