

# **TURKPA**

**PARLIAMENTARY ASSEMBLY OF TURKIC-SPEAKING COUNTRIES**

**COMMISSION ON LEGAL AFFAIRS**

**REPORT**

**ACTIVITIES OF THE TURKPA MEMBER COUNTRIES ON LEGISLATIVE  
HARMONIZATION**

## I. INTRODUCTION

1. The Commission on Legal Affairs decided to take upon the subject of legislative harmonization of the TURKPA member countries as the main agenda item of the Commission's third meeting. The issue represents particular importance for the parliamentary dimension of Turkic cooperation due to the Assembly's main objective to shape a legislative basis for the ever growing ties among the Assembly's member countries.

2. TURKPA seeks to become an efficient mechanism for the advancement of cooperation and interaction among the member countries on the basis of integrated legislative framework. The Istanbul Agreement reflects the issue of approximation of legislations of the member countries as one of the priority tasks of the Assembly.

3. At the initial stage, the Commission started a study of the structure and basic principles of national legislation of the four countries and relevant exchange of information was conducted. Thus, upon the Commission's proposal, TURKPA has initiated publication of the constitutions of Turkic-speaking countries in Azerbaijani, Kazakh, Kyrgyz and Turkish languages. During the first and second meetings, members of the Commission discussed the role of parliamentarism and regulations of supreme legislative bodies in the member countries.

4. Report is based on the proceedings of the workshop of legal experts held on 18 March 2014 at the Istanbul University and on brief overview of relevant experiences of the member countries. During the workshop, experts from the member countries conducted exchange of views and information sharing in order to contribute to efficient deliberations over the issue of legal harmonization of the member countries. Participants of the workshop agreed that member countries could initiate a gradual process of approximation of their national legislations with possible adoption of model laws in perspective.

5. Participants of the workshop expressed their real interest in determining ways and means for creating a solid legal ground for the future activities of TURKPA. In this context, participants presented the experiences of their countries focusing on the need for close cooperation among the member countries to attain the goals and objectives of the Assembly.

## **II. SUMMARY OF THE WORKSHOP**

5. During the workshop the importance of expert potential in harmonization of legislation of the TURKPA member countries was emphasized and participants concluded that such events should be held on regular basis in order to carry out a fundamental ground work on collection of data base regarding legislative activities of the member parliaments.

6. The participants of the workshop pointed out the following assessments:

- The importance to use the existing experience of Turkey in harmonization of its legislation with the European Union and experience of other member countries in the framework of cooperation within Inter-Parliamentary Assembly of the Commonwealth of Independent States;
- The necessity to organize expert consultations and round tables in precedence of the TURKPA Commissions' meetings with the view to elaborating draft model laws and other decisions;
- The usefulness to organize meetings of specialized committees of the member parliaments on constant basis in order to work out proposals on harmonization of legislation in respective fields;
- The harmonization of legislation in the TURKPA framework should be carried out only on specific legal norms without affecting extensive public areas of each member country;
- The priority may be given to the legislative harmonization and adoption of draft model laws in the fields of culture, health and environmental protection, fight against corruption, terrorism, money laundering, as well as in the field of military legislation and other particular fields. Additionally, there is a need to determine barriers in the field of trade and investment and seek ways of their elimination.
- During the harmonization process a special emphasis should be placed on terms of law, as the necessity arises to develop law dictionaries and glossaries and to conduct comparative legal analysis.

## **III. EXPERIENCE OF THE TURKPA MEMBER COUNTRIES**

7. The process of legislative harmonization within the framework of the Inter-Parliamentary Assembly of the Commonwealth of Independent States is carried out on the following directions: a) adoption of recommendations on approximation of legislation of participating countries; b) adoption of model legislative acts and their submission with relevant recommendations to the national parliaments of participating countries; c)

adoption of recommendations with regard to synchronization of procedures on approval of agreements by the national parliaments of participating countries made in the CIS framework; d) adoption of recommendations on adjustment of national legislation of participating countries with international agreements made by these countries in the CIS framework; e) facilitation of comprehensive exchange of legal information among participating countries.

8. Model laws of the CIS Inter-Parliamentary Assembly are adapted to the European legal standards that proposed for participating countries as sample for national legislation. The basic mechanism in formation of model legislation lays on specialized commissions established by the IPA CIS and comprised of the experts from participating countries. Alongside, the CIS set a research center that conduct monitoring of national legislation of participating countries.

9. Integration process of Turkey with the European Union has been initiated by the Ankara Agreement signed in 1963 between the Turkish Government and the European Economic Community that created association relationships between the parties aiming towards the accession of Turkey to the European Economic Community, the EU's predecessor. The Ankara Agreement foresaw in particular the establishment of a customs union which would bring two parties closer in economic and trade matters. The main institutions under the Agreement are the Association Council that brings together EU member states representatives and the Turkish authorities and the Joint Parliamentary Committee with representatives of the Turkish Grand National Assembly and the European Parliament. Establishment of Customs Union in 1995 contributed to harmonization of Turkey's trade and competition policies with the EU standards. The process of approximation of Turkish national legislation with the EU regulatory framework that is called *acquis communautaire* is implemented within the national programme for the adoption of *acquis* (NPAA). The Harmonization Committee of the Grand National Assembly of Turkey is a key specialized parliamentary body involved in the process of approximation of the Turkish national legislation with the EU's legal framework in various areas.

#### IV. CONCLUSIONS

10. Rapid development of relations among the TURKPA member countries pave the way for their joint actions towards formation of common legal basis. Harmonized legal framework within TURKPA platform would bind multifaceted cooperation among the member countries, in particular at the background of growing ties in the cultural, humanitarian, trade and investment fields.

11. In the context of discussed issue, there is a need to take benefit from experiences of the international organizations with most successful example of legislative harmonization of

participating countries. In this regard, experience of the member countries within the IPA CIS and EU framework comprises valuable asset and close study of the IPA CIS activities and EU's experience on formation of common European legal space represents particular interest. Attention should also be paid to the activities of other regional organizations with those tasks and objectives that similar to the TURKPA's mission.

12. Obviously, legislative harmonization is a long-term and gradual process requiring a direct involvement of experts and precise vision for further activity in this direction. Thus, organization of the expert meetings on regular basis is significant contribution to the efficient activity of the Assembly in approximation of national legislation of the member countries. At the initial stage, share of best practices and information exchange is a primary task, as all four member countries have expert potential in the field of legal harmonization within institutions of multilateral cooperation.

13. Participants of the workshop in their conclusions emphasized the need to carry out a fundamental ground work on collection of data base regarding legislative activities of the member parliaments. In this light, establishment of common TURKPA information or research center on national legislation of the member countries would facilitate work of the Assembly in identifying priority areas of legislative harmonization and assessing main obstacles to this process and related challenges.

14. As TURKPA has initiated a process of the expert consultations within its commissions, cooperation with academic institutions on the issue will enrich knowledge and fundamental study of prospects of legislative harmonization of the member countries. Therefore, TURKPA may invite representatives of academic institutions to participate in the expert consultations with their further involvement in the elaboration of recommendations and other decisions of the Assembly.

15. TURKPA parliamentarians have the role and responsibility in supporting all actions undertaken by organization with the view to implementing its tasks on shaping unified legislative framework. Members of the Assembly may ensure adequate involvement of pertinent committees of the national parliaments in coordinated action aiming to facilitate and improve bilateral and multilateral cooperation between member countries.