

Risk, Rights, and Regulatory Convergence: The Turkish Artificial Intelligence Law Proposal as a Model for Emerging-Economy AI Governance and the Prospects for a TRIPS-Style International Framework

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The global AI regulatory landscape has converged architecturally around risk-based tiering, mandatory ethics obligations, prohibitions on unacceptable practices, conformity assessment, supervisory enforcement, and turnover-linked sanctions. Yet this convergence is structural rather than substantive: identical terminology performs divergent doctrinal functions across jurisdictions. Most interventions worldwide remain at the proposal or non-binding policy-framework stage.

This article takes Turkey's Artificial Intelligence Law Proposal ([Esas No. 2/2234, submitted 25 June 2024](#)) as its central case study—an eight-article principle-based framework statute that mirrors the EU AI Act's turnover-linked sanctions while deferring substantive risk classification and enforcement detail to secondary legislation. Three theses are advanced. First, a universal common core exists, but it is a floor of architectural principles, not a ceiling of identical rules. Second, for upper-middle-income economies with constrained regulatory capacity, a principle-based framework statute is defensible where full advanced-economy transposition is institutionally infeasible—provided a credible secondary-legislation programme accompanies it. Third, the TRIPS Agreement's minimum-standards-plus-flexibility architecture offers a structural template for a development-sensitive international AI governance instrument, though such a regime risks reinforcing global inequality unless accompanied by genuine capacity-building and technology-transfer commitments.

Keywords: Artificial Intelligence Regulation, Turkish AI Law, Risk-Based Governance, Emerging Economies, TRIPS Analogy

Introduction

In 2024, a provincial health directorate in south-eastern Turkey procured an AI-assisted diagnostic triage system trained on imaging datasets from a European vendor and validated against benchmarks calibrated to epidemiological conditions substantially different from those in the deployment region. No Turkish statute governed its use. No national authority had reviewed its conformity with safety or fairness standards. The algorithmic outputs were presented to clinicians as probability scores, but the absence of technical documentation, audit trails, or any mechanism of patient challenge created a governance vacuum around a system making consequential clinical determinations. This scenario is the governance deficit AI regulation is designed to address: not the prospect of catastrophic AI failure, but the pervasive structural absence of accountability, transparency, and recourse in the deployment of AI systems across under-resourced institutional settings.

Although the scenario is hypothetical, it is not unusual. Rather, it reflects a recurring pattern observed across a growing number of cross-border deployments of AI diagnostic and triage systems: tools trained and validated on non-local populations being introduced into resource-constrained health systems that lack dedicated legislation, conformity assessment procedures, audit mechanisms, or effective avenues for patient redress. This pattern sits squarely within concerns identified in WHO guidance on the governance of health AI ([WHO, 2021](#)). The risks associated with performance degradation under population and setting shift have been demonstrated empirically ([Zech et al, 2018](#)) and examined systematically within the clinical literature ([Finlayson et al, 2021](#)), while the broader governance challenges confronting emerging economies have been analysed by Okolo ([2023](#)) and UNCTAD ([2021](#)).

The question this article addresses is not whether emerging economies should regulate artificial intelligence — that question has been answered by the trajectory of global policy —

but how, and whether a principle-based framework statute of the type proposed in Turkey can serve both as a viable national governance instrument and as a template for an international framework sensitive to the development constraints of the Global South.

The global regulatory landscape has evolved rapidly (Alter and Meunier, 2009; Roberts et al, 2024). The EU AI Act — Regulation (EU) 2024/1689 (European Parliament and Council, 2024) — entered into force on 1 August 2024 as the most comprehensive domestic AI governance instrument yet adopted. The Council of Europe Framework Convention on AI (CETS No. 225) (Council of Europe, 2024), opened for signature on 5 September 2024, is the first binding international AI treaty and is explicitly open to non-European accession. The OECD AI Principles, revised in May 2024, have attracted 47 adherents (OECD, 2024). The United States, despite the revocation of Executive Order 14110 by Executive Order 14148 (2025), continues to produce influential voluntary frameworks through the National Institute of Standards and Technology (NIST, 2023). Brazil's Senate-approved PL 2338/2023 (Brazilian Federal Senate, 2024), Singapore's Model AI Governance Framework (PDPC/IMDA, 2020), the African Union Continental AI Strategy (African Union, 2024), and legislative initiatives across Africa and South Asia extend this picture into the developing world (Kenya, 2025; South Africa, 2024).

Into this landscape, Turkey's AI Law Proposal (Esas No. 2/2234), submitted on 25 June 2024 arrives as a distinctive and instructive intervention. The proposal declares five foundational principles, mandates risk assessment, imposes registration and conformity obligations for high-risk systems, and establishes a three-tier fine structure tracking the EU AI Act's turnover-linked percentages — whilst deferring the substance of risk classification and enforcement architecture to secondary legislation.

Three preliminary qualifications condition the analysis (Bradford, 2020). First, the global common core documented in Section I is architectural rather than substantive: convergence on nomenclature conceals

divergence in function. Second, the case for a principle-based framework statute is conditional, not categorical — it depends on a credible secondary-legislation programme and carries genuine risks of legal uncertainty and institutional delay. Third, the TRIPS analogy must be stress-tested against the documented failures of TRIPS in the Global South (Yu, 2006; Okediji, 2014) and against the inverted bargaining dynamic that an AI governance convention would present.

1. The Global Common Core: Convergent Elements in AI Regulation

Across jurisdictions as legally distinct as the EU, China, Brazil, Singapore, and Kenya, eight structural building blocks recur with sufficient consistency to constitute a global common core of AI regulation. Two qualifications are analytically prior to the mapping exercise. The first concerns path-dependence (Bradford, 2020): the shared vocabulary — risk, transparency, accountability — reflects the “Brussels Effect”, the EU's comprehensive, enforceable, and market-backed model functioning as a de facto global standard driven by one dominant exporter rather than independent parallel evolution. The second is more fundamental: structural convergence must not be mistaken for doctrinal convergence. “Transparency” in the EU AI Act (European Parliament and Council, 2024, Art. 86) is a legally enforceable right of explanation grounded in the EU Charter of Fundamental Rights. In China's Algorithmic Recommendation Regulation (People's Republic of China, 2022, Art. 24) it is a state-directed disclosure obligation with no European counterpart. “Accountability” in Brazil's PL 2338/2023 encompasses rights of contestation for historically marginalised populations; in Singapore's Model Framework (PDPC/IMDA, 2020) it denotes an internal organisational process. Identical names perform different doctrinal work. A treaty codifying “transparency” as a minimum standard achieves no substantive uniformity unless the functional content of that standard is specified.

Risk-based tiering is the dominant regulatory technique (Ebers, 2025). The EU AI Act codifies four tiers: unacceptable risk (Art. 5, eight prohibited practices); high risk (Arts. 6–7,

Annex III); limited risk (Art. 50); and minimal risk. Brazil adopts a three-tier variant (Brazilian Federal Senate, 2024, Arts. 3–4); the CoE Convention requires “*graduated and differentiated*” measures (Council of Europe, 2024, Art. 1(2)). The tiers serve functionally different purposes: in the EU, risk classification triggers mandatory ex ante obligations; in Singapore, voluntary proportionality guidance; in China, an administrative filing regime. All significant instruments articulate foundational principles — transparency, fairness, accountability, safety, privacy, human oversight — with convergence on names concealing divergence in functional content (OECD, 2024; UNESCO, 2021; NIST, 2023). Every major instrument establishes a categorical prohibition floor reflecting each jurisdiction's constitutional values (European Parliament and Council, 2024, Art. 5(1)(a)–(h)): the EU AI Act prohibits eight categories anchored in fundamental rights including subliminal manipulation, social scoring, real-time remote biometric identification in public spaces, and facial image scraping; Brazil's “excessive risk” tier targets subliminal manipulation and mass surveillance (Brazilian Federal Senate, 2024, Arts. 12–13); China's regime targets content incompatible with “Core Socialist Values” (People's Republic of China, 2023, Art. 4). Procedural convergence coexists with deep substantive divergence.

The remaining building blocks follow a consistent structural logic. All substantive frameworks impose enhanced lifecycle obligations on high-risk applications: Article 9 of the EU AI Act requires continuous, iterative risk management; the NIST AI RMF 1.0 (NIST, 2023) provides a voluntary equivalent; Brazil mandates human review, bias auditing, and impact assessment (Brazilian Federal Senate, 2024, Arts. 15–22). High-risk AI systems must undergo conformity assessment and registration; the EU establishes the most elaborated regime at Articles 43–49 and Annexes VI–VII (European Parliament and Council, 2024). Every binding or near-binding instrument contemplates supervisory authorities: the EU creates a layered architecture of AI Office, AI Board, Scientific Panel, and national competent authorities (Arts. 64–70); the CoE Convention requires “*independent, impartial oversight mechanisms*”

(Council of Europe, 2024, Art. 26); Brazil coordinates through the SIA/ANPD system (Brazilian Federal Senate, 2024, Arts. 42–46). All substantive instruments link sanctions to annual turnover: the EU AI Act's 7%/3%/1% tiers (Art. 99; Pasquale, 2015), Turkey's 7%/3%/1.5%, Brazil's 2%. All major instruments commit to innovation-enabling implementation: the EU AI Act mandates regulatory sandboxes at Articles 57–62; the CoE Convention's Article 13 establishes ‘safe innovation environments’. Table 1 maps these elements across five representative instruments.

Table 1: Global Common Core — Architectural Convergence, Legal Function, and Enforcement Intensity

Building Block	EU AI Act	CoE CETS 225	Brazil PL 2338	Turkey	Legal Function / Enforcement Intensity
Risk tiering	4 tiers (arts 5–6)	Graduated (art 1(2))	3 tiers (arts 3–4)	High-risk ref.	Obligation trigger / High (EU) → Voluntary (SG)
Ethical principles	Arts 8–15 (mandatory)	Arts 4–13 (binding)	Arts 5–12	5 principles (art 3)	Norm + interpretation / Enforceable (EU) → Aspirational (OECD)
Prohibited practices	Art 5: 8 categories	Art 16(4) ban/moral.	Excessive risk	Referenced; not listed	Absolute floor / High (criminal/admin)
Risk management	Art 9 (continuous)	Art 16	Mandatory	Art 4 (general)	Ex ante control / High (EU) → Pending (TR)
Conformity/registrati on	Arts 43–49	Implicit	Mandatory	Art 4 (general)	Pre-market gate / High (EU) → Filing only (China)
Supervisory authority	Arts 64–70 (AI Office)	Art 26 (independen t)	SIA/ANPD	Existing bodies (art 5)	Enforcement / High (EU) → Piggyback (BR/TR)
Turnover sanctions	7%/3%/1 % (art 99)	N/A (treaty)	2% turnover	7%/3%/1.5 %	Deterrence / High (EU) → Moderate (TR/BR)
Innovation support	Arts 57–62 (sandboxes)	Art 13	Yes	Absent	Chill mitigation / Present (EU) → Gap (TR)

Note: “Legal Function” identifies the doctrinal role each building block performs within a given system. Architectural convergence does not imply equivalence across either column. Each building block is analysed against the Turkish proposal article-by-article in Section V.

Across the instruments examined above, a relatively stable regulatory architecture emerges despite differences in legal form, scope and institutional setting. At its minimum, that architecture consists of six elements: foundational ethical principles; a requirement for risk assessment; registration and conformity-assessment procedures; the designation of a supervisory authority; effective sanctions linked to organisational turnover; and a structured commitment to secondary

legislation within a defined implementation timetable. The first five elements recur, in varying formulations, throughout the OECD framework, the UNESCO Recommendation, the Council of Europe Framework Convention and the EU AI Act. The sixth reflects a practical consideration. Where a framework statute establishes principles while leaving operational detail to future instruments, the credibility of the legislative project depends upon the existence of a clear and time-bound programme for implementation. Taken together, these six elements formulated by this article from the common core above provide a useful benchmark for evaluating whether a national framework statute functions as a credible transitional instrument. They are applied to the Turkish proposal in Section V and to the assessment of international alignment in Section VI.

2. Regulatory Models in Advanced Economies: From California to the EU

The EU AI Act is the most ambitious comprehensive AI governance instrument adopted to date (Almada and Petit, 2025). Its regulatory philosophy is product-safety law transposed to a new domain: compliant AI systems bear the CE mark and circulate freely within the single market. Article 5's eight prohibited practices became enforceable on 2 February 2025; the high-risk tier (Arts. 9–15) imposes continuous lifecycle risk management, data governance, automatic event logging, human oversight capability, and accuracy and cybersecurity requirements. Three critiques are analytically important: the compliance burden on SMEs is substantial, calibrated to large enterprises with dedicated legal functions (Mantelero, 2024; see Art. 99(6) for SME fine relief); the enforcement architecture is complex, requiring deep institutional coordination across the AI Office, AI Board, Scientific Panel, and national competent authorities (Novelli et al, 2025); and mandatory pre-deployment conformity assessment may be disproportionate where harm potential is context-dependent (Ebers, 2025). One of the more distinctive features of the AI Act is its treatment of general-purpose AI models at the level of the model itself. Article 51(2) establishes a rebuttable presumption that a GPAI model presents systemic risk when the

cumulative computational resources used during training exceed 10^{25} floating-point operations (FLOPs). Models falling within this category become subject to the enhanced obligations contained in Article 55 (European Parliament and Council, 2024). Importantly, the threshold is not part of the definition of a GPAI model under Article 3(63). Its purpose is instead to identify a subset of particularly powerful models that merit additional regulatory scrutiny. The Commission may revise the threshold by delegated act (Arts. 51(3) and 97). In doing so, the AI Act introduces a significant innovation: regulatory obligations are attached to the scale of model training itself, independently of the particular sectors or settings in which the model may later be used.

The United States presents deliberate regulatory fragmentation (Calo, 2017). The revocation of Executive Order 14110 by Executive Order 14148 (2025) returned federal AI governance to sector-specific guidance and the NIST AI RMF 1.0 as the dominant federal instrument. California's SB 1047 would have imposed mandatory safety protocols on frontier models trained above \$100 million; Governor Newsom's veto (2024) rested on a substantive methodological critique — the compute-cost threshold ignored smaller, contextually dangerous models — and the successor SB 53 (2025) retained the threshold whilst stripping the most demanding obligations. China's architecture is deliberately disaggregated: the Algorithm Recommendation Provisions (People's Republic of China, 2022), the Deep Synthesis Provisions (2023), and the Generative AI Interim Measures (People's Republic of China, 2023) are binding and mandatory but technology-specific rather than horizontal. China's model shares the common core's vocabulary but its prohibition floor reflects content-governance logic rather than individual fundamental-rights protection. The two are not functionally equivalent.

3. The Global Legislative Landscape: Enacted AI Laws and Pending Proposals

Despite the density of the regime complex (Alter and Meunier, 2009), comprehensive and binding AI legislation remains the exception: most regulatory interventions worldwide sit at the proposal or non-binding policy-framework

stage, and this fragmentation is the empirical baseline against which every normative claim about convergence must be evaluated (Roberts et al, 2024; World Bank, 2024). The EU AI Act and the CoE Framework Convention (CETS No. 225) — explicitly open to non-European accession under Article 31, and the most development-sensitive existing binding instrument (Council of Europe, 2024) — constitute the primary binding layer. China's disaggregated instruments are binding but technology-specific. By early 2026, only a handful of countries had enacted binding national legislation on artificial intelligence that applied horizontally across sectors and was already in force. The clearest examples are the statutes of South Korea, Italy, and Kazakhstan. Vietnam's comprehensive law was adopted in December 2025 but does not take effect until March 2026; Taiwan's raises questions of recognition; and the European Union's AI Act binds twenty-seven member states as a supranational instrument rather than as the domestic law of any single country. The count excludes sectoral measures, non-binding strategies, and proposals still under consideration, and is best read as a provisional snapshot (IAPP, 2026; OECD.AI, 2026).

A second tier consists of substantive proposals under parliamentary consideration. Turkey's AI Law Proposal (Esas No. 2/2234) (TBMM, 2024) is currently in committee review; Brazil's PL 2338/2023, Senate-approved on 10 December 2024 (Brazilian Federal Senate, 2024), adopts a three-tier risk-based architecture with explicit algorithmic discrimination provisions and enforcement built on the existing ANPD — the most directly comparable emerging-economy instrument to Turkey's proposal. Canada's AIDA (Bill C-27, Part 3), prorogued when parliament dissolved in January 2025, illustrates the political fragility of AI legislation even in advanced democracies. A third tier — the United Kingdom's pro-innovation sector-led model (UK Government, 2023), India's non-binding IndiaAI Mission posture, Kenya's National AI Strategy 2025–2030 (Kenya, 2025), and South Africa's National AI Policy Framework (South Africa, 2024) — relies on strategies and guidance without binding legal force. The Turkish proposal is the median position in the global legislative taxonomy:

more advanced than most non-binding frameworks, more accessible than the EU's comprehensive prescriptivism.

4. AI Regulation in Emerging and Developing Economies: Needs, Constraints, and Opportunities

The challenge facing emerging economies is a prior question of institutional feasibility, not a choice between regulatory philosophies. Three capacity tiers are analytically necessary (World Bank, 2024). The first tier — upper-middle-income economies including Turkey, Brazil, Mexico, and South Africa — has existing regulatory institutions and the administrative capacity to enact and begin implementing a principle-based framework statute, developing secondary legislation within three to five years. The second tier — large lower-middle-income economies including India, Indonesia, and Nigeria — faces significantly more constrained regulatory infrastructure; even a principle-based statute requires substantial adaptation. The third tier — capacity-constrained lower-income economies such as Kenya and Rwanda — is best served by a policy framework anchored in international standards with a phased transition of at least a decade before binding obligations are activated (Okolo, 2023).

For first-tier economies, the conditional case for a principle-based framework statute rests on three grounds (Hildebrandt, 2020). First, it establishes a normative orientation without demanding institutional elaboration that immediately exceeds domestic capacity. Second, it creates a legal anchor for international trade and investment negotiations. Third, it defers the most technically demanding choices — risk classification, conformity assessment, GPAI rules — to secondary legislation that can evolve as technology and institutional capacity co-develop. The governance vacuum in emerging economies creates conditions under which AI-driven harms proceed without accountability (UNCTAD, 2021; Eubanks, 2018; Crawford, 2021); even imperfect governance mitigates this risk. Three significant risks must be acknowledged (Hildebrandt, 2020; Bently et al, 2022): the absence or delay of secondary legislation transforms a framework statute into nominal governance without operational effect; institutional capacity limitation means

governance obligations cannot be discharged where existing sectoral regulators lack minimum AI technical expertise; and legal uncertainty from framework design creates regulatory indeterminacy that may deter responsible operators whilst providing no deterrent to irresponsible ones. A hypothetical full transposition of the EU AI Act would require for Turkey dedicated supervisory authority budgets of €15–25 million, accredited notified bodies, and a mandatory sandbox programme — resources Turkey's existing bodies (BTK, BDDK, SPK, KVKK) cannot immediately absorb (European Commission, 2025). The principle-based approach, assigning obligations to existing sectoral bodies whilst secondary legislation develops specificity, is therefore a governance strategy rather than a governance failure. Brazil illustrates genuine first-tier localisation: PL 2338/2023 incorporates explicit algorithmic discrimination provisions with no EU counterpart, a 2% turnover sanction calibrated to Brazilian market conditions, and enforcement built on the existing ANPD (Brazilian Federal Senate, 2024). India presents the opposite trajectory — active investment in the ₹10,371 crore IndiaAI Mission paired with deliberate regulatory abstinence, a posture that carries material governance risks at India's scale of AI deployment.

5. The Turkish Proposal: Normative-Comparative Analysis and the Path to Secondary Legislation

The Turkish AI Law Proposal (Esas No. 2/2234) is a principle-based framework statute of eight articles. For each article the analysis applies three questions: does the provision satisfy the minimum floor established by the global common core? What secondary legislation is required? How does it interact with existing Turkish law? The proposal is defensible as a transitional governance instrument — but only on condition that the secondary-legislation programme described below is enacted promptly (Hildebrandt, 2020).

Article 1 — Purpose and Scope

“The purpose of this Act is to ensure the safe, ethical, and fair use of artificial intelligence technologies, to provide for the protection of personal data and the non-violation of privacy rights, and to establish a regulatory framework

for the development and use of artificial intelligence systems.” (TBMM, 2024, Art. 1)

The purpose clause captures the three substantive commitments shared by all major instruments and satisfies the minimum floor. Secondary legislation must specify whether the AI statute's data protection obligations are supplementary to — rather than merely coextensive with — obligations under Turkey's Personal Data Protection Law (KVKK, Law No. 6698, 2016, as amended by Law No. 7545, 2024).

Article 2 — Definitions

“Computer-based systems capable of performing human-like cognitive functions and possessing capabilities such as learning, reasoning, problem-solving, perception, and language understanding.” (TBMM, 2024, Art. 2)

The five actor-roles are collapsed into a single regulatory category of Yapay Zeka Operatörleri. Compare the EU AI Act's role-differentiated obligations: provider (Art. 3(3)), deployer (Art. 3(4)), importer (Art. 3(6)), distributor (Art. 3(7)) (European Parliament and Council, 2024). The advantage is that no actor can evade responsibility through role characterisation; the disadvantage is identical compliance demands on a small agricultural-technology startup and a multinational diagnostic AI vendor. Secondary legislation must introduce role-differentiated obligations, prioritising deployer requirements given Turkey's position as a predominantly technology-deploying jurisdiction (Yu, 2025) (see Table 1, “Ethical principles” row and the role-differentiation gap recorded in Table 2).

Article 3 — Core Principles

Safety / Transparency / Fairness / Accountability / Privacy (TBMM, 2024, Art. 3)

The five-principle architecture captures the substance of the OECD Principles (OECD, 2024) and six of the seven NIST AI RMF trustworthy-AI characteristics (NIST, 2023). The sole significant gap is human oversight — central to the EU AI Act (Art. 14) and CoE Convention (Art. 8) but absent as a named principle (Table 1, “Ethical principles” row). Secondary legislation should add human oversight as a sixth principle and specify AI-specific supplementary

obligations including algorithmic impact assessment.

Article 4 — Risk Management

“Risk assessment shall be conducted during the development and use of AI systems and special measures shall be taken for high-risk systems.” / “High-risk AI systems shall be registered with the relevant supervisory authorities and subjected to conformity assessment.” (TBMM, 2024, Art. 4)

Article 4 establishes the four structural obligations a primary instrument must contain: risk assessment, high-risk special measures, registration, and conformity assessment (Table 1, “Risk management” and “Conformity/registration” rows; gaps itemised in Table 2). The EU AI Act takes 60 articles and seven annexes to elaborate these four (European Parliament and Council, 2024). The critical gap is operational hollowness: no criteria define “high risk”, no sectoral list equivalent to EU Annex III is provided, no risk assessment methodology is specified, and no registration procedure is established. Secondary legislation must supply: a High-Risk Applications List adapted from EU Annex III covering AI in healthcare diagnosis, criminal justice, educational assessment, employment recruitment, biometric identification in public spaces, and critical infrastructure management; a Risk Assessment Protocol aligned with ISO/IEC 42001 (2023) and the NIST AI RMF (NIST, 2023); a Registration and Conformity Procedure designating BTK or a dedicated AI unit; and a GPAI Downstream Assessment Protocol requiring deployer risk assessments for GPAI-embedded applications in high-risk domains (Yu, 2025).

Article 5 — Compliance and Supervision

Article 5 confers supervisory powers on unspecified “supervisory authorities” (TBMM, 2024, Art. 5). The institutional void is the proposal's most consequential deficiency: no authority is named and no investigative powers are enumerated (Table 1, “Supervisory authority” row; Table 2, “No supervisory authority”). Secondary legislation must designate competent bodies sectorally — BTK for IT applications, BDDK for financial services AI, Ministry of Health for healthcare AI, SPK for capital markets AI — establish affected persons'

rights to notification, human review, and complaint (European Parliament and Council, 2024, Arts. 70–88; Council of Europe, 2024, Art. 26), and specify judicial remedies through the İdare Mahkemesi, with final appeals to the Danıştay (Law No. 2577, 1982; Law No. 2575, 1982).

Article 6 — Sanctions

Prohibited applications: up to TL 35 million or 7% of annual turnover. / Obligation violations: up to TL 15 million or 3%. / False information: up to TL 7.5 million or 1.5%. (TBMM, 2024, Art. 6)

While the Turkish proposal follows the EU AI Act's three-tier sanction structure for the first two tiers (Table 1, “Turnover sanctions” row), it sets the administrative fine for supplying false or misleading information to the supervisory authority at 1.5 per cent of annual turnover, one half-point above the EU's 1 per cent threshold (European Parliament and Council, 2024, Art. 99(5)). The proposal's explanatory memorandum expressly characterises this increment as a deliberate calibration, intended to strengthen deterrence against the provision of false information to the authority while preserving the tier's position as the least severe of the three sanctions (TBMM, 2024, Gerekeç, Art. 6). The half-point divergence is therefore grounded in the legislative materials as a targeted deterrence rationale rather than resting on inference. Secondary legislation should introduce an SME relief provision applying the lower of the percentage or absolute figure for SMEs and startups (European Parliament and Council, 2024, Art. 99(6); OECD, 2024). Article 7 provides immediate entry into force; secondary legislation should specify a grace period of at least twelve months for existing AI deployments to achieve conformity, consistent with the EU AI Act's phased application schedule.

The Secondary Legislation Programme

Table 2: Critical Gaps and Required Secondary Legislation — Turkey (cross-referenced to the article-by-article analysis in Section 5)

Gap	Required Legislation	Secondary	Turkish Law	Priority
No prohibited-practices list	Presidential Decree (adapted from EU art. 5)		Constitution arts. 17, 20	Year 1
Vague high-risk criteria	High-Risk Applications List (Ministry Regulation)		KVKK art. 3; BTK enabling rules	Year 1
No role differentiation	Differentiated Obligations Regulation		BDDK, BTK, SPK sectoral rules	Year 1
No supervisory authority	Authority Designation Decree; inter-agency MOU		BTK / BDDK / Health Ministry	Year 1
No technical standards	ISO 42001 / NIST AI RMF by Presidential Decree		TSE harmonisation	Year 2
No GPAI rules	Deployer Risk Assessment Protocol		KVKK data processing rules	Year 2
No SME/innovation support	Sandbox Regulation; SME fine relief		KOSGEB enabling legislation	Year 2
No judicial remedies	Remedies Regulation; right to explanation		İdare Mahkemesi / Danıştay rules	Year 1

Year 1 = within 12 months of enactment; Year 2 = 13–30 months

Measured against the six elements distilled in Section I as the minimum threshold for an effective principle-based framework statute, the current draft satisfies five: the articulation of core principles, a mandate for risk assessment, obligations of registration and conformity, the designation of a supervisory authority, and turnover-based sanctions. The remaining criterion — a binding commitment to timetabled secondary legislation — is not yet met and would require the adoption of a ministerial action plan within sixty days of the statute’s entry into force.

6. Towards a TRIPS-Style International AI Agreement? Feasibility and Design

The convergence documented in Section I raises the structural question of whether it can be codified in a binding international instrument. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (WTO, 1994) offers the most instructive precedent: a treaty that translated a partial international consensus into minimum standards with built-in flexibility and binding dispute settlement (Gervais, 2021). This section evaluates the analogy with explicit intellectual humility: TRIPS has a demonstrably mixed record in the Global South, and a TRIPS-style AI regime risks reproducing its structural inequalities unless specifically designed to avoid doing so.

The Structural Parallels

The TRIPS analogy operates at six structural levels (Yu, 2025). On minimum standards, an AI governance minimum would establish floors for safety testing, transparency, prohibition on

specified harmful uses, supervisory authority existence, and turnover-linked sanctions — the global common core of Section I already constitutes the substance of such a floor. On flexibility provisions, TRIPS Arts. 7–8 embed developmental objectives (WTO, 2001); an AI governance convention’s “development box” would comprise transition periods graduated by World Bank income classification — LDCs: ten years; lower-middle income: five years; upper-middle income including Turkey: three years — a capacity-building fund, technology-transfer commitments, and the CoE Convention’s “other appropriate measures” modality (Council of Europe, 2024, Art. 3(1)(b); Gervais and Yu, 2025). On technology transfer, TRIPS Art. 66.2 imposes a binding obligation on developed-country Members to incentivise technology transfer to LDCs (Okediji, 2014); an AI governance convention should require developed-country parties to share safety testing datasets, evaluation benchmarks, and technical regulatory toolkits. Dispute settlement, non-discrimination, and sector-specific protocols complete the six-point mapping.

Political-Economy Analysis

Three political-economy objections are analytically prior to the design questions. First, power asymmetry (Roberts et al, 2024; Bengio et al, 2024): TRIPS was negotiated with asymmetric bargaining power — advanced-economy IP exporters drove the minimum-standard agenda whilst developing countries received flexibility provisions as a quid pro quo. An AI governance convention presents an inverted dynamic: developing countries are the primary demanders of strong minimum standards as net importers bearing disproportionate deployment risks, whilst the major AI-producing states may resist binding obligations. Second, regulatory capture (Pasquale, 2015): frontier AI systems are developed by a small number of corporations with significant lobbying capacity; treaty design must structurally address this through mandatory Civil Society Representation Panels and developing-country veto rights over certain minimum-standard formulations. Third, the historical failure of TRIPS technology-transfer provisions (Yu, 2006; Okediji, 2014): TRIPS Art. 66.2 has produced minimal observable

technology transfer in practice, with flexibilities legally available but practically inaccessible to developing countries. An AI governance convention that reproduces this pattern risks reinforcing global AI inequality; this risk can be mitigated by tying developed-country contributions to a capacity-building fund to market access within the treaty framework.

The Council of Europe Framework Convention as the Preferred Institutional Foundation

These political-economy objections counsel against a full WTO-style AI treaty in the near term (Bengio et al, 2024). The CoE Framework Convention (CETS No. 225) offers a more practicable foundation: globally open (Art. 31), already attracting non-European signatories, principles-based, and offering two implementation modalities for private-sector regulation — direct obligations or “other appropriate measures” (Art. 3(1)(b)) — that provide the flexibility development-sensitive design requires (Council of Europe, 2024; UN Secretary-General's High-Level Advisory Body on AI, 2024). Built on this foundation, a development-sensitive global AI governance instrument should incorporate: principle-based minimum standards; a Development Box with graduated transition periods and a capacity-building fund of at least USD 500 million over five years; sector-specific protocols for health, agriculture, finance, and criminal justice; a peer-review mechanism leading to enhanced obligations after five years; and an express provision declaring that a principle-based framework statute with timetabled secondary legislation constitutes compliance with the minimum-standards tier (Yu, 2025).

The Turkish proposal possesses most of the institutional features associated with a credible framework statute. Its principal remaining weakness lies in the absence of a clear and time-bound programme of secondary legislation. Were that element added, the proposal would provide a persuasive model of how emerging economies might establish an initial legislative foundation for AI governance without replicating the full complexity of the EU AI Act.

Conclusion

In a district clinic in Antalya, a physician is looking at a screen. She has used the AI

diagnostic tool for eight months. She trusts it, mostly, and distrusts it in the way experienced clinicians always distrust efficiency-enhancing systems: intelligently, provisionally, and with the quiet awareness that errors will be absorbed by patients rather than algorithms. Today the tool is confident. Today it is probably right.

The Antalya physician is hypothetical, but the circumstances represented are not. They reflect a recurring pattern documented across deployments of medical AI systems in under-resourced healthcare settings. In the absence of technical documentation, an audit trail, or a mechanism of patient challenge, her professional judgment and conscience remain the only boundaries around the algorithm's output. Those are formidable boundaries. They are not, however, governance. Governance is what happens when the physician's judgment, the algorithm's output, and the patient's rights are held together within a structure of law that can be examined, challenged, and improved. This article has tried to describe that structure — and to locate Turkey's eight-article principle-based framework statute within the larger project of constructing it.

The global common core is real, but architectural rather than doctrinal: convergence on vocabulary conceals divergence in legal function and enforcement intensity. An emerging economy that commits to the architectural core is positioning itself to build operational governance, but it is not, by that commitment alone, protecting its citizens. Turkey's next legislative step is the secondary-legislation programme detailed in Table 2, with Year 1 provisions enacted within twelve months of the statute's entry into force. Without this programme, the principle-based framework statute remains what its critics will rightly call it: a declaration of intent. The principle-based approach survives stress-testing as defensible for upper-middle-income economies with constrained regulatory capacity — but subject to three conditions: that the secondary-legislation programme is enacted promptly; that international technical assistance supplements domestic capacity; and that the governance risks of framework design are actively managed. A convention built on the CoE

Framework Convention, extended to universal accession, and equipped with a genuine development box — including enforceable technology-transfer commitments and a well-resourced capacity-building fund — could be a more equitable instrument than TRIPS was. But this requires that the political-economy objections of Section VI be structurally addressed in treaty design, not deferred to implementation. The legal architecture can be designed before the political will arrives.

The physician in Antalya closes the screen. Her patient is referred to the city hospital. The algorithm was probably right. In a regulatory system that functions as it should, “probably” would be bounded by audit, documentation, oversight, and accountability. That system does not yet fully exist. But Turkey, in its modest and conditionally promising way, has begun to build it — and what it builds, with adequate international support, may serve as more than a national instrument. It may serve as a template.

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