

EUROPEAN PARLIAMENT

52nd MEETING OF THE EU-TURKEY JOINT PARLIAMENTARY COMMITTEE

Izmir, 5-7 April 2004

MINUTES

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The Co-Chairman Mr. DUMANOGLU opened the meeting at 1440 hrs.

1. The agenda was adopted.

2. The minutes were adopted

3 and 4. Mr DUMANOGLU gave the floor to Mr Bülent ARINC, Speaker of the Turkish Grand National Assembly (TGNA).

Mr ARINC outlined the reform packages passed by the TGNA. He recognised that implementation of the reforms would take time and the harmonisation of Turkish legislation with EU law was an ongoing process. He underlined too that the independence of the judiciary was very important. The activity of the National Security Council (NSC) would be limited and the TGNA would undertake an audit of the military budget. There would be reforms to improve the position of minority languages and religions. He emphasised the strong commitment of the Turkish government to joining the EU and was concerned that some forces within the EU would use the forthcoming European Parliament elections in order to argue against Turkish membership. He stressed the importance of reconciling Islam with modern democracy and rejected any arguments that cultural differences were an insuperable barrier to Turkish membership. He concluded by expressing the hope that the new Joint Parliamentary Committee would play an active and effective role in pushing for Turkish membership of the EU.

Thanking the Speaker, Mr VAN ORDEN asked him what expectations he had of the EU if there was a "no" vote in the Cyprus referendum. Mr ARINC stressed the importance of reaching agreement on Cyprus. He recognised that the Annan Plan did not fully satisfy either party. He pointed to the problems if only one part of Cyprus became a member of the EU. He also assured Mr VAN ORDEN that the secular basis of Turkey was guaranteed.

The Co-Chairman Mr LAGENDIJK wondered why the TGNA should only have the role of monitoring how the military budget had been spent. He noted that most parliaments were empowered to approve the size of the budget. Mr ARINC noted that the budget was prepared by the government, which determined where the money would be spent. Parliament played an important role as a supervisory body. In response to a question from Mr DUMANOGLU the President noted that the number of ministers and deputy ministers on the National Security Council had been increased and the Secretary General could now be a civilian.

Mrs UCA recognised that Turkey had made important progress, however she had questions about the return of IDPs to Southeast Turkey. She was also concerned that there were still restrictions on speaking Kurdish and she had personal experience of this during a recent trip to the region when she had been told to speak Turkish. Mr ARINC agreed that changes in the language laws needed to be implemented and there should be broadcasts in minority languages.

The Minister of Justice Mr Cemil CICEK outlined developments since Turkey had been accepted as a candidate for membership in December 1999 and gave details on the harmonisation packages brought in by the governments. He stressed that the Ministry of Justice had a lead role in carrying out these reforms and pointed to major steps such as the abolition of the death penalty and revisions of the anti-terrorism laws. He stressed that the Ministry had declared a zero tolerance policy towards torture. In particular a major training programme for judges had been organised and there had also training for lawyers. He stressed that Turkey was

seeking to fulfil its 40-year dream of joining the EU. He recognised that there were some problems of implementation and that further training of judges and prosecutors was necessary. Mr CICEK also pointed to the need for a sustainable and just peace in Cyprus and he stressed that each side must trust the other. There was a need for Turkey to receive a date for the start of negotiations and if no date were given in December 2004 it would be a case of discrimination and Turkey would be pushed into a corner. A resolution of the Cyprus issue should not be a precondition, he concluded.

Mr DUFF agreed that the reform package was impressive and that Turkey was not the only country with deficiencies in its criminal justice system. However he was concerned at the numbers of prisoners of conscience and he argued that an amnesty should be considered as part of the policy of liberalisation. Mr CICEK agreed that there should be a definition of what constituted "terrorism", however he noted that 30,000 people had died from terrorism in the country and that this was a subject that had to be approached without prejudice. Mr DUFF agreed that nobody should justify terrorism and the PKK-KADEK had been properly included on the European terrorist list. However he was concerned that expressions of opinion that were critical of the Turkish state were being prosecuted in courts and he believed that this was hampering Turkey's EU candidacy. Mr CICEK argued that it had taken a long time for the PKK to be labelled as a terrorist organisation and that none of the new EU member states had faced the same problems as Turkey.

Mr VAN ORDEN stressed that the United Kingdom had tremendous sympathy for Turkey in its struggle against terrorism and he wondered if the EU had a distorted picture of those challenging the Turkish State. However he asked whether or not Leyla ZANA might be released on bail pending the outcome of her trial. Mr CICEK repeated the need for a common definition of what constituted "terrorism". He considered that terrorists should be extradited to Turkey in view of the fact that Ankara had abolished capital punishment. He argued that he could not interfere with procedural law and that judges needed to decide according to their conscience. He informed Mr KATIFORIS that when the constitution had been amended it would be possible to abolish state security courts.

Mr DUMANOGLU stressed the need for an equitable solution to the Cyprus issue and for the right decision to be taken on launching accession negotiations for Turkey. He too outlined the recent reforms and stressed that the final say on any given issue rested with the civil government and the role of the National Security Council was consultative.

Mr LAGENDIJK argued that the European Parliament welcomed the strong motivation of the AKP government to reform but there remained much to be done with regard to implementation. He was a "yes, but" person with regard to Turkey's reforms. He stressed the importance of allowing more rights to education and broadcasting in minority languages and warned that failure to make progress here would be used against Turkey. While he recognised that the government had a policy of zero tolerance with respect to torture, he had heard reports that it still took place. There needed to be practical progress in this area and there needed to be evidence of punishment of those who had violated the rules. He was also concerned about the lack of willingness of certain members of the judiciary to adapt to the new spirit of reform and he cited in particular the case of Leyla ZANA. He argued that nobody expected Turkey to get a 100% clean bill of health on the Copenhagen political criteria, however it was important to establish when a critical mass had been reached. The decision about whether to start negotiations would be a political one and there was a need for credible progress in implementing reforms.

For the Irish Presidency H.E. Mr Sean O'REGAN argued that 2004 was a crucial year for Turkey and the EU. Referring to the Madrid killings he argued that terrorism could only be defeated within the framework of international law. He hoped that the IGC could conclude the work on the EU constitution and that a united Cyprus would be able to join the EU on 1 May. He warned against bringing up again the issue of Turkish membership of the EU and stressed that the Irish Presidency considered that Ankara had a clear perspective for membership based on a fair and even-handed assessment of whether it met the Copenhagen criteria. He warned nevertheless that negotiations could take a long time and he was encouraged that the Turkish government recognised that there were shortcomings and was seeking to deal with them. He looked forward to the revision of the Turkish Penal Code and warned that the Leyla ZANA proceedings were detrimental to Turkey's position.

For the Commission H.E. Hansjörg KRETSCHMER spoke of some very impressive reforms in the last two and a half years, while warning that the political criteria were not yet met. He stressed in particular the need to ensure that the rights of non-Muslim minorities were safeguarded and for broadcasting in non-Turkish languages to actually take place. There was also need for social and economic development in South East Turkey and the return of IDPs. The reforms needed to be felt in everyday life and it was important to overcome ingrained attitudes that were resistant to change. He referred in particular to the need to improve the position of women. He promised that the European Commission stood ready to provide support in these areas.

Mr TURKOGLU outlined progress in extending the opportunity to broadcast in minority languages and in resettling IDPs in the Southeast. Regarding Leyla ZANA he stressed that the government could not pressurise the judiciary but that the State Security Courts would be abolished. Mrs ERBATUR recognised that "honour killings" were a major issue that the police needed to address properly and the EU might provide assistance in this area. The constitution needed to be amended as it did not specify how gender equality might be achieved. She argued for positive discrimination in favour of women and quotas on candidate lists. Mr DUFF called for more detail on the successes of the TGNA on scrutinising the government reform programme. Mrs UCA called for the 10% threshold to enter Parliament to be lowered. She called for the release of Leyla ZANA who had, she said, been imprisoned for speaking about brotherhood between Kurds and Turks. DEHAP representatives with whom she had spoken had made no mention of financial support for the return of IDPs.

Mr KATIFORIS stated that in principle he supported the accession of Turkey to the EU, which was not a Christian club. In his view Europe was a historical construction that sought to overcome wars. Turkey had played a part in this development and belonged to European history. However Turkey currently had a dual political regime with democracy for some and a police state for others. The same had been the case in Greece, he noted.

Mr DISLI agreed with the "yes, but" people, as long as they were objective. In his view the list of things that needed to be done was decreasing and giving Turkey a date for the start of negotiations would boost efforts to promote further democratisation.

Mr DUMANOGLU stressed that the TGNA was completely committed to reform, however implementation took time. There was a definite need for a new constitution as the current one had been prepared under military rule. Lessons could be learned from the Greek experience in addressing the question of the role of the military. He agreed that Leyla ZANA should now be

released as her continuing imprisonment tarnished Turkey's reputation in the outside world. He considered the second Oostlander report to be much more positive than the first one and he recognised valid criticism. Mr VAN ORDEN noted that not everyone in the European Parliament had supported the Oostlander report as many thought it was too negative. He argued that there was a conflict between the cultural rights of a minority and equality of opportunity and he warned against an "excessively multicultural approach" which might divide society. Mr DUMANOGLU pointed out that the Lausanne Treaty had defined what was meant by a "minority". Mrs UCA referred to reports of ballots being thrown away in the local elections in South East Turkey and noted that many people had been sent away from polling stations because they did not speak Turkish.

The meeting closed at 1830 hours and resumed the following day at 0920 hours.

4. Mr DISLI outlined the background to the current situation in advance of the separate and simultaneous referenda taking place on 24 April 2004. In the case of a "yes" vote by both sides the agreement would enter into force on 29 April thereby enabling a reunited Cyprus to join the EU on 1 May.

Mr DUFF stressed that the European Parliament was strongly in favour of a settlement of the Cyprus issue as it wished to extend its successful experience of European integration. He was satisfied that the Annan Plan ensured essential bizonality within a federal system and that the provisions would safeguard the national personalities of the Greek and Turkish Cypriots within the multi-ethnic context of the EU. He recognised Turkey's concerns over primary law but he stressed that a Treaty of Establishment would be part of the Protocol. He considered the draft plan to be a good one for Turkey as it permitted Turkish troops to stay on the island, albeit in diminishing numbers. 40,000 settlers from Turkey would be able to stay and Greek migration to the north would be restricted to 18% pending Turkey's accession to the EU when freedom of movement and establishment would apply. If the Turkish Cypriots voted against the Plan it would block Turkey's prospects of EU membership for a long time and there would be no opening of accession negotiations. In addition 20,000 Turkish Cypriots were likely to leave the island.

Mr OYMEN argued for a fair and lasting settlement of the Cyprus question, as the current situation was not an option. Traditionally there had been unanimity in Turkey on the Cyprus question. In his view the "sine qua non" conditions of the government had not been fulfilled. He pointed to a significant information deficit with the opposition being unaware of the detail of the plan which ran to 9,000 pages and was largely untranslated into Turkish. He considered that people were being asked to vote upon a document without knowing the substance. He did recognise however that the results of the referenda should be respected as they represented the will of the people. He considered that it would be unfair to paralyse the Turkish accession process to the EU because of what happened in Cyprus and that these should be two separate issues. He noted that the Annan Plan was one subject on which the Greek and Turkish Cypriot leaders could finally agree.

Mr KATIFORIS argued that it was a crucial issue in relations between Turkey and the EU, and Greece in particular. He applauded the courage of the Turkish government in pushing for a settlement, despite the opposition of Mr DENKTASH. The Annan Plan needed goodwill on both sides and the Turkish Cypriots had already shown their desire to join the EU by demonstrating in favour of it. Mr DUMANOGLU recognised that some people were hesitant about the Plan and he recognised that it had some obscure language and ambiguities. It was

important to explain it clearly to the voters. Mr VAN ORDEN predicted that most Turkish Cypriots would accept the Plan and the EU should be concentrating on persuading the Greek Cypriot voters. Mr LAGENDIJK urged the Turkish government to give a strong push for a "yes" vote.

Mr OYMEN argued for the information deficit to be resolved. He argued that if there were a "no" vote on either side it would still be possible to achieve a better compromise. Mr DICIK agreed that the Copenhagen criteria and the Cyprus issue should be treated as separate matters. However he warned that a lack of a settlement of the Cyprus question would be a serious obstacle to Turkish accession. The government was taking steps to translate the Plan into Turkish, he noted.

Mr DUFF expressed satisfaction that the CHP was not in favour of the status quo on Cyprus and recognised that it was not a sustainable position. The EU should take over from the UK, Greece and Turkey who were the current guarantors of the status quo. He noted that it would not be the first time in EU history when there was inadequate information available to the public in advance of a referendum and an act of faith was needed for people to take a step forward. Ms GUREL stressed that this was a matter for the people of Cyprus to decide, Mr KATIFORIS warned of the consequences of a "no" vote". Mr KARSLI stated that people could obtain much information from the Plan from the TV and other media. Mr OYMEN agreed that most people would not read a 9,000 page document but considered it should be available in Turkish for experts to study.

5. The joint statement was adopted without amendment.

6. There was no other business.

7. Mr LAGENDIJK proposed that the next JPC should take place in Brussels on 23-24 November 2004.

The meeting closed at 1255 hrs.

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JOINT PARLIAMENTARY COMMITTEE
Izmir, 5-7 April 2004**

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