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## REPORT

on Turkey's application for membership of the European Union  
(COM(2002) 700 – C5-0104/2003 – 2000/2014(COS))

Committee on Foreign Affairs, Human Rights, Common Security and Defence  
Policy

Rapporteur: Arie M. Oostlander



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## PROCEDURAL PAGE

By letter of 9 October 2002, the European Commission forwarded to Parliament its Strategy Paper and Report on the progress towards accession by each of the candidate countries (COM(2002) 700 – 2000/2014(COS)) and its 2002 Regular Report on Turkey's progress towards accession (SEC (2002) 1412).

At the sitting of 27 March 2003 the President of Parliament announced that he had referred the report to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy as the committee responsible and to all committees interested for their opinions (C5-0104/2003).

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy appointed Arie M. Oostlander rapporteur at its meeting of 11 September 2002.

The committee considered the Commission report and the draft report at its meetings of 25 March 2003, 29 April 2003 and 12 May 2003.

At the last meeting it adopted the motion for a resolution by 55 votes to 5, with 1 abstention.

The following were present for the vote: Elmar Brok chairman; Christos Zacharakis, vice-chairman; Arie M. Oostlander, rapporteur; Ole Andreasen, Per-Arne Arvidsson, Alexandros Baltas, Bastiaan Belder, Yasmine Boudjenah (for Sami Naïr pursuant to Rule 153(2)), Massimo Carraro (for Mário Soares pursuant to Rule 153(2)), Gérard Caudron (for André Brie), Ozan Ceyhun (for Klaus Hänsch pursuant to Rule 153(2)), Paul Coûteaux, John Walls Cushman, Gianfranco Dell'Alba (for Emma Bonino pursuant to Rule 153(2)), Nirj Deva (for Geoffrey Van Orden pursuant to Rule 153(2)), Rosa M. Díez González, Andrew Nicholas Duff (for Baroness Nicholson of Winterbourne), James E.M. Elles (for David Sumberg), Glyn Ford, Pernille Frahm (for Pedro Marset Campos), Michael Gahler, Per Gahrton, Gerardo Galeote Quecedo, Jas Gawronski, Vitaliano Gemelli (for Amalia Sartori), Guy-Quint (for Linda McAvan pursuant to Rule 153(2)), Ulpu Iivari (for Véronique De Keyser), Christoph Werner Konrad (for Jürgen Schröder), Efstratios Korakas, Joost Lagendijk, Armin Laschet, Jo Leinen (for Magdalene Hoff), Jules Maaten (for Cecilia Malmström), Nelly Maes (for Matti Wuori), Hanja Maij-Weggen (for Ilkka Suominen), Minerva Melpomeni Malliori (for Catherine Lalumière pursuant to Rule 153(2)), Miguel Angel Martínez Martínez (for Raimon Obiols i Germà), Emilio Menéndez del Valle, Philippe Morillon, Pasqualina Napoletano, Doris Pack (for Karl von Wogau), Marco Pannella (for Karel C.C. Dillen), Hans-Gert Poettering (for José Pacheco Pereira), Jacques F. Poos, Bernd Posselt (for David W. Martin), Jannis Sakellariou, José Ignacio Salafranca Sánchez-Neyra, Jacques Santer, Elisabeth Schroedter, Renate Sommer (for Alfred Gomolka pursuant to Rule 153(2)), Ioannis Souladakis, Francesco Enrico Speroni, Ursula Stenzel, The Earl of Stockton (for Alain Lamassoure), Hannes Swoboda, Charles Tannock, Antonios Trakatellis (for Franco Marini), Joan Vallvé, Bob van den Bos, Demetrio Volcic and Jan Marinus Wiersma.

The report was tabled on 20 May 2003.

## MOTION FOR A RESOLUTION

### European Parliament resolution on Turkey's application for membership of the European Union (COM(2002) 700 – C5-0104/2003 – 2000/2014(COS))

*The European Parliament,*

- having regard to Turkey's application for membership of the European Union, submitted on 12 April 1987 pursuant to Article 49 of the Treaty on European Union,
- having regard to the conclusions of the European Councils of Copenhagen (21-22 June 1993), Florence (21-22 June 1996), Luxembourg (12-13 December 1997), Cardiff (15-16 June 1998), Cologne (3-4 June 1999), Helsinki (10-11 December 1999), Santa Maria Da Feira (19-20 June 2000), Nice (7-9 December 2000), Göteborg (15-16 June 2001), Laeken (14-15 December 2001), Seville (21-22 June 2002), Brussels (24-25 October 2002) and Copenhagen (12-13 December 2002),
- having regard to the Strategy Paper and Report of the European Commission of 9 October 2002, on the progress towards accession by each of the candidate countries (COM (2002) 700 - C5-0104/2003)<sup>1</sup>,
- having regard to the 2002 regular report of the European Commission on Turkey's progress towards accession of 9 October 2002 (SEC(2002) 1412),
- having regard to the Communication from the Commission to the Council of 26 March 2003 on Strengthening the Accession Strategy for Turkey, (COM(2003) 144),
- having regard to the proposal for a Council decision of 26 March 2003, on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey, (COM(2003) 144),
- having regard to its previous resolutions on Turkey,
- having regard to the recommendations adopted by the EU-Turkey Joint Parliamentary Committee, adopted on 5-6 June 2000,
- having regard to the Council Decision of 8 March 2001,<sup>2</sup> on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership,
- having regard to Turkey's national programme for the adoption of the *acquis*, adopted by Turkey on 19 March 2001 and forwarded to the Commission on 26 March 2001,
- having regard to the report of the Council of Europe's Parliamentary Assembly of 13 June 2001 on the honouring of obligations and commitments by Turkey,

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<sup>1</sup> OJ C... not yet published

<sup>2</sup> OJ L085, 24.03.2001, p.13-23

- having regard to the conclusions of the EU-Turkey Association Council meeting of 16 April 2002,
  - having regard to the decisions of the European Court of Human Rights concerning Turkey,
  - having regard to the resolution of the Parliamentary Assembly of the Council of Europe of 23 September 2002 on the implementation of decisions of the European Court of Human Rights by Turkey,
  - having regard to Rule 47(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0160/2003),
- A. whereas every EU citizen should have the same kind of rights and obligations in his or her Member State and whereas all citizens throughout the Union must be conscious of being protected and recognised as deserving protection against discrimination and maladministration by the authorities; whereas for that reason compliance with and respect for the Copenhagen political criteria are an essential precondition for embarking on the route to full membership,
- B. having regard to the decisions taken in Helsinki in 1999, which conferred on Turkey the status of a candidate for membership of the European Union, and required Turkey to meet the same accession criteria applying to the other candidate countries in connection with the enlargement of the EU,
- C. whereas on 3 November 2002 the AKP won the parliamentary elections, which had been brought forward, by an overwhelming majority; whereas the people have shown their dissatisfaction with the performance of the previous governments thus providing the opportunity for a new direction in government policy; whereas the AKP is now faced with the difficult task of implementing legal reforms and carrying out further reforms in order to bring about a properly functioning democratic state based on the rule of law, without calling into question the basically secular nature of the Turkish state,
- D. whereas the 10% electoral threshold, while it prevented a fragmented parliament, sacrificed to that end the representative nature of the parliament, which now represents only 55% of voters,
- E. whereas the Constitution adopted in 1982 under a military regime does not make it possible to guarantee the rule of law and fundamental freedoms, and whereas Turkey can express its choice of a democratic constitutional model by establishing a new Constitution based on European democratic values; whereas the on-going constitutional debate in Turkey has acquired a new dimension in the context of the enlargement debate,
- F. having regard to the steps taken by Turkey in 2002 towards meeting the Copenhagen criteria, in particular through the recent legislative package and the subsequent implementation measures which cover a large number of priorities specified in the

Accession Partnership; whereas these reforms contain a number of significant limitations on the full enjoyment of fundamental rights and freedoms,

- G. whereas the underlying philosophy of the Turkish State comprises elements such as nationalism, an important role for the army, and a rigid attitude to religion, which are hard to reconcile with the founding values of the European Union, and has to be adapted in order to enable a less rigid and more open-minded cultural and regional diversity as well as a modern and tolerant concept of the nation State,
  - H. whereas developments like the verdict issued by the Turkish Constitutional Court with regard to the closure of the HADEP party and the request of the Chief Prosecutor of the Court of Appeals to the Constitutional Court to initiate similar proceedings against the DEHAP party show that there is a lack of will to guarantee in practice fundamental democratic rights,
  - I. whereas the changes requested must imply courageous reforms and require full ratification of signed conventions and the adequate implementation of legal amendments and whereas the implementation of the reforms can only be perceptible and the democratic reforms can only be deemed to have been achieved when they are experienced by ordinary people,
  - J. whereas a thorough-going reform of the judicial system is of crucial importance to the democratisation of the country and whereas the government has announced the abolition of the state security courts, which will be an important step in that direction,
  - K. whereas the reforms and the investment made by Turkey in the democratisation process will benefit all its citizens, irrespective of relations with the EU,
  - L. whereas Turkey's accession to the EU must be based on clear and unequivocal criteria, and whereas the statements and decisions of the European Council on Turkey over the past few decades have shown inconsistencies,
  - M. whereas a solution to the problem of the division of Cyprus is of vital importance to relations between the EU and Turkey, and whereas UN Secretary-General Kofi Annan's plan for the union of Cyprus forms the basis for the future structure of the island,
1. Welcomes the reforms made by Turkey since October 2001, particularly as these have been perceived by the Turkish population as a major improvement and are important signals of Turkey's willingness to make further progress towards fulfilling the Copenhagen criteria; encourages Turkey to go ahead with the reforms; considers that these reforms need to be judged on the basis of their implementation; points out that political will to press ahead with a comprehensive state reform, in particular concerning its relationship to society and the application of human rights, is essential to the process towards EU membership;
  2. Realises that this is a long process of reform in which Turkey is faced with crucial choices, and that European help will be necessary in this process;

3. Recognises that the political values of the European Union are chiefly based on the Judaeo-Christian and humanist culture of Europe, but that no-one has a monopoly on these universal values of democracy, the rule of law, human and minority rights and freedoms of religions and conscience which can perfectly well be accepted and defended by a country where the majority of the population is Islamic; believes, therefore, that there are no objections of principle to its EU membership;
4. Notes that the short and medium-term priorities have only been partially implemented, particularly as regards the Copenhagen political criteria, as agreed in the current (2001) partnership for Turkey's accession;
5. Welcomes the Commission communication to the Council on Strengthening the Accession Strategy for Turkey (COM(2003)144), particularly as regards enhanced political dialogue and the political criteria;
6. Calls on the Turkish government to submit a clear roadmap and timetable for the implementation of the Copenhagen criteria as a prerequisite for the future improvements concerning reform of the Turkish state as soon as possible,

### The Copenhagen political criteria

#### *State Institutions*

7. Notes that the army maintains a central position in the Turkish state and society; notes with regret that the army's excessive role slows down Turkey's development towards a democratic and pluralist system, and advocates that Turkey must take the opportunity of its present government with its strong parliamentary support to elaborate a new political and constitutional system, which guarantees the principles of a secular system without military supremacy above civil institutions, so that the traditional power of the bureaucracy and the army (the 'deep State') can resume the forms which are usual in the Member States;
8. Considers that, in the context of state reform, it will be necessary in the long term to abolish the National Security Council in its current form and position in order to align civilian control of the military with practice in EU Member States; realises that the desired structural change will be very hard to accept;
9. Proposes that the military representatives should withdraw from civilian bodies such as the high councils on education and the audiovisual media, in order to ensure that these institutions are fully independent; urges the Turkish authorities to establish full Parliamentary control over the military budget as a part of the national budget;
10. Considers that a successful reform of the State will partly be dependent on the extent to which the government succeeds in handling in another way the dangers of fundamentalism and separatism, reflecting Articles 13 and 14 of the Constitution<sup>1</sup>; considers that a relaxed attitude to Islam and to religion in general will counteract the rise of antidemocratic movements such as intolerant and violent religious extremism;

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<sup>1</sup> These articles relate to the protection of the 'indivisibility of the territory' and the 'secular nature of the state'.

11. Stresses that the changes demanded are so fundamental that they require the establishment of a new constitution, explicitly based on European democratic foundations, with the rights of the *individual* and of *minorities* balanced against *collective* rights in accordance with the customary European standards, as set out for example in the European Convention on the Protection of Human Rights and Fundamental Freedoms and the Framework Convention on the Protection of National Minorities, which Turkey should sign and implement;
12. Welcomes Prime Minister Erdogan's intention to establish a new Constitution emphasising the rule of law and a pluralist, participatory democracy;
13. Considers that also the Turkish concept of the nation and secular state has to be based on tolerance and non-discrimination of religious communities and minority groups; considers that the drafting of a new Constitution must facilitate the implementation of these principles;
14. Calls on the government and the parliament, with the cooperation of the European Commission and the European Parliament if wished, to stimulate public debate on the characteristics of the State in relation to the political values of the EU, partly in connection with the outcome of the Convention, in order to strengthen the democratic consciousness of citizens; calls on the Turkish authorities and the Commission to organise information campaigns to increase the awareness of Turkish citizens about the European Union and the obligations arising from membership as well as the awareness of EU citizens about Turkey;
15. Stresses that, in order to strengthen the democratic nature of society, an active civil society is essential; considers that the establishment of free social organisations in the economic, social and cultural fields must be promoted and encouraged by the State; emphasises the value of a fully tripartite consultation between government and social partners;
16. Considers also that ordinary people can be involved more closely in decision-making, and policy be better adapted to needs, by decentralising certain government tasks to a lower level of elected authorities, with the necessary control to ensure transparency;

*The rule of law and democracy*

17. Encourages the Turkish authorities to strengthen the principle of the primacy of international law over national law in the case of substantial differences relating to respect for human rights and the rule of law; considers that this measure is necessary in order for Turkey to be brought more closely in line with the standards prevailing in the Member States of the European Union; notes the modification to the Turkish Constitution which entails the acknowledgement of the judgements of the European Court of Human Rights;
18. Reiterates its conviction, expressed in its resolution of 26 September 2002<sup>1</sup>, that the Rome Statute was ratified by all Member States and candidate countries as an essential component of the democratic model and values of the European Union, and calls upon

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<sup>1</sup> P5-TAPROV(2002)0449

Turkey to commit itself without delay to a process of accession to the statutes of the International Criminal Court; believes that this is a fundamental element in the relations between Turkey and the EU; points out that Turkey is the only member of the Council of Europe which has not yet signed this treaty;

19. Regrets that Turkey has delayed so long with implementing the decisions of the European Court of human rights (ECHR) as it was urged to do by the Parliamentary Assembly of the Council of Europe in a resolution of 23 September 2002 (including the Loizidou case); calls on Turkish and European judicial officers and judges to exchange experiences in order to harmonise the Turkish legal system with the system current in Europe; calls on the Commission and the Council of Europe to continue with the exchange programmes initiated in late 2002 and to extend them to include other forms of training;
20. Urges that an amnesty be granted to those imprisoned for their opinions who are serving sentences in Turkish prisons for the non-violent expression of their opinions; welcomes the reforms that permit the reopening of trials that violated the European Convention on Human Rights and Fundamental Freedoms; welcomes in this context the reopening of the trial against European Parliament Sakharov Prize winner Leyla Zana and three other former DEP party MPs imprisoned since more than 9 years; calls for a fair retrial and their immediate provisional release;
21. Stresses the importance of a independent and competent judiciary; calls on the Turkish authorities to adopt energetic and consistent measures to improve the quality of the court system and the qualities of judges, who have a great responsibility for creating a new legal culture at the service of the citizen, by promoting the correct interpretation and application of the laws at all levels (local, regional and national); calls on the Commission to consider the possibilities of opening up the Community's 'Grotius' judges' training programme to Turkey;
22. Welcomes the government's announcement that it intends to introduce a thorough-going reform of the judicial system and, among other measures, to abolish the State Security Courts, and calls on the government to adapt its legislation on combating terrorist crimes in line with the decisions of the European Union, seeking to cooperate with the Member States in this matter;
23. Calls on Turkey to continue its fight against corruption and to ratify without delay the relevant international conventions it has signed; stresses that, in the fight against corruption, a transparent society, including free media, independent courts and a more efficient judiciary system, is essential, and that corruption cases in particular should be more public and should be monitored by the media and other watchdog organisations;
24. Calls for the electoral system to ensure that the composition of the parliament fully reflects the principle of representative democracy, especially with regard to the representation of the Kurdish population and other minorities;
25. Strongly welcomes the vote in the Turkish parliament on 2 August 2002 in favour of abolishing the death penalty in peacetime and the subsequent signing of Protocol No. 6 to

the European Convention on Human Rights on 15 January 2003; welcomes these important steps forward but also calls for the ban to be extended to crimes committed in times of war;

26. Condemns the decision of the Turkish Constitutional Court to ban HADEP, and recommends the reconsideration of that decision; considers that this ban conflicts with the European Convention on Human Rights and the Charter of Fundamental Rights of the EU, and violates the elementary right to freedom of opinion and assembly; considers that the persecution of political parties such as HADEP and DEHAP, which is also the subject of proceedings seeking to ban it, conflicts with the principles of democracy;

*Human rights situation and protection of minorities*

27. Recalls the commitment by the Turkish government to finally eradicate torture (zero tolerance); notes with concern that torture practices still continue and that torturers often go unpunished; calls for the most energetic and consistent measures to be taken to combat this barbaric practice, and for the Centre for the Treatment and Rehabilitation of torture victims in Diyarbakir, supported by the Commission, to be able to continue its work unhindered;
28. Calls on Turkey to implement the international standards for prisons and to abstain from isolation of prisoners;
29. Expresses its concern at the continued hunger strike in Turkish prisons and supports efforts to negotiate a solution to this matter in a way which avoids further deaths;
30. Calls on the Turkish authorities to permit all prisoners, including those arrested under the jurisdiction of the State Security courts, to be given genuine access to legal aid ; calls on the government of Turkey to promptly pass legislation to abolish Article 31 paragraph 1 of the Law Amending Some Articles of the Criminal Procedure Code (1992, No 3842), which denies detainees held for offences under the jurisdiction of State Security Courts the right to legal counsel for the first forty-eight hours;
31. Is deeply concerned about reports of women in detention being subjected to frequent sexual violence and rape committed by state security agents; notes that women of Kurdish origin and women holding political beliefs unacceptable to the authorities or the military are particularly at risk of such violence; calls for an assurance that intimate searches of female prisoners will only be carried out by female staff and that assaults will be punished;
32. Notes that the fact that people of Kurdish origin can be found living in different countries including Turkey must not prevent Turkey from finding a more relaxed and constructive relationship with its own citizens of Kurdish origin as with other ethnic and religious minorities;
33. Proposes the establishment of systems for rigorous monitoring of police stations and gendarmeries by independent councils including members of the public; demands that police officers and gendarmes should be sharply disciplined and/or prosecuted whenever they deny detainees access to legal counsel, induce detainees to sign away their right to

see a lawyer, fail to inform detainees of their rights, interfere with medical examinations, fail to inform relatives when people are detained, fail to register detainees on arrival, or fail to take detained children directly to the prosecutor as regulations require;

34. Calls on Turkey to ensure cultural diversity and guarantee cultural rights for all citizens irrespective of their origin, to ensure effective access to Radio/TV broadcasting, including private media, and education in Kurdish and other non-Turkish languages through implementation of existing measures and the removal of remaining restrictions that impede this access;
35. Calls on Turkey to take further steps – within the context of the country’s territorial integrity – to comply with the legitimate interests of the Kurdish population and members of other minorities in Turkey and to ensure their participation in political life;
36. Respects the position of Turkish as the first national language, but underlines that this should not be to the detriment of other indigenous languages (such as Kurdish and Armenian) and liturgical languages (such as Aramaic/Syriac), the use of which constitutes a democratic right of citizens;
37. Urges Turkey to respect and to emphasise the Armenian and Syriac cultural heritages, components of Turkey’s national identity;
38. Notes the modifications to Articles 159, 169 and 312 of the Criminal Code and Article 8 of the Anti-Terrorism Act but regrets that they still restrict freedom of expression<sup>1</sup>; calls on the Turkish authorities to bring these articles, as regards their form and their application, into line with the European Convention for the Protection of Human Rights and Fundamental Freedoms, to lift the restrictions on the exercise of fundamental rights contained in other parts of the country’s legislation (the RTUK law) and to interpret them in this spirit;
39. Calls on the Turkish authorities at all levels (national, regional, local) to call an immediate halt to any discriminatory activities which create difficulties for the lives of religious minorities in Turkey, including in the field of ownership of property, donations, building and maintenance of churches and freedom of action for school boards; urges that all Christian denominations in Turkey should be permitted to maintain theological colleges and seminaries to train their clergy in respect of whom the issuance of visas and residence permits should be facilitated; calls in this connection for the reversal of the decision to close the Greek Orthodox Halki Seminary and for the threats of seizure against the Armenian Holy Cross Seminary in Istanbul to be finally lifted;
40. Calls on the Commission to draw up a comparative study between the provisions governing religious freedom in Turkey and those in the Member States of the European Union, with reference to the definition of ‘religious freedom’ in the case law of the European Court of Human Rights and the Council of Europe; encourages the Turkish authorities to bring their laws in this area into line with those enshrined in international conventions;
41. Calls for equal treatment, recognition and protection of the Alevite and Baha’s

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<sup>1</sup> These articles relate to the protection of the 'indivisibility of the territory' and the 'secular nature of the state'.

communities and of different Muslim communities such as the Sufis;

42. Calls on the Turkish authorities to facilitate the work of non-governmental organisations – charitable associations such as Caritas – by granting them legal status;
43. Welcomes the ending of the state of emergency on 30 November 2002 in the last remaining two provinces of Diyarbakir and Sirnak, but calls on Turkey to contribute to the elimination of tensions with the Kurdish people and to make efforts to overcome the economic and social under-development of the regions in which these people live, to facilitate the return of former inhabitants to 'emptied villages' and returning refugees from abroad, and to bring about the removal of armed village guards in Kurdish and Syrian Orthodox villages;
44. Calls on the Turkish authorities to place any military activity in these regions under civilian control and to demand that the security forces (police and army) be answerable for their actions under all circumstances;

#### *Turkish external relations*

45. Deplores the failure of the meeting in The Hague on 10 March 2003 and calls on the Turkish Cypriot leadership and the Turkish authorities to take courageous steps so that a fair and workable solution to the Cyprus problem can yet be reached, on the basis of the proposals of Secretary-General Kofi Annan, which is an essential condition of proceeding with Turkey's application for membership of the EU; urges Turkey to be fully committed to its status of candidate country and to withdraw its troops from northern Cyprus so as to pave the way for the reunification of the island and facilitate the resumption of talks;
46. Calls on the Turkish authorities to promote good neighbourliness with Armenia in order to defuse tension and reduce the economic backwardness of the region affected by the ban; as a first step this could mean opening of the borders, mutual recognition and the resumption of diplomatic relations as a step towards compliance with the political criteria;
47. Calls on Turkish and Armenian academics, social organisations and NGOs to embark on a dialogue with each other, or to continue their existing dialogue, in order to overcome the tragic experiences of the past, as pointed out by Parliament in previous resolutions, in particular, in A5-0028/2002, paragraph 19, and A5-0297/2000, paragraph 10, which have hindered so far the normalisation of the situation;
48. In order to ensure the continuing improvement in bilateral relations between Turkey and Greece encourages Turkey to act in that context in the spirit of the Helsinki conclusions and in accordance with the principles of international law which should, in this case likewise, take precedence over national law;
49. Demands that Turkey cooperates with its neighbours Iran, Syria and Iraq in order to respect and safeguard the borders while enabling their respective citizens of Kurdish origin to develop their human, cultural and economic relations; urges the Turkish Government to continue to respect the territorial integrity of Iraq and to respect the competence of Iraq to re-arrange its own administrative organisations;

50. Recommends that Turkey arrive at a settlement, based on the findings of the UN General Assembly's International Law Commission, of the disputes with its neighbours Iraq and Syria concerning water;

#### EU-Turkey relations

51. Calls on the European Council to take a clear and consistent position and to take decisions in accordance with mutually recognised criteria, based on the periodic progress reports by the Commission and the resolutions of the European Parliament;
52. Notes, in the light of the Copenhagen decision (December 2002), that the conditions for the opening of accession negotiations with Turkey are not yet in place;
53. Reiterates its view that the two financial aid programmes adopted by the Commission in 2002 must be spent as a priority on compliance with the political criteria;
54. Reiterates its call on the Commission to work out proposals for a broader cooperation with Turkey in the medium and short term, including in the fields of energy policy, regional environmental protection, combatting cross-border crime, 'Culture 2000' and 'Media', and to optimise the potential of customs union;
55. Notes the willingness of Turkey to honour its commitments as a member of NATO in spite of the serious consequences it could incur as a country bordering Iraq;
56. Instructs its President to forward this resolution to the Council and the Commission, to the Council of Europe, to the European Court of Human Rights and to the Parliament and Government of Turkey.

## EXPLANATORY STATEMENT

### History and background

The reactions of Turkey, as a candidate for membership of the European Union, to the criteria imposed by the Union differ widely from those of the Central and East European countries (CEECs). In both cases there was a need to take a radical approach to the structures of the state in order to be ready for accession. The CEECs showed a great deal of enthusiasm in taking leave of their old (totalitarian) structures and embarking on the road to a democratic state based on the rule of law, on the EU model. Turkey shows much less of a clear desire to go that way. And yet it has been clear from the outset that the Treaty of Rome only permits membership for democratic constitutional States. Hence the greatest obstacle to Turkey's accession lay in its slowness in fulfilling the Copenhagen political criteria. The EU must not beat about the bush in speaking of this, because to do so raises unjustified expectations and slows down the willingness to reform. At the time the Turkish democratic opposition regretted the lack of firm support from the Council and Commission, and it was the European Parliament which most clearly expressed its views of the country's shortcomings with regard to the rule of law.

The first forty years from Turkey's application for membership were wasted because there was little incentive to reform the Turkish state into a democratic state based on the rule of law. Even since Turkey's first recognition as an EU candidate in 1999, progress made by Turkey towards fulfilling the Copenhagen criteria was characterised by unequal dynamism showing different degrees of political will to achieve the reforms and implement them. The positive measures were often followed by inappropriate implementation or even contradictory actions, which question to some extent the sincerity of Turkish commitments towards reform. The country's admission to the Council of Europe in 1949 also failed to have the desired stimulating effect on the important issue of reforms towards a democratic constitutional State. It was even suspended from the Council of Europe for a number of years (between 1981 and 1984). This is not, therefore, the kind of admission policy that should be imitated by the EU. The Council should pursue a realistic and consistent policy on the basis of unequivocal criteria.

### Voting for the political values of the Union

Partly because the citizens of the EU need to be persuaded that Turkey can become an ordinary Member State – in which a democratically-minded citizen can feel free, protected and at home – every possible emphasis needs to be placed on meeting the political criteria. By contrast, EU citizens had hardly any doubts on this point with regard to the CEECs due to join the EU in 2004.

Accordingly the accompanying resolution states as clearly as possible where the priorities for improvements and reforms lie. On all these points Turkey is given a clear opportunity to opt for (or against) the political values to which the Union attaches so much importance. It is recognised that these values arose in a distinctively Judaeo-Christian and humanist society. However, no one can claim a monopoly on them. It should be assumed that they can be just as well adopted and shared by an Islamic society.

The transformation of a state based on Kemalist ideas (see recital G) into an EU Member State, accepting and sharing the political values we set so much store by in the Union, will be a long drawn-out job. The enlargement strategy will thus differ from that for the other candidate countries. Turkey needs to be convinced of the priority of state reforms. This 'chapter' needs to be dealt with before the other 31.

### Reform programme

The most obvious point on which reform is needed is the position of the army. In fact the army has much more power than is acceptable for a constitutional state. The National Security Council epitomises the political power of the military. The defence budget is separate from the national budget and is completely outside parliamentary control. The army has an unparalleled power over business, education and the media.

The army should of course be under civilian control. In a European democratic constitutional state, the heart of politics lies with the government and the parliament. That should also be the case in Turkey. This means that the political tasks which have hitherto been the responsibility of the army, including the think-tanks set up for this purpose, should be returned to the sphere of the government.

In the philosophy of the Turkish state, the balance between the rights of individuals and minorities on the one hand and collective rights on the other hand, has been heavily skewed in favour of collective interests and collective security. That has been an important reason for violations of human rights and the rights of minorities.

The 'division between church and state' has taken the form in Turkey of state control over Sunni Islam, which enjoys unique privileges in return. In Turkey, the emphasis is on cultural and religious homogeneity. Other cultural or religious groups have a rough deal or are even prevented from operating.

The current constitution was drawn up in 1982, and bears the clear hallmarks of the military. Accordingly it does not lend itself to radical amendment in order to comply with the above requirements. State reform is therefore best accompanied by the establishment of a new constitution, based fully on European political values, as is normal in the EU.

Of course the resolution of the Cyprus question and the normalisation of relations with Armenia also form part of the fulfilment of the Copenhagen criteria.

It would be desirable for the above-mentioned fundamental issues to be approached in a systematic manner. As long ago as the resolution of 3 December 1998 (Swoboda) on relations with Turkey, a clear and thus binding timetable was advocated for the elimination of political obstacles. Since it was clear that the short and medium term objectives in the partnership agreement (2001), particularly the political ones, could only be partly achieved, a compulsory schedule of this kind is clearly a difficult issue. And yet compliance with the political criteria in particular cannot be dragged out for yet more years to come. This would damage the credibility of the partnership. Just as in the case of the countries joining in 2004, certainty about membership will not exist until the requirements are met.

### Specific steps

Recently there has been more willingness on the Turkish side to carry out reforms towards a state based on the rule of law. We may mention the constitutional reforms (Oct 2001), a new civil code (Nov 2001), three additional legal reforms (February, March and August 2002), and harmonisation packages 4 and 5 (adopted on 10 and 24 Jan 2003 respectively). The last provides for a positive development with regard to retrial. It allows for the right to retrial in cases where the European Court of Human Rights found that the decisions of national courts violated the European Convention of Human Rights. This will have a direct effect on the case of a number of former MPs from the pro-Kurdish DEP, some of whom are still in prison, such as the Sakharov Prize winner Leyla Zana. The Parliament has been calling for her release for the last 9 years, with no result so far.

In November 2002 the state of emergency in south-west Turkey was lifted in the last two provinces of Diyarbakir and Sirnak. These reforms have in some cases been very significant for ordinary people, and we welcome this. However, in relation to the distance still to be covered, these are still only small steps, and they seem to have been taken with the greatest difficulty. We should not give the impression on the EU side that these small steps have almost brought Turkey to its goal. The changing of the guard in Turkey's parliament and government, however, is a reason for optimism. The AKP will probably show more willingness to distance itself from the old state philosophy. Still, even for this government the reform process will be hard to swallow.

#### An immediate and radical approach

For the EU this is yet another reason not to adopt a 'wait-and-see' approach but to support the government in actively fulfilling the political criteria of Copenhagen. This approach means that work on compliance with the criteria must not be postponed to some date in the future. This task can be embarked upon immediately as soon as the Ankara government is ready. The EU should not be a passive observer but should give the necessary assistance. In order for this approach to be effective it is necessary that no problems should be swept under the carpet, particularly not the most fundamental problems: it should be stated clearly where the problems lie.

It cannot be ruled out that Turkey will ultimately regard such a thorough-going reform as unsustainable for itself, or as not in its interests. The slow rate of implementation of the reforms seems to point in this direction. However, if we assume that Turkey can in fact become a full member of the EU, we must not leave any scope in the pre-accession process for attempts to evade central political decisions. Among other things, the confidence of the citizens of the present Member States is at stake.

#### EU assistance

A radical approach to constitutional reforms is a priority. In this connection the Venice Committee could provide constitutional assistance. Experience gained in establishing a Constitution for the European Union by the Convention could also be exploited. Since the middle of 2002, subcommittees of the Association Committee have been carrying out detailed investigations into the reform of legislation. The Union can also offer financial and personnel support in training and exchange programmes for police, judiciary, armed forces and administrative staff, in order to promote the implementation of the necessary reforms. The budgetary decisions have already been taken by the EU.

The Commission has recently submitted to the Council a revised Accession Partnership. This is an important instrument which, to be efficient, must contain a precise 'road map' reflecting clear objectives with the prioritisation of actions, clearer timetables and deadlines as regards their fulfilment.

A sustainable reform of state and legislation can, of course, only take place if it is shared on a broad basis by politics and public opinion. To this end a debate among the general public about the political values of the EU would be very desirable. The EU can provide the necessary information for this purpose. Comparative studies can also be carried out to support the arguments in favour of particular reforms.

Once the fundamental choices have been made, given concrete form and become a self-evident basis for implementation of policy, the way through the '31 chapters' will be seen to be a feasible, even if still problematic route.

19 May 2003

## **MINORITY OPINION**

(pursuant to Rule 161(3))

Gianfranco Dell'Alba on behalf of Radical Members

The main role of the European Union should be a political one, and should be aimed at strengthening democracy and extending the rule of law throughout the world. The Union should fulfil this task in a manner which is open and based on a non-religious approach. The Union must therefore respond to countries' aspirations to accede to it in a way which is both pragmatic and respects the values on which the Union is founded. This report, despite having been improved by the adoption of certain amendments tabled by Liberal and Green colleagues, is permeated with a moralistic, ideological attitude in which there is a tendency almost to replace the political values and principles underpinning the Community with precepts of a parareligious nature. The European Union came into being as a response to totalitarianism and war, in an endeavour to promote tolerance, freedom, democracy and prosperity; there are accordingly no grounds for denying Turkey the right to become a genuine candidate for accession on the basis of cultural differences. This report, which aspires to teach others, could for the first time lend a certain substance to the questionable theory of the clash of civilisations. We take the view that a responsible parliament should refrain from adopting any attitude of this kind.