

**TURKISH CIVIL SOCIETY ORGANIZATIONS (CSOs)
IN THE EU ACCESSION PROCESS**

**By
EMİNE DERYA BAYKAL**

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APPROVED BY:

Prof. Dr. Üstün Ergüder
(Dissertation Supervisor)

Doç. Dr. Bahri Yılmaz

Prof. Dr. Sabri Sayarı

DATE OF APPROVAL:

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To my beloved family

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Ya ümitsizsiniz. Ya da ümit sizsiniz. Ya çaresizsiniz. Ya da çare sizsiniz.

Behçet Necatigil
(Turkish Poet and Novelist, 1916 – 1979)

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EMİNE DERYA BAYKAL
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SUPERVISOR: PROF. DR. ÜSTÜN ERGÜDER

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ABSTRACT

Civil Society has been receiving great attention in the world literature in recent decades. Similarly, the academia and the media have shown interest in Civil Society in Turkey and its actors, “Civil Society Organizations (CSOs),” especially with the rising impact of the EU accession process. The transformation of civil society and its organizations in Turkey has not been enabled solely through the impact of the EU. Nevertheless, it would not be incorrect to say that the EU is the strongest variable influencing both this transformation and the rise of several other active and efficacious actors. Specifically after the Helsinki Summit 1999, which gave Turkey candidacy status, governments have been eager to conform to EU demands. Accordingly, legislative reform packages involving amendments concerning civil society, e.g., the New Associations Law and the New Civil Code have emerged. There is no EU *acquis communautaire* in civil society area but rather member states have the full competence to organize their related legislation. Additionally, in the EU level, there is unbinding legislation pertaining to and intensive interactions with the CSOs. The EU helps with funding and getting CSOs involved in the decision-making processes, as well. Turkish CSOs benefit from EU funds, receive support and exercise bilateral relations, even at not the level desired, with many EU institutions. Yet, it should be born in mind that the transformation of civil society is not only political or economic, but also cultural and social. Thus, it takes time for it to be internalized by the public, which actually comes to constitute civil society itself.

**AB KATILIM SÜRECİNDE
TÜRK SİVİL TOPLUM KURULUŞLARI (STKlar)**

EMİNE DERYA BAYKAL
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Anahtar Kelimeler: Sivil Toplum, Sivil Toplum Kuruluşu/Örgütü (STK), Avrupa Birliği

ÖZET

Son yıllarda, sivil toplum dünya literatüründe, büyük bir ilgi çekmekte. Benzer bir şekilde akademik dünya ve medya da Türkiye’de sivil topluma ve onun aktörleri “Sivil Toplum Kuruluşlarına” (STK’lar), özellikle AB katılım sürecinin de artan etkisiyle beraber, ilgi göstermektedir. Türkiye’de sivil toplumun ve kuruluşlarının dönüşümü sadece AB etkisiyle gerçekleşmemiştir. Bununla beraber, AB’nin bu dönüşüme ve diğer çeşitli aktif ve etkili aktörlerin ortaya çıkmasına etki eden en güçlü değişken olduğunu söylemek yanlış olmaz. Özellikle, Türkiye’ye adaylık statüsü veren Helsinki Zirvesi’nden sonra (1999), hükümetler AB’nin taleplerine uyma konusunda daha istekli oldular. Buna bağlı olarak, sivil toplumu da ilgilendiren kanun değişikliklerini içeren hukuki reform paketleri ortaya çıktı; örneğin Yeni Dernekler Yasası ve Yeni Medeni Kanun. Sivil toplum alanında AB müktesabata yok; bunun yerine, üye devletler ilgili mevzuatlarını düzenlemede tam yetkiye sahipler. Buna ilaveten, AB düzeyinde, bağlayıcı olmayan mevzuat ve STK’larla yoğun etkileşim var. AB, fonlar ve STK’ların karar mekanizmaları süreçlerine katılmaları konusunda da yardımcı oluyor. Türk STK’ları AB fonlarından yararlanıyor, destek alıyor ve AB kuruluşlarıyla, her ne kadar

istenilen düzeyde olmasa da, karşılıklı ilişkilerde bulunuyor. Sivil toplumun dönüşümünün sadece politik veya ekonomik değil, aynı zamanda kültürel ve toplumsal da olduğu unutulmamalıdır. Bu nedenle, sivil toplumun kendisini oluşturan halk tarafından bu dönüşümün özümsemesi zaman alır.

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LIST OF SYMBOLS and ABBREVIATIONS

- CSOs** : Civil Society Organizations
- NGOs** : Non-governmental Organizations
- CBOs** : Community-based Organisations
- GROs** : Grass-root Organizations
- CSR** : Corporate Social Responsibility
- PPP** : Public-Private Partnership
- Quangos**: Quasi NGOs
- Third Sector**: Civil Society
- EU** : the European Union
- EEC** : the European Economic Community
- Acquis** : Acquis Communautaire
- EP** : the European Parliament
- MEPs** : Members of (European) Parliament
- JPC** : Joint Parliamentary Committee
- GNAT** : the Grand National Assembly of Turkey
- DGs** : Directorate-Generals
- EESC** : The European Economic and Social Committee
- COR** : the Committee of the Regions
- CONECCS** : Database for Consultation, the European Commission and
Civil Society
- COM** : the European Commission's Communication
- CSDC** : Civil Society Development Center (STGM)
- DELTUR**: The Delegation of the European Commission to Turkey
- EUIC** : the European Union Information Centre
- EFC** : the European Foundation Center
- TÜSEV** : Third Sector Foundation of Turkey
- CSI** : the Civil Society Index (STEP)
- CIVICUS** : World Alliance for Civil Participation

Euro-Med / EMP : Euro-Mediterranean Partnership / Barcelona Process
MEDA : Main financial instrument of Euro-Med
JCC : Joint Consultative Committee
EIB : the European Investment Bank
CFCU : the Central Finance and Contracts Unit
EUSG : Secretariat General for EU Affairs (ABGS)
SKIP : Improving co-operation between the NGOs and the public sector
and strengthening the NGOs' democratic participation level
İKV : Economic Development Foundation
TOBB: Union of Chambers and Stock Exchanges of Turkey
İTKİB : Union of Textile and Apparel Exporters of Istanbul
EUROTEX : European Textile and Apparel Organizations
TÜSİAD : Turkish Industrialists and Businessmen Association
UNICE : Union of Industrial and Employers' Confederations of Europe
TUR-BO : Turkish Research and Business Organizations
FP : Framework Programme
IGLO : Informal Offices Group of RTD Liaison Offices in Brussels
TEPAV : Economic Policy Research Institute of Turkey
ERI : Education Reform Initiative
KADİGER : Women Entrepreneurs Association of Turkey
STİD : Brussels Civil Society and Business World Representatives Meeting

I. INTRODUCTION

1. Purpose and the Scope of the Study

This study intends to conduct a comprehensive analysis of Turkish Civil Society and its organizations within the context of the impact of the Turkey-European Union (EU) process. While civil society in Turkey has received increased attention in recent years, it is a relatively new area of research, where the volume of research has been relatively low. Studies done either lack an EU component or only provide a value-based overview of the impact of the EU. What this means is that the scholars working in the area mostly examine “the role of civil society within the context of Europeanization.”¹ Their studies have focused more on the changing structures of values, identity and culture. Moreover, the relationship between the EU institutions and the civil society organizations (CSOs) in the EU is not examined. The studies have restricted themselves to the Turkish case. This study, on the other hand, attempts to take a deductive approach in examining the impact of EU, putting priority on the EU-CSO relationship and then linking it to Turkish CSOs. The areas where Turkish CSOs and EU institutions intersect in terms of co-operation and assistance will be evaluated in detail. Turkish CSOs operating in Brussels and major EU CSOs having relations with Turkey will be elaborated as well. Before emphasizing these points, the history of civil society in Turkey

¹ Presentation by Ahmet İçduygu (together with Ayhan Kaya); “Civil Society and Turkey’s Europeanization Process: Towards a Differentiated Analysis,” in Symposium on *Europeanization and Transformation: Turkey in the Post-Helsinki Era*, 2-3 December 2005, Koç University, Istanbul

with a reference to late Ottoman Period will be given briefly in order to explain the relative weakness of the civil society in Turkey.

The literature also points to the fact that studies focus only on one type of CSOs, such as business organizations. These studies lack a comprehensive view of civil society. Seeing this deficit, this study takes an integrative approach to CSOs, using the definition of the “European Economic and Social Committee” (EESC), which explains the civil society actors in the broadest terms possible. Thus, starting from that definition, the rest of the paper goes on to discuss CSOs more comprehensively.

Though the history of EU-Turkey relations goes back to 1963, with the Ankara Agreement, one cannot say easily argue that the EU has had a major impact on Turkey or that it has had much of an enforcing role in the country. Its influence has been mostly financial or in the area of trade due to the periodic reduction of customs duties. These periods have been finalized with the Customs Union Agreement in 1995 (which came into force in 1996). We have to keep in mind that before the 1990s, there were no Maastricht or Copenhagen Criteria to be enforced within the candidate countries. Moreover, Turkey had not yet become a candidate country having the prospect of membership. Only with the Helsinki Summit in 1999 was Turkey declared to be a candidate country for EU membership. Since then, Turkey has been required to implement several criteria and to carry out particular reforms, which have resulted in nine reform packages passed by the Turkey Grand National Assembly (TGNA). These reforms, which have brought amendments to the existing laws, have changed the Civil Code and the Associations Law. The Law of Foundations, which has not yet been adopted due to presidential veto, is also under review. Turkey’s progress in terms of these reform packages is evaluated in the Regular Reports of the European Commission. Further

expected developments, including those in the area of civil society, are also included in the reports. Giving Turkey candidacy status transformed the EU into a coercive power that laid down rules, under the name of “recommendations,” to be enforced by Turkey. This coercive role has been facilitated by the perceived importance of the Turkey-EU process, within which the prospect of Turkish membership had become clearer. The perceived credibility of the EU to fulfill its promises encouraged governments bound by EU demands to act. Last but not the least, the candidacy process gave Turkey the right to officially participate in several EU programmes and receive financial assistance, which the CSOs in Turkey enjoyed.

Based on all the outcomes of the Helsinki Summit, the timeline taken by this paper for the interaction between the EU and civil society in Turkey is from 1999, when the Helsinki Summit was held, to 2007. This paper does not intend to argue that the transformation of civil society and its organizations in Turkey has been enabled solely through the impact of the EU. Nevertheless, it would not be incorrect to say that EU has been the strongest variable contributing to both the given transformation and the rise of several other actors that have become active and acquired efficacy. Given the rising awareness in and legitimacy given to them by the Turkish public, along with their own belief in themselves, Turkish CSOs have started to advocate their own rights and ask for further reforms, in addition to those requested by the EU. Therefore, after getting the impetus from the EU, the process has become self-sufficient and self-operating. This does not mean, however, that it has yet sufficiently developed or is not supported by the EU.

After examining the EU’s impact on civil society and the developments occurring within it, this study also analyzes the strengths and the weaknesses of the CSOs in Turkey, emphasizing how they operate. In this part, statistical data obtained from several surveys

conducted of different institutions will be given to support the arguments. It should be pointed out, however, that no statistical survey was conducted specifically during the course of this study.

As an intern at the European Parliament in Brussels, I conducted interviews in Turkey and Brussels with academicians, experts and other professionals working in EU institutions and Turkish associations and public institutions. In addition to the studies found in the literature and the interviews, the seminars and meetings I attended and the media were used as resources. Lastly, the past and current experiences of this researcher in CSOs since 2000, which is taken as fieldwork, will be used to support arguments and to conduct analyses. Inductive methodology will be used frequently in the study in order to make a connection between the EU and Turkey and to compare and contrast them vis-à-vis the points being made.

2. Research Questions

This study intends to answer the following questions:

- What is the legacy of civil society in EU Institutions? What is the main legislation (binding or unbinding) in the area?
- Who are the main actors in the EU that have influence on civil society Organizations?
- What is the impact of the EU on civil society in Turkey and on the Turkish Civil Society Organizations in the EU accession process?
- What is the state of civil society organizations in Turkey?

3. Definition

Before starting to write my thesis, I conducted a comprehensive literature review and held interviews with several academicians regarding the definition of civil society and its actors. In defining the focus of my study, I had the most difficulty dealing with “civil society” due to the complexity of the concept and the lack of consensus on its definition. In the literature, not only is there no consensus on its definition but also with respect to the content, functions and even the names it is given. For instance, civil society actors are variously called “voluntary organizations,” “non-governmental organizations” (NGOs), or “third-sector actors.” The names given to them also provide a clue to the possible organization types that the scholar has in mind when referring to civil society. For example, when using the term “voluntary organization,” he may exclude organizations having obligatory membership such as chambers. Or when referring to them as “NGOs,” he excludes organizations that have an organic relationship with the state such as “Quangos” (Quasi-NGOs, which are widespread in UK, and Scandinavian countries, may act like sub-departments of the state). Therefore, this disagreement made it difficult to choose the sample organizations and CSO type in my study.

The history of the debates on civil society goes back to Ancient Greece. What began with Aristotle is still being discussed today. Through out the centuries, notable contributions have been made, for example, by Cicero, Hegel, Marx, Hegel, Gramsci, Hobbes, Locke and Tocqueville. These debates have been an attempt to discover the most efficient model of government in which the actors of the system will find their roles. The three main actors - “the state,” “civil society” and “the market/economy” - have been defined vis-à-vis one another right from the beginning. For instance, while scholars like Aristotle and Cicero

defined the actors (which, at their time, included only the state and the civil society) as integrated (in Ancient Greek tradition, to be a member of civil society was to be a citizen – a member of the state²), others divided the actors – as in the case of liberal representative democratic models.³ Some see hierarchical order between the actors, such as Locke who emphasized the supremacy of the state. Others, on the other hand, for example, Marxists, argue that a system of classes exists. These debates foresee idealistic situations where the civil society and other actors are defined in terms of how they are supposed to be in the real world. While elaborating the debates, I have tried to keep in mind that I am writing this study taking into consideration the conditions of today's world. Moreover, as I have desired to provide a definition in the broadest terms possible, so as to increase the comprehensiveness of the actors included and to examine the impact of EU, I found it most rational to use the definition of European Economic and Social Committee (EESC) to which the European Commission and other several institutions have referred. The excerpts have been taken from the Opinion of EESC :

Civil society organizations can be defined in abstract terms as the sum of all organizational structures whose members have objectives and responsibilities that are of general interest and who also act as mediators between the public authorities and citizens. Their effectiveness is crucially dependent on the extent to which their players are prepared to help achieve consensus through public and democratic debate and to accept the outcome of a democratic policy-making process.

Civil society organizations include:

- *so-called labor-market players, i.e., the social partners;*

² John Keane, “Despotism and Democracy: The Origins and the Development of the Distinction between Civil Society and the State 1750-1850,” in John Keane (ed.), *Civil Society and the State: New European Perspectives*, as cited by Sefa Şimşek, 1998.

³ For further information, see Gülgün Erdoğan Tosun, “Associative Democracy: Would It Be a Means of Analyse to Reconstruct State-Civil Society Relations?,” *Periodical of Civil Society*, No. 1, 2003

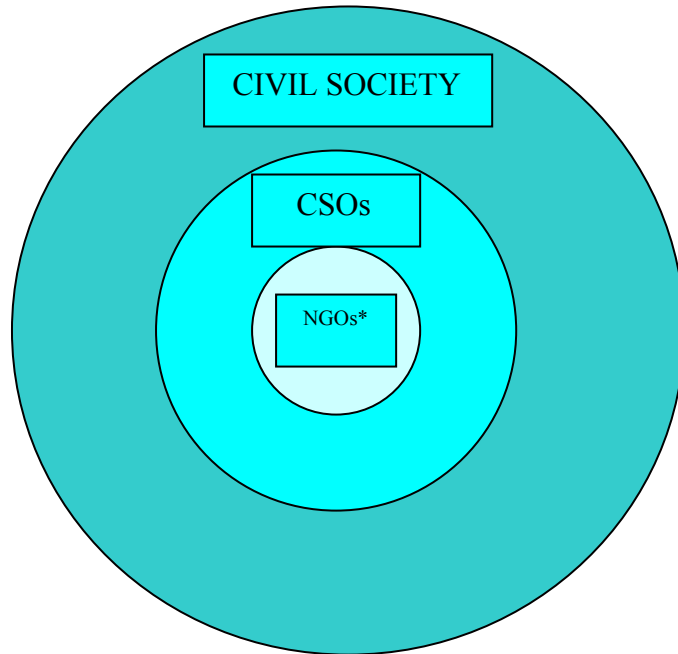
- *organizations representing social and economic players, which are not social partners in the strict sense of the term;*
- *NGOs (non-governmental organizations), which bring people together in a common cause, such as environmental organizations, human rights organizations, consumer associations, charitable organizations, educational and training organizations.;*
- *CBOs (community-based organizations, i.e., organizations set up within society at grassroots level which pursue member-oriented objectives), e.g., youth organizations, family associations and all organizations through which citizens participate in local and municipal life;*
- *Religious communities.*⁴

Based on this broad definition of the EESC, along with with the debates on civil society, the following figure, which I have created, provides a picture of the levels of civil society as used in the rest of the paper.

⁴ Opinion of the Economic and Social Committee on “The role and contribution of civil society organizations in the building of Europe,” Brussels, 22 September 1999

Figure 1

Hierarchical Diagram of Civil Society



* The term “NGOs” is used in its representative sense since it is commonly used. Unions, interest groups, lobby groups, and else organizations are also included in the outer field of the circle in the chart.

II. HISTORY OF CIVIL SOCIETY IN TURKEY

In order to find a phenomena's origin, we review the past in phases. Every phase we reach takes us to another one. One similar to our subject also exists in previous phases. Thus, shifting from phenomena to phenomena, by tracing the commonalities rather than the differences, we may go back to the beginning of history. In this context, there is nothing new in the world. But, on the other side, we know that there is something new. History is full of both continuities and novelties. General conditions modify the old, known phenomena in different forms.⁵

The point to be made here is that the concepts used in the paper have both continuity and evolutionary characteristics over time. Even if other terms are used or they exist in different contexts, the phenomena themselves are similar. Based on this argument, I will make reference to the late Ottoman period in the latter pages to explain contemporary civil society in Turkey.

When examining the rise of civil society in the contemporary world, it can be seen that some scholars view it as a western concept, which requires the existence of conditions similar to those in the West in order to occur. Gellner argues that in Islamist and Marxist societies, civil society (organizations) cannot occur.⁶ Mardin⁷ indicates the lack of intermediate/secondary structures and absence of self-governing towns and several conditions

⁵ Murat Belge, "Civil Society Organizations," in Ulaş Taciser (ed), *Hello Civil Society*, Helsinki Citizens Assembly, 1997.

⁶ Bahattin Akşit, "Compromising Thought in Civil Society Should Extend," *Journal of Civil Society*, n.1, 2003

⁷ Şerif Mardin, "Power, Civil Society and Culture in the Ottoman Empire," *Comparative Studies in Society and History*, vol. 12, 1969

in the Ottoman Empire and “refers to civil society as a western dream.”⁸ Other scholars argue that liberalism, individualism, industrial revolution and other like movements did not occur as in its Western pattern, but rather in a more community-based system that creates widespread solidarity within the public.

I refer to the Ottoman period because of the legacy it has left the Turkish Republic in terms of values, traditions and governing structures. I argue that there were early forms of civil society and its organizations in the Ottoman period though they were different from their Western patterns and the definition and functions of today’s world.

In order to go into the origins of civil society in the Ottoman period, we have to examine the social, economic and state system of the time.

During Ottoman times, there was a large artisan and merchant class, with private enterprise emerging in the 19th century mostly under the control of the minorities.⁹ Economic life was organized as a redistributive system by a patrimonial state. The patrimonial system excluded the rights and immunities enjoyed by local communities in feudal arrangement. In this context, it can be said that although the Ottoman system kept civil society from flourishing, there were old types of foundations that carried out some of the functions performed by civil society today. The history of the origins of Turkish foundations has a long

⁸ Tim Niblock, “Civil Society in the Middle East” in Youssef M. Choueiri (ed) *A Companion to the History of the Middle East*, p. 489, Blackwell, 2005

⁹ Interview with William Hale, Sabancı University

history going back to before 1280 BC (Türk Eti Vakfıyesi).¹⁰ Both in the Seljuk and Ottoman periods, over the centuries, we see that “foundations shared responsibility with the central Ottoman administration for such important services as education, health, religion, construction of roads, bridges, foundations, canals, palaces, public baths, inns, dikes and monuments.”¹¹ Not only did they facilitate several public services but they also administered property holdings (the majority of Ottoman Istanbul property was administered by the foundations).¹² With some of their tasks, one can argue they were not only part of civil society but also early examples of NGOs. But this argument does not mean that these associations were autonomous from the state or had a structure in the sense we have today. There were also *akhi (ahi)* and the guilds that "filled a vacuum in society, managing property, providing social solidarity."¹³ Each profession was organized in a guild (*lonca*), which acted like modern-day CSOs; we can even liken them to contemporary syndicates or labor unions.

Due to its continuation in the Turkish Republic, examining the patrimonial tradition of the Empire would be useful.

The Ottoman administration was not exactly an alien bureaucracy imposed upon society; it ruled more by reciprocal ties of patronage than by direct force - in fact, such was the nature of the Sultan's power that the popular Ottoman expression described it as no different as the kind of authority exercised by fathers over their sons. In folklore, Devlet Baba meant "Papa State." But in the Ottoman Empire, social relationships and institutions were sustained by the direction imparted by

¹⁰ Davut Aydın, “Turkey,” in *Foundations in Europe: Society Management and Law*, S.A, V.T.&W.P. (eds), p. 260, CAF, 2001

¹¹ Üstün Ergüder, “Philanthropic Support for Policy Research: The Case of the Turkish Economic and Social Studies Foundation (TESEV)” – Draft, 1999

¹² Davut Aydın, 2001

¹³ Karen Fogg, "The Role and the Importance of the Foundations and Associations in the Process of European Integration," in *Foundations and Associations in Turkey*, Third Sector Foundation of Turkey, 2000

*the state. It was political authority which held together and defined the limits of society as a whole. Political authority penetrated the social sphere of life in such a way that society was subsumed under the state, and economic life was closely supervised by the ruler.*¹⁴

Many scholars argue that this system portrayed by Sunar is strong and patrimonial and is thought to be the reason why civil society could not develop sufficiently in previous centuries. But Kalaycioglu has another view with regards to the continuation and impact of this structure vis-à-vis the Turkish state, arguing that “it is better to define the state as coercive (*ceberrut*)¹⁵ and even arbitrary, rather than strong.”¹⁶ He maintains that it is not the strength but rather the relative weakness of the state that hinders civil society. This weakness results in a deficiency of the regulatory, extractive and distributive capabilities of the state, which renders the state elite (the “center”) somewhat vulnerable and fearful of the dissatisfaction of the masses (the “periphery”). There is also a relatively long history of mutual suspicion between the Centre and Periphery in Turkey, which reinforces the sense of vulnerability and insecurity felt by the political elite. Hence, they try to use executive power in a relatively arbitrary manner to establish a punitive capacity to put down any form of potential or actual challenge to their style of rule.¹⁷

¹⁴ İlkey Sunar; "Populism and Patronage: The Democrat Party and Its Legacy in Turkey, in *State, Society and Democracy in Turkey*, pp 1-39; Bahçeşehir University Publication, 2004.

¹⁵ Binnaz Toprak, “Civil Society in Turkey,” in *Civil Society in the Middle East*, ed., A.R. Norton, p.89

¹⁶ Ersin Kalaycioglu, “Civil Society in Turkey: Continuity or Change?,” in *Turkish Transformation: New Century New Challenges*, W. Beeley, Brian (ed), p.71, 2002

¹⁷ Ibid

The Ottoman Empire had a "compartmentalized society."¹⁸ Although the institutions we have mentioned did not have political autonomy, they were relatively flexible. They enjoyed some kind of relative autonomy from the state even if not an absolute one; they were systematized and integrated into several parts of society. The tradition of bureaucratic rule was so powerful, continuing in the Turkish Republic, especially during the one-party period, that it controlled all types of civil society.¹⁹

With the advent of the Turkish Republic, the understanding of civil society acquired new dimensions.

Civil Society and NGOs begin to rise in Turkey as a consequence of the *transition to a multiparty system*: This was a major step towards democratization, which affected civil society as well. However, "democratization in Turkey occurred after bureaucratization of the state but before the industrialization of society. Thus, when the Democrat Party emerged as a part of democratization process, what it confronted was a sharp incongruence between state and society."²⁰ The 1938 Law of Associations enacted during the period of Democrat Party rule resulted in the number of associations multiplying almost eight times (exceeding 17,000) by 1960.²¹

¹⁸ Ibid

¹⁹ Ibid

²⁰ Sunar, 2004.

²¹ Ergun Özbudun; *Contemporary Turkish Politics: Challenges to Democratic Consolidation*, p. 129, Lynne Rienner Publishers, 2000

The *transition of political culture, rising education and belief in democracy*²² have led to people in society to become more conscious of their rights, capacities and roles. Hence, citizens became interested in advocating their rights on their own.

The *process of globalization*, which has extended the private sector, has also resulted in the extension of civil society. The state started to privatize itself and leave the economic area. Firms filling the gap, started to realize that their own activities have certain negative impacts on the society. With a new understanding of "social responsibility," they started to help civil society in some ways. Moreover, globalization has the other civil movements in the world, such as environmentalism to have an impact on Turkey.²³ The globalization movement has also been effective in extending liberalization and individualism movements, which are the basic values enabling civil society to flourish. Turkey met these concepts much later than EU countries did. Prior to this encounter, a society whose interests as a whole were more important than individual ones – a tradition coming down from the Ottoman era - was more important. With the advent of new movements, the individual started to realize that he was an actor distinct from the society as a whole – one that had rights that he could seek.

Growth of the media has helped make civil society more transparent, accountable and visible.²⁴ The effect of the media has increased greatly since the elimination of the law banning private radios and TV channels in 1993. The media (independent) is also important in the sense that they make government and the civil service both transparent

²² Lecture Notes, Göymen

²³ Ibid.

²⁴ Ibid.

and accountable to the citizen.²⁵

Specific events like the earthquake of 1999 have also had an impact on civil society.²⁶ Due to the inefficiency and late timing of the state forces in acting and managing the negative outcomes of the August 17, 1999 earthquake, citizens and organizations such as AKUT intervened with their own initiatives and capabilities, which led to intense debate afterwards. This has led to two novelties: Firstly, civil society began to act as a movement “from below,”²⁷ with one of the tasks (to act on the natural disasters) previously held to be a responsibility of the state, being assumed by the citizens themselves, something which broke the traditional image of the state.

One should also mention the *effects of the constitutions* on the development of civil society. The 1961 Constitution led to a pluralistic structure allowing for the expression of different voices and actors – a change that fostered the development of civil society organizations. According to the law, “everybody possesses the right to establish an association without obtaining prior permission. The right can be limited by law only in order to protect the public order and morality.”²⁸ However, ideological cleavages and violence that subsequently ensued in society led to the idea that they had been brought about due to the existence of too much freedom. In reaction, the 1982 Constitution restricted civil society and

²⁵ Michael Lake (Former EU Ambassador in Turkey 1991-98); “NGOs in Hungary,” in conference *Turkish NGOs and the EU Reform Process*, 19-20 November 2004, Istanbul

²⁶ For further information, see: Kızılyaprak, Zeynel (ed); *Laws, Ethics and Earthquake: Civil Society Organizations*,” History Foundation of Turkey, 2000

²⁷ Paul Kubicek; “The Earthquake, Europe, and Prospects for Political Change in Turkey,” *Middle East Review of International Affairs*, Vol. 5, No.2 (Summer 2001)

²⁸ Özbudun, p. 129

CSOs by complicating the legal basis for their existence. This limitation has led to a tendency to form foundations, mostly because due to their relatively more practical forming style; but due to economic constraints and other reasons, the most widespread NGO type in Turkey is clearly the "associations."²⁹

In 1995, the laws banning the cooperation and organic relations between political parties and syndicates, associations, foundations, chambers, cooperatives and such NGOs were abolished. By then, organizations having a broad basis had also come to exercise a strong influence on the development of civil society as well.³⁰

Last not but not the least, the EU's impact on the development of civil society in Turkey will be given in details in the following chapters.

²⁹ Ozan Erözden; "Notes on NGOs and Demands for Changing of Legal Framework;" in las, Taciser (ed), *Hello Civil Society*, Helsinki Citizens Assembly, 1997.

³⁰ Ergun Özbudun; "Civil Society and Democratic Consolidation in Turkey"; in Özdalga, Elisabeth (ed); Persson, Sune; *Civil Society, Democracy and the Muslim World*, Turkey History Association, 1999

VI. STATUS OF CIVIL SOCIETY ORGANIZATIONS IN THE EU AND THEIR IMPACT ON TURKEY

This chapter will examine the interaction of the EU with CSOs in EU countries, with a reference to Turkey, from a multi-dimensional perspective. First, the role of the EU in civil society will be looked at in terms of EU institutions. This is followed by an examination of the relations of those institutions with Turkish CSOs. The European Commission, European Parliament (EP) and the European Economic and Social Committee (EESC), which have more impact on civil society in Turkey and have bilateral relations with the Turkish CSOs, will be emphasized. The European Union Council is beyond the scope of this study since it is mainly the final decision-making body and is not easily affected by pressure from *European-wide* associations. In contrast, the *national* associations have better access to the Council than to either the Parliament or Commission³¹. However, because Turkey, as a non-member state, is not represented in the Council, it will not be examined. The Committee of Regions (COR) will be excluded as well due to its specialized working area, i.e., local bodies. There is lack of direct communication between the COR and the Turkish CSOs, as well. The institutions and organizations that have overall affect and a generalized scope and have direct interaction with Turkish organizations will be examined. The impact of those three above-mentioned EU organs to Turkish CSOs will be discussed together with the legislative changes in Turkey concerning associations (the Law of Foundations will not be

³¹ Bouwen, P., "Corporate Lobbying in the European Union: the Logic of Access," *Journal of European Public Policy* 9: 3, June 2002, pp. 365-390 in Lehmann, Wilhelm and Bosche, Lars, "Lobbying in the European Union: Current Rules and Practices," pp. 40-41, Luxembourg, European Parliament, 2003.

covered in this study as it has not yet been ratified). The institutions established in respect to EU organs will also be focused on. Subsequently, financial assistance of the EU to Turkey will be elaborated. The final topic of this chapter will be the Turkish CSOs Representations in Brussels.

1. EU Institutions

Civil society and its tools have a long history in Europe that varies from country to country. Civil society organizations operate in the diverse social, economic, political and cultural settings of states. They may advocate their concerns and lobby at different levels to affect policy making. When lobbying at the community level, EU competency rather than the state competency has to be considered. They are two different institutional entities, with different actors, bureaucracy, and laws and regulations that have to be adhered to.

EU member states have harmonized with respect to certain legislation and a number of policies. During the course of the negotiations, all the candidate countries have to adopt whatever binding legislation, including treaties that have been passed thus far. But the entire body of legislation that has to be adopted – the so-called *acquis communautaire*,³² is not valid

³² The Community *acquis* is the body of common rights and obligations which bind all the Member States together within the European Union. It is constantly evolving and comprises:

- the content, principles and political objectives of the Treaties;
- the legislation adopted in application of the treaties and the case law of the Court of Justice;
- the declarations and resolutions adopted by the Union;
- measures relating to the common foreign and security policy;
- measures relating to justice and home affairs;
- international agreements concluded by the Community and those concluded by the Member States between themselves in the field of the Union's activities.

in the area of civil society. Therefore, member states have full competence to organize their own civil societies in ways enabling CSOs to operate. But this doesn't mean that the EU stays out of this area. On the contrary, it also interacts with the CSOs. On the other hand, there are communications, white and green papers, recommendations and other such unbinding legislation, in addition to the directives and regulations that are obligatory. In addition, the interaction and will to interfere is bilateral; hence, there are also attempts from the CSOs to affect EU decisions: "There are now an estimated 15,000 lobbyists in Brussels, representing around 1,400 companies and interest groups. Within these, there are over 500 European and international federations, of whose members more than 5,000 belong to national associations. There are also about 250 offices representing countries, regional and local authorities; more than 200 individual firms with direct representation; about 100 management and public relations consultancies; and about 100 law firms specialising in EU law.³³ All these lobbyists are trying to affect EU institutions (see Figure 2).

Thus the Community *acquis* comprises not only Community law in the strict sense, but also all acts adopted under the second and third pillars of the European Union and the common objectives laid down in the Treaties. The Union has committed itself to maintaining the Community *acquis* in its entirety and developing it further.

Applicant countries have to accept the Community *acquis* before they can join the Union. Deviations from the *acquis* are granted only in exceptional circumstances and are limited in scope.

There are 35 chapters of *acquis communautaire* for Turkey to adopt in its legislation. EU Enlargement, "Acquis Communautaire", www.deltur.cec.eu.int

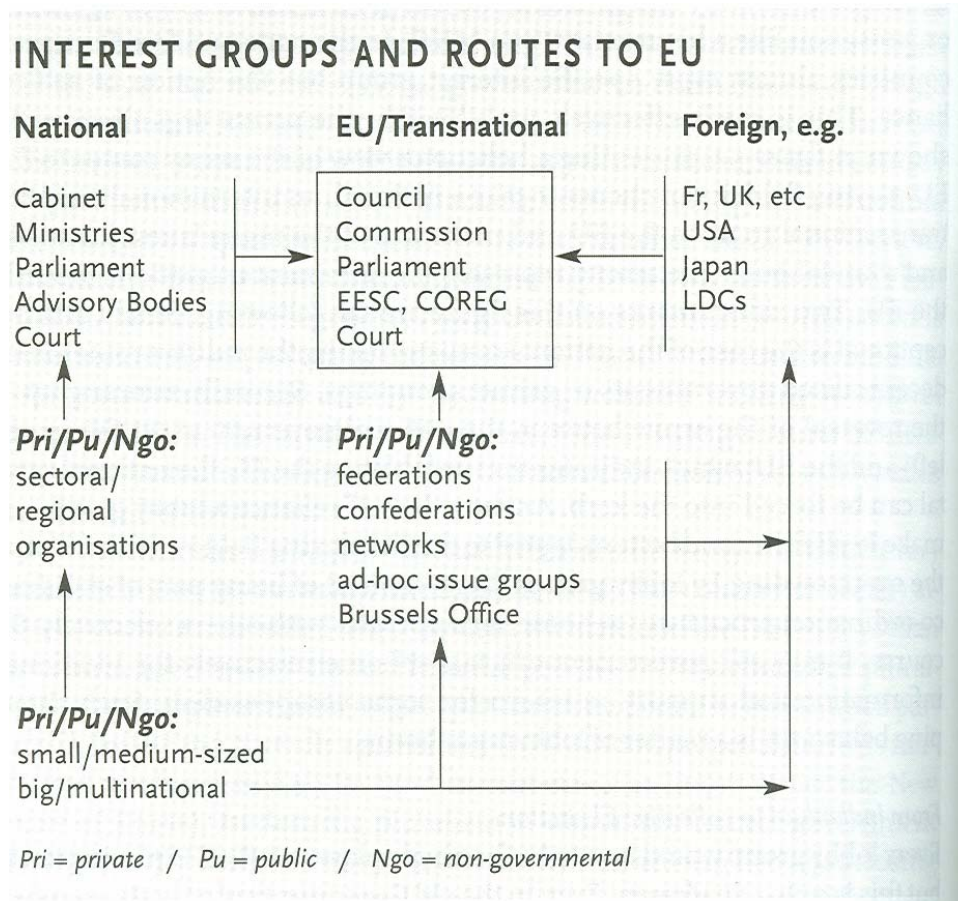
³³ "The Persuaders," *The Bulletin: Newsweekly of European Capital*, n.11, p. 14, March 16, 2006

By nature, civil society is an area that should not be organized.³⁴ This would explain why there are no regulations in the area but only unbinding legislation instead, at the EU level. This legislation is not coercive; its goal is not interference but rather making it easier for the EU to help CSOs operate, helping them become more in tune with EU decisions, and giving them a greater role, visibility and legitimacy. Thus, unbinding legislation is not restrictive but rather facilitative.

More or less, almost all the EU Institutions have a connection with civil society organizations, whether with directives or with the decisions they are giving, thus having an impact on them. I will focus on the European Parliament, European Commission and European Economic and Social Committee, bodies that have more affect on CSOs in Turkey. Before that, an explanatory figure is given below to indicate the channels through which the interactions occur between the EU and the CSOs.

³⁴ Interview with Michael Vögele, First Secretary (Head of Section C - Financial Co-operation, Institution Building Civil Society, The Delegation of the European Commission to Turkey, 2006

Figure 2



Source: Rinus Van Schendelen, *Machiavelli in Brussels: The Art of Lobbying the EU*, Amsterdam University Press, 2005

A. European Parliament

The European Parliament (EP) represents all the people in the member states. It is a public institution that gets its legitimacy from the fact that its members (MEPs) have been elected directly by the people elected. This has been the case since 1979. Since 2007, the EP has 785 MEPs representing 27 member states, which will change with the proposed European Constitution to be ratified by 2009.

EP has three main functions: legislative, supervisory (executive) and budgetary (control of the budget).

The EP has enhanced its power and authorities through several treaties. “The 1992 Maastricht Treaty and the 1997 Amsterdam Treaty have transformed the European Parliament from a purely consultative assembly into a legislative parliament, exercising powers similar to those of the national parliaments.”³⁵ The EP has combined the decision-making process with the co-decision procedure³⁶ along with the Council. Therefore, the EP’s legislative power is derived from its role in the co-decision procedure that it exercises with the Council. This decision procedure “puts the European Parliament and the Council on an equal footing and [has led] to the adoption of joint Council and European Parliament acts. Through the co-decision procedure, many more Parliamentary amendments find their way into Community laws and no text can now be adopted without the formal agreement of the European Parliament and the Council of the European Union.”³⁷

³⁵ EU Institutions, European Parliament, www.deltur.cec.eu.int

³⁶ The codecision procedure (Article 251 of the EC Treaty) was introduced by the Treaty of Maastricht. It gives the European Parliament the power to adopt instruments jointly with the Council of the European Union. The procedure comprises one, two or three readings. It has the effect of increasing contacts between the Parliament and the Council, the co-legislators, and with the European Commission. In practice, it has strengthened Parliament's legislative powers in the following fields: the free movement of workers, right of establishment, services, the internal market, education (incentive measures), health (incentive measures), consumer policy, trans-European networks (guidelines), environment (general action programme), culture (incentive measures) and research (framework programme).
“Europa Glossary” http://europa.eu/scadplus/glossary/codecision_procedure_en.htm

³⁷ www.deltur.cec.eu.int

The Parliament also has the power to adopt the budget of the EU. The budget of the following year does not come into force until it has been signed by the President of the European Parliament, giving the Union the financial resources it needs for the upcoming year.

The Parliament also exercises supervisory power over all Community activities. This power, which was originally applied to the activities of the Commission only, has been extended to the Council of Ministers, the European Council and the political cooperation bodies that are accountable to Parliament. The EP plays a crucial role in the process of appointing the Commission. After approving the nomination for Commission President, Parliament holds hearings with the nominee Commissioners and then appoints the Commission by a vote of confidence. The EP also has the right to censure the Commission.

Besides the President and Conference of Presidents, the Parliament has eight political groups, which represent the national parties under umbrella organizations. These groups, along with the other organs of the EP, meet in Strasbourg at least once a month for plenary sessions. In order to prepare these sessions, there are standing and temporary committees in which the MEPs participate. There is a secretariat that organizes the work of the EP. Lastly, there are “Interparliamentary Delegations” and “Joint Parliamentary Committees” to maintain the relations with the parliaments of states linked to the European Union by the third countries. These will be examined later, with reference to Turkey.

Lobbying is an attempt to influence the decision-making process. Even though in Turkey lobbying has negative connotations (and mostly thought of in terms of activities conducted for economic and political interests by particular actors), in the EU or at the level of member states, it is a natural part of the political process. Lobbyists may involve several actors. For example, a non-governmental organization may advocate such issues as the environment or a firm might be trying to protect its interests.

Compared to other institutions, the European Parliament was not a very favorable place to lobby till the Single European Act (1987). From then on, the Parliament's power was enhanced. As a result, lobbyists began to target the EP.³⁸ Particularly decentralized governments and private interest groups show an intense lobby activity inside the EP, as they find this institution, more than any other, to be open for communication and influence, both internal and in regard to the Commission and Council. To provide an example, the European Parliament is the only Community institution that meets and deliberates in public. Its debates, opinions and resolutions are published in the Official Journal of the European Union.³⁹ This relative openness and accessibility makes the EP a very appealing place. According to August 2006 figures, there are about 4260 lobbyists accredited to European Parliament.⁴⁰ "It has been estimated that there are about 70,000 individual contacts per year between the Members of the European Parliament and interest groups."⁴¹ The accreditation system of the EP makes it obligatory to register in order to enter buildings, attend the concerned meetings (public hearings) or make a contact inside. Lobbyists have to obtain badges with their names that have to be renewed periodically. They either contact MEPs face to face or they contact them via e-mail or mail. Lobbyists pay more attention to the MEPs who are reporters or committee chairs. This is because Parliamentarians holding these positions serve as gatekeepers of the Parliament by controlling the channels through which the information that helps form the

³⁸ Wilhelm Lehmann and Lars Bosche, "Lobbying in the European Union: Current Rules and Practices," p. 33, Luxembourg, European Parliament, 2003

³⁹ Official Website of European Parliament, www.europarl.eu.int

⁴⁰ This figure is taken from the accreditation department of the European Parliament in reply to my request for the numbers.

⁴¹ Study by W. Wessels cited in Wilhelm Lehmann and Bosche, *Lobbying in the European Union*, p. 33, 2003

opinions and decisions of other Parliamentarians enter the Parliament⁴². The EP also holds public hearings on different issues, including civil society. For example, in April 2006, the EP held a “Forum on Civil Society” to which it invited different CSOs and MEPs. This two-day forum, which I also attended, focused on the participation of European citizens in the debates on the future of Europe and the necessity of improving the EU's credibility in the eyes of the public. During the discussions carried out there, the CSOs had the chance to voice their difficulty in participating in the decision-making process and in getting their demands heard.

Based on this information, I would like to describe the relationship of the Turkish CSOs with the EP.

There are around ten lobbyists (March 2007 figures) from Turkish CSOs⁴³ who are accredited to operate at the EP and therefore have badges permitting them to enter EP buildings. They are allowed to attend meetings of concern to them, organize meetings about Turkey in the EP and make bilateral contacts with functionaries or MEPs. These CSOs also inform the EP about developments in Turkey, thus acting like an information channel. Additionally, the EP and other institutions may contact CSOs to consult on specialized issues. This is also valid for the reports of the Parliament on Turkey, which are released annually. When the reporter is making his report, he may consult CSOs in Turkey and in the EU to get their ideas and benefit from research done on the specific topics. As I have observed, Turkish and EU CSOs may convey their concerns on the views, reports and decisions concerning Turkey, as well. These interactions between the Turkish CSOs and the EU Institutions,

⁴² Ibid

⁴³ <http://www.europarl.europa.eu/parliament/expert/lobbyAlphaOrderByOrg.do?letter=A&language=EN>

including the EP, will be examined in more detail latter under the heading “Lobbying in Brussels.”

Finally, there is a Joint Parliamentary Committee (JPC) between the European Parliament and the Grand National Assembly of Turkey (GNAT). “The legal basis for the activities of the EU-Turkey Joint Parliamentary Committee is Article 27 of the same Ankara Agreement (entry into force 1964) which calls upon the Association Council to facilitate cooperation between the EP and the GNAT. The EU-Turkey JPC was established on the basis of the European Parliament's resolution of 14 May 1965 and the resolutions of the GNAT and the Turkish Senate, adopted respectively on 22 June and 14 July 1965 and on the basis of a decision by the EEC Turkey Association Council of 1965.”⁴⁴

JPC Meetings between Turkey and EP are held twice a year. The topics of the meetings are determined in line with the developments of EU-Turkey relations and the domestic agenda in Turkey with a reference to EU. The meetings are held alternatively in Turkey and in the European Parliament. At the 56. Meeting held in Turkey, civil society organizations contributed to the discussions as well. The 56. JPC Meeting in Ankara, conducted on May 2006, the delegation members allocated the final day to meeting with students and civil society organizations at a university, an event that was planned as a part of the agenda. Several references were made to civil society organizations and the related legislation at the JPC meetings as well. The last (57.) JPC Meeting, which took place on November 2006, in Brussels, hosted several Turkish Civil Society Organizations operating in Brussels in order to

⁴⁴ Information Note on the Work of the EU-Turkey Joint Parliamentary Committee, Directorate-General for External Policies of the Union, June 2004

exchange views. It was the first time that CSOs were invited to a JPC Meeting in Brussels; before that, they had only participated in meetings held in Turkey.

B. European Commission

The European Commission is a supranational body in the sense that it serves to aggregate the interests of the EU. The civil servants there do not work to protect the interests of their respective home countries, which is what is done at the Council. Moreover, different from the Parliament, the Commission is not divided into political affiliations. Instead, the Commission is broken down into different Directorate-Generals (DGs), which focus on different specialized issues, such as agriculture or trade. At the highest level, there are Commissioners representing the DGs.

The European Commission proposes new legislation,⁴⁵ policies and programs of action, and it is responsible for implementing the decisions of the Parliament and the Council. Thus, the Commission is the main executive organ of the EU.

The Commission releases several White and Green papers, standards (consultation), initiatives, discussion papers, dialogues, databases and articles in the Treaties to organize its relations with the CSOs. There are also several CSOs that have relations with Commission. This unbinding legislation and the structures of interaction will be explained through the following issues, which will be elaborated upon one by one under separate headings:

- White Paper on European Governance
- Green Paper on European Transparency Initiative, additional with a reference to Communication on “General principles and minimum standards for consultation of interested parties by the Commission”
- Social Dialogue
- European Constitution

⁴⁵ When proposing a new law, it must choose which procedure –codecision, consultation or assent- to follow. The choice will, in principle, depend on the 'legal basis' of the proposal; EU Decision-Making Process, www.deltur.cec.eu.int

- CONECCS
- Civil Society Development Center
- National Agency
- The Delegation of the European Commission to Turkey and EU Information Centers
- Euromed
- The Secretariat General for European Affairs
- The Central Finance and Contracts Unit

i. White Paper on European Governance

The concept “governance” has received extensive attention in the literature and the media, especially in recent decades. Putting one’s vote in the ballot box at election time is no longer sufficient to satisfy the political needs of citizens. People are much more conscious and concerned about domestic and international agendas. Citizens have begun to believe that domestic and global issues and the actions of the states are no longer just within the competence of governments alone. As Strange states, “Politics is a common activity; it is not confined to politicians and their officials.”⁴⁶ Citizens would like to affect the political decisions that directly affect them. They use such different means as petitions, referendums, joining civil society organizations, and conducting demonstrations. All these transformations in governing style and the changing role of the citizen in the state system have created the term “governance” in the literature. Actually it is not a new term but has started to be used frequently over the last fifteen years, mainly due to the impact of the World Bank and other international institutions.⁴⁷ It simply means that if a public decision is to be made, all the parts that will be affected by the decision should be included into the decision-making process.

⁴⁶ Suzan Strange, *The Retreat of the State: Diffusion of Power in the World Economy*, Cambridge University Press, p. 12, 1999, Cambridge

⁴⁷ Karel Göymen, “We are Obligated to Practice Governance,” pp. 67-76, *Journal of Civil Society*, 2 (6-7), 2004

Among the large number of governance models in existence, three types of governance that have particular relevance to EU affairs will be presented:⁴⁸ “Multi-level governance, networked governance, and expertise-based governance. Multi-level governance model is most frequently used when describing the EU situation. It stresses the layered functioning of Union, national and regional bodies, but neglects the increasing difficulty in locating shared competencies according to geographical or hierarchical criteria. It is closely coupled to constitutional discussions in legal circles.”⁴⁹

In the case of the EU, a high tendency towards governance can be observed. At the beginning, EU was begun as an elitist project by politicians, and continued as such for many years, with publics unaware of the EU’s role and influence. This situation started to change with the attempts of the EU Institutions and the rising importance and role of the EU. However, when Eurobarometer’s⁵⁰ results for the publics of the member states are checked, it clearly can be seen that EU citizens are still not very conscious of the institution of which they are a part. Based on these findings and in an attempt to fill the void that exists between EU and its citizens, there have been increasing attempts from the Commission to include the EU citizens in the evolving EU project – something that would bring more credibility, legitimacy, accountability and democracy to the union. The Commission recognized civil dialogue as one

⁴⁸ There are also “new” and “old” governance debates in respect to EU functioning. For further information, see Joanne Scott, David M. Trubeck; “Mind the Gap: Law and New Approaches to Governance in the European Union,” *European Law Journal*, Vol.8, No:1, March 2002

⁴⁹ Governance models and the related data are taken from “The New Europe: Governance in a Union of Up to 30 Member States,” working paper of European Parliament, p. 17, 2002

⁵⁰ Eurobarometer contains the surveys of Public Opinion in the EU conducted to analyze its views on different issues. Since 1973, the European Commission has been monitoring the evolution of public opinion in the Member States, thus helping in the preparation of texts, decision-making and the evaluation of its work.
http://ec.europa.eu/public_opinion/description_en.htm

of the tools that could be used to get the people and the EU closer to each other. In its Communication on Promoting the Role of Voluntary Organizations and Foundations in Europe,⁵¹ the Commission stated the civil dialogue as that which would [ensure] that the views and the grassroots experience of the voluntary sector [could] be systematically taken into account by policymakers at European level so that policies can be tailored more to meet real needs and to disseminate information from the European level down to the local level so that citizens are aware of developments, can feel part of the construction of Europe and can see the relevance of it to their own situation, thus increasing transparency and promoting citizenship.⁵² Three years later, in 2000, the Commission has released a discussion paper⁵³ which tried to suggest ways to develop the relationship with NGOs (the concerned organizations are called NGOs in the paper). It gave guidelines for the basis of EU-NGO relations and suggested several instruments that could be used by NGOs to help them contribute to policy making. Subsequently, on July 25, 2001, the Commission published a White Paper⁵⁴ on “European Governance.” Through this paper, the Commission reacted to “a wide variety of concerns regarding policymaking in the EU: lack of policy effectiveness and coherence, poor implementation, excessive reliance on a top-down approach, the aloofness of the political decision-making process from citizens and the lack of democratic

⁵¹ The European Commission Communication on Promoting the Role of Voluntary Organizations and Foundations in Europe, 1997, Brussels

⁵² Kenneth A. Armstrong; “Rediscovering Civil Society: The European Union and the White Paper on Governance,” *European Law Journal*, Vol.8, No. 1, March 2002

⁵³ The European Commission Discussion Paper: “The Commission and Non-Governmental Organizations: Building a Stronger Partnership,” 18 January 2000, Brussels

⁵⁴ Commission White Papers are documents containing proposals for Community action in a specific area. In some cases they follow a Green Paper published to launch a consultation process at European level. When a White Paper is favorably received by the Council, it can lead to an action programme for the Union in the area concerned. Source: European Union Glossary

legitimization.”⁵⁵ This paper laid out concepts, principles, roles and processes. According to it, the European Governance refers to the rules, processes and behaviors that affect the way in which powers are exercised at the European level, particularly as regards to openness, participation, accountability, effectiveness and coherence. These five “principles of good governance” reinforce those of subsidiarity⁵⁶ and proportionality.⁵⁷ Based on these principles, this paper gives the following proposals:

- Refocus the roles and responsibilities of each Institution,
- Set out the conditions for establishing EU regulatory agencies.
- Support the clearer definition of EU policy objectives and improve the effectiveness of EU policies,
- Build public confidence in the way policy makers use expert advice.
- Make greater use of the skills and practical experience of regional and local actors.
- Structure the EU’s relationship with civil society: This is the most relevant, direct objective concerning this thesis topic. According to this proposal, a code of conduct for consultation will identify responsibilities and improve accountability of all partners, which will enhance dialogue, and contribute to the openness of organized civil society. Consultation process of the Commission has several tools and documents, which will be discussed in details in the following heading.

ii. Consultation of the Commission with Civil Society Organizations

“Before making proposals, the Commission must be aware of new situations and issues developing in Europe and it must consider whether the EU legislation is the best way to deal with them. That is why the Commission consults and is in constant touch with external parties when elaborating its policies. It also consults within the framework of the legislative process, two advisory bodies - the European Economic and Social Committee (representing various socio-economic organizations in Member States) and the Committee of the Regions (made up of

⁵⁵ Dieter Schmidtchen, Preface European Governance, M. H, H. K., D. S and M. S. (ed), Mohr Siebeck, 2003.

⁵⁶ Subsidiarity means, problems should be dealt with the closest government unit to the source of the problem. This has given new authorities and sources to local governments; thereby narrowed down the decision-making scale and stressed. the importance of non-governmental organizations in local areas.
Source: Aydın Uğur, "New Actors of New Democracy: NGOs," in Ulaş, Taciser (ed), *Hello Civil Society*, Helsinki Citizens Assembly, 1997.

⁵⁷ When various forms of intervention are available to the Union, it must, where the effect is the same, opt for the approach which leaves the greatest freedom to the Member States and individuals. Source: Europa Glossary

representatives of local and regional authorities), and seeks the opinions of national parliaments and governments. The very objective of consultation is to ensure that interested parties are heard properly in the policy-making process. Consultation with stakeholders at an early stage of policy shaping helps to improve the policy outcome and at the same time enhances the involvement of interested parties and the public at large. Consultation of interested parties thus complements the process of policy shaping. In its consultation policy the Commission applies the principle of openness. Everybody must be able to provide the Commission with input. Therefore, there is no general registration or accreditation system for interest groups. The Commission does not want to limit its consultations to a certain number of pre-screened or accredited organizations”⁵⁸.

The above quotation delineates the main purpose and principles of the Commission when it consults CSOs. The Commission consults various bodies both in the EU and at the level of member states and civil society organizations with the objective of filling the void existing between the actors it affects (with the decisions it makes) and itself. In this way, the Commission tries to make the most efficient decisions satisfying the needs of the market and citizens.

Consultation takes place in the policy formation process before policy is made. But just to be clear, it should be pointed out that consultation does not mean that all the views of the actors it consults will be adopted. Nor does it function through co-decision or via by-pass whereby all of the views of the CSOs are neglected.⁵⁹ Consultation simply means taking other actors’ views into consideration. Different levels of influence would be made by the views of the CSOs. There are different means of consultation. These include, for example, organizing meetings or open public debates. There is also the website “Your-Voice-In-

⁵⁸ “The European Commission and Civil Society,” Consultation http://ec.europa.eu/civil_society/index_en.htm

⁵⁹ Interview with Giorgos Glynos, Adviser of Civil Society Dialogue, European Commission, DG Enlargement, Turkey Team, 2006

Europe⁶⁰ through which the Commission's open public consultations are announced. In this way, interested parties sides have the opportunity to follow and participate in the debates.

Under another heading, the role of the European Economic and Social Committee (an advisory body of the EU) in the consultation process will be looked at further, but now the relations of CSOs with the Commission will be examined.

iii. CONECCS

According to the openness principle of the Commission, CSOs do not require accreditation to be consulted or to enter Commission buildings, contrary to what is necessary in the case of the European Parliament. Therefore, CSOs may voluntarily register themselves with the CONECCS. The CONECCS⁶¹ is the database for Consultation, the European Commission and Civil Society. "In the White Paper 'Reforming the Commission' (COM (2000) 200 of 1.3.2000) the Commission committed itself to establishing a list of committees and expert groups which are involved in formal or structured consultation procedures and in which civil society organizations participate. The overall objective is to make the dialogue with civil society organizations more transparent"⁶² which is one of the reasons for forming the CONECCS. The second reason concerns enabling European civil society organizations to make themselves known to the Commission, thus increasing the list of potential consultation

⁶⁰ http://ec.europa.eu/yourvoice/consultations/index_en.htm

⁶¹ For further information, see the website of Coneccs
http://ec.europa.eu/civil_society/coneccs/index_en.htm

⁶² Ibid.

partners.⁶³ The third reason has to do with the Commission itself – it makes it possible for it to see all various CSOs in the field, facilitating access to consultative parties.

The White Paper on European Governance, which was elaborated in the previous section, recommended the publication of a review of existing sectoral consultative forums.⁶⁴ To achieve this goal, the CONECCS website was formed.

The CONECCS is divided into two parts: Consultative Bodies and Civil Society Organizations.

Consultative Bodies are the lists that the Commission consults. The Commission may form them through decisions, such as the “Advisory Committee on the Common Agriculture Policy,” or the consultative body forms on its own and is then consulted by the Commission. The consultative bodies on the list given involve the CSOs that are consulted in a formal and structured way - meaning relatively regular meetings of a group in which civil society organizations participate. Committees that are composed solely of the representatives of the Member States are not included on the list. The bodies should be umbrella organizations composed of the CSOs of several countries. “The number of consultative bodies of a Directorate-General of the Commission or on a specific policy area does not correlate with the activity of consultation of civil society within the Directorate-General or the policy area in question.”⁶⁵ Therefore, the DGs have flexibility in their relations with the CSOs they consult. They would determine the target group, level of consultation and the means by their will.⁶⁶

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Interview with Lea Vatanen, Dg General Services, European Commission, 2006

The list of “Civil Society Organizations” is only for creating a database to inform. Because there is no consensus or legal definition for the term civil society organizations, the Commission uses the definition of the European Economic and Social Committee⁶⁷ here for the CONECCS that involve such actors as:

- so-called labor-market players (i.e. trade unions and employers’ federations, also called the social partners)
- organizations representing social and economic players which are not social partners in the strict sense of the term
- NGOs(non-governmental organizations) which bring people together in a common cause, such as environmental organizations, human rights organizations, consumer associations, charitable organizations, educational and training organizations.
- CBOs (community-based organizations, i.e. organizations set up within society at grassroots level which pursue member-oriented objectives), e.g., youth organizations, family associations and all organizations through which citizens participate in local and municipal life.
- religious communities.

Even though there are no criteria in the CONECCS to exclude the candidate countries and their CSOs and consultative bodies from candidate countries exist, there are no Turkish ones on either list. The only time a Turkish CSO appears to be present is when it is a member of an umbrella organization at the European level such as the UNICE or EUROCHAMBERS (of which TUSIAD, TOBB, ITKIB, TUR-BO, and other CSOs are members). Then they are represented indirectly in the CONECCS. However, they do not take part in the formation of a consultative body themselves. Neither are they on the list of CSOs. This doesn’t mean that the Commission does not interact with Turkish CSOs; there have been many bilateral contacts between Turkish civil society organizations and the Commission over the years. But as a rule, bilateral contacts are not made in the scope of CONECCS.

⁶⁷ http://www.ces.eu.int/pages/en/acs/SCO/SCO_accueil_en.htm

iv. Social Dialogue

Consultation is stipulated with the Amsterdam Treaty in which it is said, “The Commission should consult widely before proposing legislation, and wherever appropriate, publish consultation documents.”⁶⁸ The EESC and COR are the advisory bodies that the Commission consults. Additionally, the Commission consults the social partners within the social dialogue regulated through articles 137-139 of the same treaty.⁶⁹ Social dialogue consists of the discussions, consultations, negotiations and joint actions undertaken by the social partner organizations, which are the employee and employer organizations –social partners. The definition of these social partners is not legal but operational.⁷⁰ These partners will be trade unions, syndicates and employer representatives.

Social actors may get involved at different levels: supranational (in this case it is the EU), national and subnational level. “At the European level, there is a bipartite dialogue between European employers and trade union organizations, which involves negotiating collective agreements.”⁷¹ “The second one is a tripartite (formal) dialogue involving interaction between the social partners and the public authorities.”⁷² “This is largely with the Employment Committee, which also works in cooperation with the Social Protection

⁶⁸ Protocol No 7 on the application of the principles of subsidiarity and proportionality, Amsterdam Treaty, cited in the website of Social Dialogue of the Commission, http://ec.europa.eu/employment_social/social_dialogue/index_en.htm

⁶⁹ “The European Commission and Civil Society,” Consultation http://ec.europa.eu/civil_society/index_en.htm

⁷⁰ Interview with Giorgos Glynos, Adviser of Civil Society Dialogue, European Commission, DG Enlargement, Turkey Team, 2006

⁷¹ Catherine Barnard; “The Social Partners and the European Agenda,” p 80, *European Law Journal*, Vol.8, No.1, March 2002

⁷² http://ec.europa.eu/employment_social/social_dialogue/index_en.htm

Committee. It has contacts with social partners. And Employment Committee is obliged to consult.”⁷³

Evolution of European social dialogue is given in a chart in the annex - 1.

Social dialogue is a part of European Governance and Consultation but with a slight difference. Unlike the consultation with CSOs in general, social partners have a role in making legislation and an impact on it.⁷⁴ European social dialogue has resulted in a variety of outcomes, including the adoption of over 300 joint texts by the European social partners. Combining the values of responsibility, solidarity and participation, European social dialogue complements the national practices of social dialogue that exist in most Member States.⁷⁵

There are several social partners recognized by the EU. They have to meet certain criteria in order to be eligible and legitimate. They must be:

- cross-industry, or relate to specific sectors or categories and be organized at European level
- consist of organizations which are themselves an integral and recognized part of Member States' social partner structures and with the capacity to negotiate agreements, and which are representative of all Member States, as far as possible
- have adequate structures to ensure the effective participation in the consultation process

The social partners having these features and accepted by the EU are extensive umbrella organizations all over EU. These include, for example, the ETUC (European Trade Union Confederation), Eurocadres (representing managerial staff), FERPA (European Federation of Retired and Older People), and UNICE (Union of Industrial and Employers' Confederations

⁷³ Barnard, 2002

⁷⁴ Interview with Lea Vatanen, European Commission, DG General Services, 2006

⁷⁵ http://ec.europa.eu/employment_social/social_dialogue/index_en.htm

of Europe). There are a couple of Turkish CSOs, such as TUISAD, that are members of some of these social partners. TUSIAD has been a member of UNICE since 1987. Thus, the interest of Turkish businessmen are also represented on a larger scale via UNICE.

v. Green Paper⁷⁶ on a European Transparency Initiative (ETI)

The European Transparency Initiative was adopted very recently (March 3, 2006). Through this initiative, the Commission launched a review of its overall approach to transparency, and wanted to identify and stimulate a debate on areas for improving it, as it is indicated in the initiative itself.

In the first part, the initiative provides a history of previously released papers related to transparency. It elaborates the achievements made subsequent to being adopted. Because it is a Green Paper, this paper is, by nature, for discussion and consultation. In each chapter of the paper, there are several questions. Mainly three issues are concerned: The need for a more structured framework for the activities of interest representatives (lobbyists), feedback on the European Commission's minimum standards for consultation, and mandatory disclosure of information about the beneficiaries of EU funds under shared management. The Commission is expected to accept the views of the interested parties till the deadline of August 31, 2006.

⁷⁶ Green Papers are documents published by the European Commission to stimulate discussion on given topics at the European level. They invite the relevant parties (bodies or individuals) to participate in a consultation process and debate on the basis of the proposals they put forward. Green Papers may give rise to legislative developments that are then outlined in White Papers. Source: Green Paper, Europa Glossary, European Commission

In the second part of the paper, the definitions of “lobbying and lobbyists,”⁷⁷ covering a wide range of actors, are given. It focuses on the principles upon which the relations between the EU Institutions and lobbyists are based. Moreover, current bilateral problems are highlighted.

The Green Paper then discusses the “General Principles and Minimum Standards for the Consultation of Interest Parties,”⁷⁸ which was adopted on December 11, 2002. This section entails extensive coverage of principles concerning transparency.

Minimum standards are based on openness and accountability in order to contribute to EU policy development. It should be clear as to which organization they represent and how inclusive that representation is. The CONECCS system and accreditation procedures of the EU Institutions are then given. Lastly, a view on the application of the minimum standards is provided.

In the third part, brief information is included about EU funds while stressing the importance of transparency.

⁷⁷ Lobbying: All activities carried out with the objective of influencing the policy formulation and decision- making processes of the European Institutions.

Lobbyists: persons carrying out such activities, working in a variety of organizations such as public affairs consultancies, law firms, NGOs, think-tanks, corporate lobby units (“in-house representatives”) or trade associations.

Source: Green Paper on European Transparency Initiative

⁷⁸ This is a very basic paper that also provides definitions of civil society organizations – cited from EESC’s definition”, determining the standards of consultation between the EU Institutions and CSOs. But it is not a restrictive paper; it draws the outline of the basic principles and areas in which they operate, but inside those areas the actors are free to operate so long as they do not violate the principles.

vi. The European Constitution

The Treaty for European Constitution, which provides the EU with a more supranational structure, was signed by 25 member states and three candidate countries (Turkey, Bulgaria, and Romania) in Rome on October 29, 2004 in after many long years of debating and content formation. But in order for the Treaty establishing the Constitution to be put into effect; it would have to be adopted by each of the signatory member states in accordance with its own constitutional procedures: this is called the ratification of the Treaty by the Member States. This should be done through either referendum or parliamentary ratification.⁷⁹ France and Netherlands chose the method of referendum, according to their own legislation, and their publics rejected the Constitution. The ratification is still continuing in the other countries but these rejections have created a set back to the adoption of the Constitution. A period of reflection decided upon by the European Council on June 2005 has started and the deadline for ratifying the Constitutional Treaty has been extended indefinitely.

If the Constitution enters into force, it will integrate the “Charter for Fundamental Rights,” which will not only establish the values and objectives but also, the principles that underlie the relationship between the Union and its Member States.⁸⁰ Additionally, “article 47⁸¹ sets out the general principles of participatory democracy in the EU. This article

⁷⁹ Ratification of the Treaty establishing a Constitution for Europe,
http://europa.eu/constitution/ratification_en.htm

⁸⁰ Summary of the agreement on the Constitutional Treaty, June 28, 2004, EU

⁸¹ Treaty establishing a Constitution for Europe - Article 47 :

The Principles of Participatory Democracy

mentions, in particular, the maintenance of open, transparent and regular dialogue between European institutions and representative associations and civil society. It also mentions that the Commission "shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent".⁸² Thus, the Constitution (in Draft form currently), gives a more space and legitimacy for the CSOs to operate inside the EU.

vii. Bilateral Interaction with Turkey

a. Legislative Changes in Turkey under the Effect of the EU and the Commission Reports

Regular Reports are a component of the pre-accession strategy. These reports are regularly prepared by the European Commission every year and put forth proposals by evaluating the progress achieved by the candidate countries. They are used by the Council in deciding whether to carry on with the negotiations with existing candidate countries or to

1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

3. The Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

4. Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Constitution. European laws shall determine the provisions for the procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which such citizens must come.

Source: Official Journal of the European Union

⁸² The European Union and Civil Society, General Overview, http://ec.europa.eu/civil_society/index_en.htm

include in negotiations countries that have newly entered the candidacy process according to accession criteria.⁸³

The Commission first began releasing reports on Turkey in 1998. Since then, the Commission has been constantly referring to restrictions on freedom of associations in Turkey and referring to particular cases. After the first two reports (1998 and 1999), Turkey was given the status of candidatureship at the Helsinki Summit. As a result, “from 2000 onwards, the Commission reports devoted much more space to freedom of association in Turkey.”⁸⁴ The Commission has evaluated developments occurring within Turkey – including national programs and reform packages prepared by the Turkish government – and has made recommendations concerning further expectations. Thus, these reports will be examined in accordance with developments in Turkey.

A number of developments have occurred on the Turkish side since the Helsinki Summit. These include a revision of the Civil Code in November 22, 2001, which was published in the official newspaper on December 8, 2001 and went into effect on January 1, 2003.⁸⁵ The New Civil Code (No. 4721) completely replaced the former one (the Civil Code of 1926 has been revised fifteen times since its inception⁸⁶). Moreover, a new Law of Associations required a set of reform packages dealing with civil society organizations (the 4th and 7th Reform Packages [2003]).

⁸³ Representation of the European Commission to Turkey, www.deltur.cec.eu.int

⁸⁴ Ioannis N. Grigoriadis, *Turkish Political Culture and the European Union*, Unpublished PhD Thesis, 2005, University of London.

⁸⁵ <http://www.belgenet.com/yasa/medenikanun/indexmk.html>

⁸⁶ <http://www.belgenet.com/yasa/medenikanun/tarihce.html>

The Turkish Government prepared a National Program in 2001 and submitted it to the European Commission. The program was further revised in 2003. National Programs are prepared for the adoption of the *Acquis Communautaire* (the entire body of EU legislation), which indicates in detail how the candidate country envisages implementing the Accession Partnership priorities and preparing for integration with the EU. In this way, the National Program complements the Accession Partnership. It includes a timetable for the achievement of objectives and, when necessary, indicates the human and financial resources to be allocated.⁸⁷ The Turkish National Program, submitted to the Commission on March 2001, was adopted by the Council of Ministers. Within this framework, Turkey started to release Reform Packages from 2002 onwards. The packages contained changes concerning freedom of associations and civil society organizations.

The reforms made to the “Associations Law” have been carried out in stages and have been subjected to debate.⁸⁸ Articles 4, 5, 6, 34, 38 and 43 of the Associations Law were changed under the second reform package on March 26, 2002. With the change of Article 4, “Entitlement to Establish Associations,” several restrictions which had prohibited persons sentenced for specific crimes were lifted. With the change of Article 5, “Associations Subject

⁸⁷ www.deltur.cec.eu.int

⁸⁸ see the annex for changes

For the changes brought with the reform packages and with the New Associations Law and the Civil Code, the following sources will be used:

Ege Erkoçak; The Changes with the EU Reform Packages: The articles brought in respect to the extension of freedom of associations and their former states,” 11 November 2005, Secretariat General of European Affairs

Third Sector Foundation of Turkey, <http://www.tusev.org.tr>

Belgenet, <http://www.belgenet.com>

EU Communication Group, www.abig.org.tr

to Restrictions and Prohibited Activities,” restrictions on several types of associations were eliminated. With the change of Article 6, “Restriction to Use Certain Names and Signs,” some legal restrictions on the use of signs, flags, slogans, and unauthorized languages were lifted. Changes in Article 34, on “Federation and Confederations,” eliminated the requirement that an association be for the public benefit in order for it to form a federation. The change of Article 38, “Purpose and Activities of Students’ Associations,” has lifted the clause that prohibited the activities of student associations different from the purposes that were listed in the article. Lastly, the Article concerning “Relations with Foreign Associations and Organizations,” which required that permission be sought from the Foreign Ministry and Interior Ministry to have relations with foreign associations and institutions was changed so that such permission was no longer necessary. A notification clause was introduced instead.

The Third Reform Package of August 3, 2002 brought changes to Articles 11, 12, 15, 39, 40, 45, 46, 47, 56, 62, and 73.⁸⁹ The most crucial ones were the formation of a Department of Associations under the Interior Ministry (Art 46, 73) and the lifting of restrictions on the freedom of civil servants to form associations (Art 39). Until this reform package, the authorization to facilitate the services related to associations belonged to the Directorate General of Security (“*Emniyet Genel Müdürlüğü*”). With the third reform package, the transfer of this body to the Interior Ministry was not simply a technical issue but rather a symbol of “civilizing (*sivilleştirme*) of civil society services.” The reference to civilizing here does not mean a change from uniform to civilian clothing, which is the common understanding and usage in Turkey,⁹⁰ or have anything to do with “civilization.” What is meant is a change in mentality and the contribution of individuals. Those changes are

⁸⁹ http://www.belgenet.com/yasa/ab_uyum-1.html

⁹⁰ Interview with Haluk Tükel, General Secretary of Tüsiad, 2005

important steps but time is needed for the internalization of the reforms and adoption of behaviors in line with civil society.

The only relevance of the concerned services for CSOs with the security department has been the technical training given to the staff of the new Department of Associations during the orientation period (which was completed in the first year), and supervision at the level of towns (in specific cases, with court permission).⁹¹

With the introduction of the Department of Associations, complemented by the removal of restrictions on civil servants to establish associations, we see that there has been a relative change in the view of the state authorities towards the civil society organizations compared to the past.

Other reforms in the Third Package have brought further freedoms to students to join associations (Art 56), permission to civil society organizations to undertake preparations for earthquakes and natural disasters (Art 40), clauses that create flexibility for associations founded in Turkey to operate abroad, and for associations founded in abroad to operate in Turkey (Art 11 and 12).

After the Third Reform Package, the European Commission released its 2002 Regular Report (October 9) on Turkey. In the report, the Commission conducted a review of the reforms made since the Helsinki Summit of 1999. It was said that, “The decision on the candidate status of Turkey in Helsinki in 1999 has encouraged Turkey to introduce a series of

⁹¹ Interview with İsmail Çalışkan, Head of Department of State Security Department, in General Directorate of Security, Ministry of Interior, Turkey, 2005

fundamental reforms.” With respect to civil rights, the New Civil Code and three other reform packages were referred to and appreciated. Subsequently, however, it was said that such reforms were inadequate and that further reforms, especially those pertaining to the Law of Associations, were necessary.

The Fourth Reform Package of January 2, 2003 brought further flexibility to the establishment of associations. Restricted types of associations were narrowed by the change in Article 5. Articles 11 and 12, dealing with “International Activities of Associations founded in Turkey” and “Activities in Turkey of Associations founded abroad,” have been abolished; in their place, this issue is addressed in Articles 91 and 92 of the Civil Code. Article 36 of the civil code stipulates that Article 92 is revised to include non-profit organizations as well. Articles 16 and 18 allow for the membership of legal entities in associations and stipulate the nature of their voting rights.

With the Fifth Reform Package of January 23, 2003, Article 82 was amended to replace prison penalties with fines. This penalty is for situations specified under Articles 43, 45, and 64.

The Seventh Reform Package of July 30, 2003 brought several novelties to the Associations Law and the Civil Code. With the change in laws on associations, students in higher education acquired additional freedoms with respect to establishing student organizations (Art 38). With the change in Article 31, all the associations had the right to open more than one branch in the place they are operating, such as city, or village. Moreover, the six-month residency requirement for those setting up a branch in a particular location was abolished in Article 31.

Along with the changes made in the Associations Law, Articles 56, 64 and 82 were modified with the right of legal entities to establish associations being explicitly delineated. With Article 66, the six-month notice requirement when resigning from an association was abolished. The six-month residence requirement of the founder of a branch of an association was been removed in the Civil Code as well (Art 94), parallel to that stipulated in Article 31 of the Association Law. Concerning the amendments in the Associations Law related to legal entities membership and their rights, Article 56, 64, 66 and 82 of the Civil Code were revised as well.

The 2003 Report of the Commission (November 5) was released after the Seventh Reform Package. The fourth to seventh reform packages of the previous year were elaborated. These reforms and the setting up a Reform Monitoring Group for ensuring their effective implementation was appreciated but problems in practice were mentioned, along with specific examples. Limitations on the establishment of associations on the basis of race, ethnicity, religion, sect, region, or any other minority group were said to be revised.

Eight months following the last Commission Report on Turkey, a new Associations Law was adopted by the GNAT (July 2004). Due to presidential veto, it did not go into effect until November 11, 2004, when it was published in the official newspaper.

The new Law has brought several changes while maintaining those that had been brought with former reform packages.

The new law has lifted the limitations on the establishment of associations on the basis of race, ethnicity, religion, sect, region, or any other minority group - something that was stressed in the last Commission Report.

The new law permits associations to conduct joint projects with, and receive financial support from, other associations and public institutions and removes the requirement that prior permission be sought to receive funds from abroad. However, these are the provisions that were vetoed by the President on the grounds that they were not in line with the Constitution. The requirement that associations seek prior permission to open branches abroad, join foreign bodies or hold meetings with foreigners was eliminated. The law also lifts all restrictions on student associations; removes the requirement of informing local government officials of general assembly meetings; and allows for the establishment of temporary and informal platforms or networks for all civil society organizations. Additionally, the law requires that governors issue warnings prior to taking legal action against associations and stipulates that the security forces are no longer allowed on an association's premises without a court order.

The new Associations Law and the Civil Code have promoted the space for CSOs to operate. They removed the restrictive clauses on freedom of associations and their activities.

There is a draft New Foundations Law that has been discussed and voted on by the Grand National Assembly of Turkey (GNAT). It was vetoed and sent back to the Parliament by the President. It can be argued that if a commission specializing in "civil society" was to be formed in the parliament, just like any other commission, further reforms concerning various kinds of civil society organizations having internal and/or EU dynamics would be more efficient and sustainable.

The changes brought with the new Associations Law and comparison with the former one are given in “Annex 2”.

After the new Associations Law, the European Commission released its Regular Report on Turkey (6 October 2004). When the report was prepared and published, the new Associations Law had not yet become effective because it had been vetoed by the president. It is said that if the new Law on Associations were to be adopted, it would be significant in terms of reducing the possibility of state interference in the activities of associations and would contribute to the strengthening of civil society. The Civil Code provisions that brought novelties regarding gender equality have been mentioned. A new *Law on Associations* was passed by Parliament and vetoed by the President. While some problems in practice are still reported, the authorities have recently taken steps aimed at combating gender inequality. The novelties and developments brought with the new law are elaborated in detail.

Released on November 6, 2004, the same day as the Regular Report, was the “Recommendation of the European Commission on Turkey’s Progress towards Accession,”⁹² which took a positive view of the developments in Turkey and affected the Council’s decision on December 27, 2004 to give a date for opening negotiations. The developments concerning the civil society and the new laws that have already been adopted and those that are to be adopted were examined.

⁹² Communication from the Commission to the Council and the European Parliament, “Recommendation of the European Commission on Turkey’s Progress Towards Accession,” Brussels, 6.10.2004

The recommendation foresees a three-pillar strategy: 1) fulfilling the Copenhagen Political Criteria, 2) implementing the *acquis communautaire* and 3) building a dialogue to bring publics together.

The first pillar concerns cooperation to reinforce and support the reform process in Turkey, in particular in relation to the continued fulfillment of the Copenhagen political criteria. This will be based on a revised Accession Partnership, setting out specific priorities in the reform process, and an upgraded pre-accession strategy.

In the second pillar, the specific conditions for the conduct of accession negotiations with Turkey are proposed. A number of preliminary indications are provided for the preparation of accession negotiations, in the event that such a decision were to be made in December by the European Council (which it was not yet).

The third pillar suggests a substantially strengthened political and cultural dialogue bringing people together from the EU Member States and Turkey. According to the recommendation, there is a clear need to strengthen the dialogue on a number of issues relating to EU-Turkey relations. The dialogue should be strengthened between the EU and Turkey, with civil society playing the most important role. It is said that the Commission will present proposals on how to support such a dialogue in future.

“On 17 December 2004 the European Council endorsed the European Commission recommendation and broadened its scope by stipulating that ‘parallel to accession negotiations, the Union will engage in an intensive political and cultural dialogue with every

candidate state. With the aim of enhancing mutual understanding by bringing people together, this inclusive dialogue also will involve civil society’.”⁹³

b. Civil Society Dialogue

EU is a learning entity, growing through experience and performance. It evaluates the outcomes of actions taken and takes additional moves accordingly. Therefore, EU is not static, but rather constantly evolving. It tries to learn from its past and not to repeat mistakes.

A lesson that the EU learned from the previous enlargement of ten countries is that the EU member states were not sufficiently informed or prepared for it.⁹⁴ There was a lack of dialogue that would serve as a way of lessening prejudices and fears, and facilitating orientation. As Klösch argues, “The EU did not have a good communication strategy on enlargement, which was a shortcoming in the past. Public opinion was ignored. The Council and the Commission has started to work on this issue, trying to sell the enlargement to the audience.”⁹⁵ Based on these arguments, along with a search for a dialogue based on the third pillar strategy of the “Recommendation of the European Commission on Turkey’s Progress towards Accession” in 2004, and the Council’s emphasis on cultural dialogue, the solution has been the Civil Society Dialogue between the EU and Candidate Countries. The Commission

⁹³ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of Regions: Civil Society Dialogue between the EU and Candidate Countries, Brussels, 29.6.2005

⁹⁴ “Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of Regions: **Civil Society Dialogue** between the EU and Candidate Countries,” Brussels, 29.6.2005

⁹⁵ Symposium, “Closing Doors but Opening Windows: Renegotiating the Future of Enlargement,” Bernadette Klösch, Chairman of the EU Council Working Group, Enlargement First Secretary (Austrian Presidency), Brussels, May 24, 2006

states that any future enlargement of the EU needs to be supported by a strong, deep and sustained dialogue between the societies of the candidate countries and the EU member states, as well as with the EU institutions. The main objective of the civil society dialogue to be developed with Turkey and Croatia is to better inform publics of the EU and candidate countries, by addressing the opportunities as well as the challenges posed by future enlargement. Since other countries are beyond the scope of this thesis, only clauses pertaining to Turkey will be examined.

Surveys, questionnaires and studies show that, there is lack of information and divergence of opinions of Turkish public and of EU. Even though “public opinion in Turkey is strongly supportive of EU membership, the information on the history, the functioning, rules and policies of the EU remains poor. Within the EU, public opinion is divided on the issue, with differences of opinion within and between the Member States. The EU citizens emphasize Turkey as a different religion, culture and values, size, income and geographical location.”⁹⁶ Compared to other countries, the civil society dialogue becomes more crucial for Turkey. “The state of mutual knowledge is particularly weak with that country (he means Turkey here) and misconceptions and concerns more widespread.”⁹⁷ Turkey is debated in the public sphere of the EU, where more or less all EU citizens can voice their opinion on the membership of Turkey – a view that is mostly negative. Turkey is one of the most debated issues on the European Discussion Forum, which is an official EU website where publics can discuss the future of Europe.⁹⁸ These factors, combined with the possibility of holding a referendum at the end of negotiations, convinced EU publics that breaking the barriers created

⁹⁶ Civil Society Dialogue, 2005

⁹⁷ Key events in Turkey - EU relations, European Commission, Enlargement, http://ec.europa.eu/enlargement/turkey/key_events_en.htm

⁹⁸ http://europa.eu/debateeurope/index_en.htm

by poor communication had become vital. “Turkey is not unique but only different.”⁹⁹ Perhaps more importantly, it is unknown. There is always a fear of the unknown and different. It is important to demonstrate that Turkey’s membership will only serve to enrich the Union. It will bring diversity, not conflict. While it is important to discuss both the challenges and opportunities, it should be done in an objective and non-manipulative way.

Coming back to the civil society dialogue, the objectives can be summarized as follows:¹⁰⁰

- To strengthen contacts and mutual exchange of experience between all sectors of civil society in the member States and Candidate countries;
- To ensure a better knowledge and understanding of the candidate countries concerned within the European Union, including their history and their culture, thus allowing for a better awareness of the opportunities and challenges of future enlargement;
- To ensure a better knowledge and understanding of the European Union within the candidate countries, including the values on which it is founded, its functioning and its policies.

The following issues are elaborated upon in other sections:

A definition of civil society and its actors is given. It refers to the definition of EESC. This definition is as broad as possible so as to increase participation. The definition includes labor market actors, i.e., the social partners (trade unions and employers federations); organizations representing social and economic players at large (consumer organizations for instance); non-governmental organizations (NGOs) and community-based organizations, i.e., organizations at grassroots level through which citizens participate at the local and municipal level (e.g., youth or family associations); religious communities and the media.

⁹⁹ Christer Asp (Swedish Ambassador to Turkey); Plenary Session in Symposium “Europeanization and Transformation: Turkey in the Post-Helsinki Era,” 2-3 December 2005, Koç University, Istanbul

¹⁰⁰ Civil Society Dialogue, 2005

A review of the ongoing bilateral activities is given with the intention of continuing, strengthening and promoting them. Bilateral relations between member states, the will of Turkish communities to participate in civil dialogue, the activities of the joint committees of the European Parliament, EESC and COR, as well as other on-going EU-funded activities, have been evaluated. These issues are not gone into detail here so as to prevent repetition and avoid losing the focus of the subject. They will be examined in other sections.

New activities are introduced in order to complement the ongoing ones. But it is up to the civil society organizations to conduct and further develop related programs. In the dialogue, several ongoing or expected developments concerning the civil society are mentioned: For example, there is the possibility of establishing a Business Council EU-Turkey project. This is a grant scheme for engendering a number of activities and programs. These include, bilateral exchange projects by CSOs, gender equality twinning projects, youth, university and professional exchanges, cultural exchanges, participation in community culture and media program, and language training. Also anticipated is the encouragement of on-line public debate by creating a website providing information on such topics as Turkey, enlargement, and civil society dialogue. In addition, increasing media coverage of the life and society in Turkey and the EU countries, exchanging and awareness-raising of journalists and enhancing the dialogue with religious communities and associations are important components of such a project.

Under the heading “implementation,” the Commission says that it would consult experts in the EU and Turkey when making proposals for future action. The Commission will finance the activities for the dialogue from the pre-accession assistance budget for Turkey, but other sponsors such as business associations, media groups may finance the events and activities as

well. The total amount of financing allocated from the pre-accession budget is estimated to be 40 million Euros. When it comes to Community programs, candidate countries provide a contribution to the budget. The Communication Strategy on Enlargement shares with the civil society dialogue the objective of enhancing public debate on future enlargements in the EU and the candidate countries, and will thus support the civil society dialogue in several respects. The communication and information budget allocated to Delegations in candidate countries, as well as the Prince Programme budget for enlargement, targeted to actions within the European Union, may be used for this purpose.

To manage and implement projects related to the civil society dialogue the Commission will rely on its existing structures and resources, both in Brussels and in the EC Delegations in candidate countries, as well as appropriate bodies in candidate countries. Only if needed, in consideration of future developments, will the possibility of setting up additional specific structures be considered. Existing foundations, aimed at promoting mutual knowledge and cultural exchanges between the EU and other world regions may be considered as examples.

Problems with obtaining visas that keep Turkish nationals from participating in several programs and activities are mentioned. Member states' responsibility and competence with respect to the visa issue are stressed and less complicated and time-consuming procedures for visa application is requested.

Though it is a late initiative, the civil society dialogue coming from the Commission is a very positive attempt to enable EU publics and the Turkish public to get to know each other better in an appropriate and organized way. Even though the Commission has taken the main initiative, "this dialogue is not within the competence of the EU, but rather national

competence. The EU may encourage, advise, fund and so on, but in the end it is the national policies” and the will of the concerned CSOs that will make the contribution.¹⁰¹ Moreover, Turkey is responsible for further developing the dialogue, as well.¹⁰² Both the EU and Turkey should seek to improve the activities foreseen in this dialogue and, if possible, create new ones.

Although member states have been called upon within the context of the civil society dialogue to facilitate the visa application process, as mentioned before, visa problems are still common. The conversations I had with high-level civil servants in EU institutions and elsewhere and the difficulties I experienced obtaining a short-term visa for my traineeship at the European Parliament in Brussels indicate that, due to a disharmonized visa policy in the EU, the member states use their competence vis-à-vis control of their own visa policy as a justification for arbitrary practices. Therefore, Turkish applicants are either restricted in their ability to participate in Community programs and/or are reluctant to apply for such programs in the first place.

In the context of this dialogue, there had been several calls for projects of different themes. Four of them that concern civil society area are closed for applications: The first one is the “Small Projects Program: Strengthening Civil Society Dialogue.” This umbrella project supports the broad goal of deepening and enhancing mutual understanding between civil society in Turkey and the EU member states. 17 projects are currently being carried out with partners in 13 countries. These projects cover a variety of issues, including

¹⁰¹ Interview with Glynos, 2006

¹⁰² Interview with Ricardo Serri, Enlargement Team, European Commission, 2006

youth, business community dialogue, minority rights, regional development and disabled persons.¹⁰³

The other major project is the “Civil Society Dialogue: Europa-Bridges of Knowledge,” which was available until August 10th, 2006. Projects under this programme focus on establishing networks and strengthening existing collaboration between NGOs and universities based in Turkey and the EU. Its objective is to enhance Turkey’s expertise on the Acquis Communautaire, i.e., the body of EU law.¹⁰⁴ Several grants that are awarded under call for proposals would be seen in the website of Delegation of European Commission to Turkey¹⁰⁵.

The third project is “Culture in Action,”¹⁰⁶ which had a deadline until December 5, 2006. The applicants’ eligibility and the criteria for the project were provided. This proposal was intended to be continuation of the “European Horizons and Mosaic Programmes,” which were designed as two separate initiatives in the first stage in 2002. They were then incorporated under a single action in May 2003. This programme is supported by the EC Delegation in Turkey as a way to create an environment in which local information can flourish and cultural initiatives can be undertaken. The difference between the new proposal and the Mosaics Program is that the former has criteria requiring a partnership with counterparts in at least one (may be more) EU member state for all projects proposals.

¹⁰³ Information note of European Commission on Civil Society Dialogue, July 25, 2006

¹⁰⁴ Ibid.

¹⁰⁵ <http://www.deltur.cec.eu.int/!Publish/tr/DG%20ELARGMEDTQ12-02-AwardNotice-1.doc>

¹⁰⁶ The European Commission, Civil Society Dialogue: Culture in Action, Guidelines for grant applicants responding to the call for proposals for 2006, Open Call for Proposal

The last project is the “Strengthening Civil Society Dialogue: Participation in NGO Events in the EU,” which had a deadline of September 30th, 2006. “The objective of the programme is to enhance participatory democracy through strengthening the capacity of civil initiatives / NGOs in Turkey. The program further aims to promote the development of a Civil Society Dialogue through collaboration of NGOs in Turkey with their counterparts in the EU and candidate countries by providing financial support to study visits, exchanges and attendance of NGO representatives to platforms, meetings and conferences organized on the EU level.”¹⁰⁷

Projects are announced in the websites of European Commission¹⁰⁸ and its representation to Turkey,¹⁰⁹ Europe Aid,¹¹⁰ as well as such Turkish websites as the Civil Society Development Center,¹¹¹ the Central Finance and Contracts Unit¹¹² and Secretariat General for EU Affairs.¹¹³ However, there is still a lack of information on the projects being opening and project writing, especially at the grass-roots level.

¹⁰⁷ Strengthening Civil Society Dialogue, Guidelines for grant applicants responding to the call for proposals for 2006

¹⁰⁸ <http://ec.europa.eu/>

¹⁰⁹ <http://www.deltur.cec.eu.int>

¹¹⁰ http://ec.europa.eu/comm/europeaid/index_en.htm

¹¹¹ <http://www.stgm.org.tr>

¹¹² <http://www.cfcu.gov.tr>

¹¹³ <http://www.abgs.gov.tr>

There is a planned activity for the promotion of the Civil Society Dialogue between EU and Turkey.¹¹⁴ This is an activity supported by the 2006 pre-accession assistance and provides €21,5 million to promote the Civil Society Dialogue in Turkey. The target groups are: towns and local communities, professional organizations, universities, and youth organizations. This program also includes a facility to assist the dialogue by supporting interpretation and translation services needed at Civil Society Dialogue events. The Turkish government is responsible for the implementation of all projects carried out under this program.

Community Programs on education such as Socrates are also targeted and achieved but will be elaborated in the next title “National Agency.”

The foreseen funding to civil dialogue for the new period is approximately €75 million¹¹⁵ which is almost the double of the previous one. However, it is up to the CSOs and their abilities to write projects and sustain them, then benefit the funding.

c. National Agency

After receiving candidate status at the 1999 Helsinki Summit, the door was opened for Turkey’s participation in community programs. A framework Convention that made this officially possible was signed and put into effect after approval of the Turkish Parliament was received on June 2002.

¹¹⁴ information note on civil society dialogue
also see www.abgs.gov.tr

¹¹⁵ Interview with Ricardo Seri, 2006

The European Education and Youth Programs Head Office operates within the State Planning Organization Undersecretary. This Head Office became a Center (National Agency), independent of the State Planning Organization Undersecretary by a law that became effective in August 2003. One year later, with the Agreement Report signed between the Turkish Government and the European Union and published in the Official Gazette in May 2004, Turkey became the 31st country to participate in the European Union Education and Youth Program.

The management of the program was assigned to the National Agency, the establishment of which is explained above. “National Agencies are formed in each country as implementing and coordinating bodies so as to introduce, coordinate and implement the EU Education and Youth Programs nationwide, evaluate those national projects that would benefit from the programs, compile applications for and make preliminary evaluations of the projects to be selected by the EU Commission, implement the program with the member countries and the EU Commission, and maintain relationships with a view towards establishing cooperation.”¹¹⁶ The National Agency of Turkey organizes and coordinates three programs in which Turkey has been participating: Socrates (General Education), Leonardo Da Vinci (Vocational Training) and Youth Programs in Community Programs. There are coordination offices under the each programs: Under Socrates, there is Erasmus (for higher education program), Comenius (for pre-university formal education – school education), Grundtvig, Minerva (for non-formal education, adult education, lifelong education, information technologies in education, open-distant education), Lingua and Other Programs (European languages education, joint actions, observation and innovation of education systems, supplementary measures). Under the Vocational Education (Leonardo da Vinci)

¹¹⁶ Official Website of National Agency <http://www.ua.gov.tr>

Program there are exchange, language learning, pilot projects, international networks and reference materials. Lastly, under the Youth Program, there are youth exchanges and European volunteer services, and youth exchanges, joint actions and support measures.

Responsibility for maintaining the budget given to the programs is divided between the EU and Turkey, but the greatest share comes from the EU.

Demand and participation in the Erasmus programs (exchange programs for university students, and academicians) and youth programs (for bilateral and multilateral programs between youth NGOs in Turkey and other countries) have been very high according to the yearly figures of the National Agency.

d. The Delegation of the European Commission to Turkey (DELTUR) and the European Union Information Center (EUIC)¹¹⁷

The first body relating the EU opened in Ankara was the “Press and Information Office of the European Commission” (1974). This office was changed to the “Representation of the European Commission to Turkey” in 1987. It was granted full diplomatic status on the basis of an “Agreement on the Establishment of the Representation of the Commission of the European Communities in Turkey and on its Immunities and Privileges,” signed in Brussels in 1987. The name of the Representation of the European Commission to Turkey was changed to “The Delegation of the European Commission to Turkey” in July 2004, thus bringing it into line with the other Commission Delegations in the world.

¹¹⁷ The related information is taken from the official website of the Delegation of European Commission to Turkey, www.deltur.cec.eu.int

The delegation represents the European Commission and is a contact point between Turkish authorities and European Commission in Brussels. It monitors the developments, reforms and their implementation in Turkey and reports it to Brussels. It assists in the development of bilateral relations and the programming of financial cooperation between the EU and Turkey. The delegation also contributes technically to the dialogue between the EC and Turkey through various sub-committees, meetings, etc. The tasks include maintaining a regular dialogue with policymakers, opinion leaders and experts on both the government and NGO level in the acquis sectors, as well as with the technical services of the Commission.

In the section C of Deltur, there is a sub-committee of Financial Co-operation, Institution Building Civil Society (I conducted an interview with the head of unit of this committee: Michael Vögele), which organizes the work done in this area.

Another function of the Delegation is to maintain and increase the visibility, awareness and understanding of the EU and its values and interests. Based on this purpose and as part of the European Commission's Communication Strategy for Turkey project, supported by the Delegation of the European Commission to Turkey in relation to the enlargement process, “the European Union Information Centre” was opened in Istanbul in January 2004. The Center does not have a specific target audience; anyone wanting to receive information on EU can apply to it. The center provides several services. It works with EU experts who answer the questions coming by e-mail, fax telephone or in person. It holds meetings, seminars and cultural activities as well as works as a documentation center (there are several centers in Turkey, operation under the name of European Documentation

Centers¹¹⁸). It has a large number of publications pertaining to EU-related issues. There are also computers there with Internet connection, which enables research to be done on the EU databases. The center is a useful place for CSOs since they can consult experts, attend meetings, and use the documents related to their working area, e.g., project writing for EU, there.

e. European Foundation Center

The EFC is an independent non-profit organization. It is the representative organization for foundations at the EU level, monitoring EU policies and representing their interests to other institutions. Some cooperation with EU bodies, mainly the Commission, is developed within the framework of EFC's members working in various thematic fields (in addition to legal and fiscal monitoring).¹¹⁹

The EFC is a membership organization promoting the work of foundations and representing their interests to the EU and international institutions as well as providing its members with critical legal and fiscal guidance and knowledge. Its work with public institutions is structured around the interest of its members and is related, for instance, to migration and minorities issues; integration of people with disabilities; global health research and innovation (with the development of the European Forum on Philanthropy and research funding - an initiative with Commission DG research); citizenship; rural development international development.¹²⁰ The EFC, established in 1989 by seven foundations, now has

¹¹⁸ <http://www.deltur.cec.eu.int/default.asp?lang=1&pId=5&fId=3&prnId=3&hnd=1&ord=2&docId=577&fop=0>

¹¹⁹ Based on information asked from Emmanuelle Faure, European Economic and Social Committee

¹²⁰ Ibid.

more than 200 members, associates and subscribers; 350 community philanthropy initiatives; as well as a further 50,000 organizations linked through a network of 58 information and support centers worldwide. The EFC hosts WINGS (Worldwide Initiatives for Grantmaker Support), a global network of some 100 grantmaker associations and support organizations.¹²¹

The EFC currently has four Members from Turkey – the Evkaf Foundation; the Hacı Ömer Sabancı Foundation – VAKSA; the Third Sector Foundation of Turkey (TÜSEV); and the Vehbi Koç Vakfı (Foundation). Among these, TÜSEV is a board member, as well. As an additional note, the 2008 Annual Conference will be held in Istanbul with the cooperation of EFC members. Since it is a Governing Board member of the EFC, is on its International Committee and participates in other international initiatives through research and reports, which were used in preparing this thesis, I would like to focus more on TÜSEV.

TÜSEV (the Third Sector Foundation of Turkey) was established in 1993 by prominent businessmen, academicians, and several foundations. It is a private, non-profit foundation set up to promote the third sector in Turkey at national and international levels.¹²² Its main purpose is to form a common voluntary platform to be used to stand up against the threats to which voluntary organizations, which are indispensable parts of civil society, are subjected.¹²³ Ergüder notes, in 2002, that TÜSEV assumed important roles in the EU Reform Packages. He adds that in the preparations of the provisions of the Civil Code, Associations Law and the by-law of Foundations Law, TÜSEV has closely worked with lawmakers – a cooperation that is continuing.

¹²¹ <http://www.efc.be>

¹²² European Foundation Centre, Members Profile – Tüsev, Last Updates, April 2006

¹²³ Üstün Ergüder (Director of TÜSEV); “TÜSEV,” *Journal of Civil Society*, pp. 92-94

There are over 125 foundations that are members of TÜSEV. They may consult for issues concerning the legislation, regulation and formation of their organizations. TÜSEV also makes them aware of the changes in the legislation and issues announcements on several issues that would concern them. It translates into Turkish EU documents that would be of benefit to foundations. It holds seminars, conferences and meetings regarding third sector development. TÜSEV releases several reports mainly on the legislative issues and conducts research on a number of issues (such as philanthropy in Turkey).

TÜSEV is member of or cooperates with several institutions such as the World Alliance for Civil Participation (CIVICUS), Worldwide Initiatives for Grantmaker Support (WINGS), and the European Foundation Center, as stated before. They organize common projects and research. As it is related to my study, and since TÜSEV is a member, I will focus on CIVICUS.

“CIVICUS is an international alliance of an estimated 1000 members in about 100 countries that has worked for over a decade to strengthen citizen action and civil society throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened.”¹²⁴ Among its activities, it has the Civil Society Index (CSI) Program, which uses an action-research methodology to assess the state of civil society in countries around the world, creating a knowledge base and impetus for initiatives to strengthen civil society. The CSI was launched by CIVICUS as a pilot project in 2000, and uses a unique, participatory methodology to assess the structure, impact, values and

¹²⁴ www.civicus.org/new/default.asp?skip2=yes

environment of civil society at the national level. The CSI is currently applied by CIVICUS and its national partner organizations in more than 50 countries.¹²⁵

In Turkey, TÜSEV assumed responsibility for the application of the CSI (STEP¹²⁶ in Turkish) program in co-operation with CIVICUS. TÜSEV started its preparations in 2004 and its research activities in 2005. On December 3-5, 2005, the STEP Civil Society National Forum was held in order to inform the CSOs invited to the Forum of the early outcomes of the Turkish case. Finally, on December 19th, the final STEP research results were announced at a press conference. Some of STEP findings will be used in later chapters.

Based on previous explanations, I would say that TÜSEV has a crucial role in helping to instill civil society values in Turkish society; it establishes connections with its European counterparts and enables cooperation between the CSOs in Turkey.

f. Euro-Mediterranean Partnership / Barcelona Process

The Euro-Mediterranean Partnership (Euro-Med or EMD) is an example of regional cooperation having a “wide framework of political, economic and social relations between the Member States of the European Union and Partners of the Southern Mediterranean.”¹²⁷ The foundation goes back to the Euro-Mediterranean Conference of Ministers of Foreign Affairs held in Barcelona on November 27-28, 1995. In 1995, the signatories to the Barcelona

¹²⁵ Ibid.

¹²⁶ <http://www.step.org.tr/>

¹²⁷ The European Commission, External Policies
http://ec.europa.eu/comm/external_relations/index.htm

Declarations were the EU's 15 member states and 12 partners of the Southern and Eastern Mediterranean countries (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria, Tunisia and Turkey). The number is now 37, with 27 consisting of EU member states and 10 being Mediterranean partners.

In the Barcelona Declaration, the Euro-Med partners established the three main objectives of the Partnership:¹²⁸

1. The definition of a common area of peace and stability through the reinforcement of political and security dialogue (Political and Security Chapter).
2. The construction of a zone of shared prosperity through an economic and financial partnership and the gradual establishment of a free-trade area (Economic and Financial Chapter).
3. The rapprochement between peoples through a social, cultural and human partnership aimed at encouraging understanding between cultures and exchanges between civil societies (Social, Cultural and Human Chapter).

Based on the third objective, the Euro-Med Non-Governmental Platform was established in February 2003 as an inclusive and open-ended group of active civil society networks and organizations that are independent of public authorities.¹²⁹

The Platform has two main objectives:

- To reinforce the implication of civil society in the Barcelona Process and in all policies and mechanisms of the Euro-Mediterranean Partnership (EMP)
- To promote the recognition of civil society as a key interlocutor in the countries of the region and in the framework of the EMP and new neighborhood policies

The EuroMed Non-Governmental Platform gathers regional, sub-regional, national and local networks and organizations from the EuroMed region. They represent a diverse range of

¹²⁸ The Euro-Mediterranean Partnership: An Assessment of the Barcelona Process, Working Paper of European Parliament

¹²⁹ The EuroMed Non-Governmental Platform <http://www.euromedplatform.org>

civil society interests, including the environment, trade unions, human rights, development, transparency, culture, women and youth.

There are 88 organizations (and additionally, four individuals) forming the Platform (2006 figures). Among them, the organizations related to Turkey are the Human Rights Association (Turkey based) and L'Assemblée Citoyenne des Originaires de Turquie (ACORT, France based).

Starting in 2007, the first Euro-Mediterranean Youth Parliament¹³⁰ will hold meetings with the young participants of members of several CSOs from all over the Euro-Med countries, of which this researcher will be a participant from Turkey. Involving young persons in Euro-Med is a very positive step taken within the framework of promoting civil society.

As I have attended several Euro-Med meetings (parliamentary assembly), talked with the director of Euro-Med Non-Governmental Platform¹³¹ and attended several meetings that CSOs have organized internationally, I would say that while the EMD Non-Governmental Platform has begun to acquire an important position and weight. However, because the power of a branch is also affected by the power of its center; this platform is highly affected by the relative weakness of the EMD itself. Though there is growing dialogue and cooperation in the EMD, it still remains weak and not at the level initially hoped for.

¹³⁰ The German Ministry for Foreign Affairs, the Goethe-Institut and the Heinz Schwarzkopf Foundation, in cooperation with the European Commission and the Anna Lindh Foundation, during the German EU Council Presidency

¹³¹ Interview with José Moisés Martín Carretero, director of Euro-Med Non-Governmental Platform, 2006

Euro-Med has developed two programs: one national and the other regional.¹³² The budget for both is allocated from the EU. The lion's share of the budget goes to MEDA programs (the 1995-1999 budget was 4.6 million Euro, with MEDA being given 3.4 Million Euro; between 2000-2006, MEDA was allocated 5,350 Million Euro). "86 % of MEDA's financial resources are spent on national programs, mainly in nine countries, including Turkey. The remaining 12 % (with 2 % going to technical assistance offices) is open to all the countries for regional programs (activities must be held with at least two EU member states and two Mediterranean countries)."

Civil society organizations in Turkey benefit from MEDA¹³³ in different categories (e.g., Euro-Med Youth, which is directed by the National Agency in Turkey).

C. European Economic and Social Committee

The European Economic and Social Committee (EESC) is a consultative body that offers opinions to the Council, the Commission and the European Parliament. "The consultation given by the EESC is mandatory for the issues stipulated in the Treaties, but the Committee is also increasingly being asked to draw up explanatory opinions before proposals are adopted or political decisions are taken. It can also issue opinions and draw up information reports on its own initiative."¹³⁴ These reports and opinions may concern Turkey as well.¹³⁵

¹³² Middle East Technical University EU Office <http://www.abofisi.metu.edu.tr>

¹³³ Also see the next chapter "Funding."

¹³⁴ Anne-Marie Sigmund, President of EESC, Brochure of EESC: A Bridge between Europe and Organized Civil Society

¹³⁵ Such examples are:

There are three groups inside EESC. They gather representatives related to the area of the group. The first is the Employers group, which brings representatives of private and public sectors of industry, small businesses, chambers of commerce, wholesale and real trade, banking and insurance, transportation and agriculture. The second group is the Employees Group, which is made up of members with a background in national trade union organizations, both confederations and sectoral federations. The third group consists of various interest groups. The composition of the European Economic and Social Committee reflects the changing face of European society. The presence of the Various Interests Group, alongside the Employers Group and the Employees Group, it ensures that the Committee is able to give full voice to the concerns of the various social, occupational, economic and cultural organizations that make up civil society. A wide range of categories is represented within the third group: farmers organizations, small businesses, the crafts sector, the professions, cooperatives and non-profit associations, consumer organizations, environmental organizations, associations representing the family, persons with disabilities, the scientific and academic community and non-governmental organizations.

There are several sections inside EESC. One of these is the External Relations (REX) section. Within REX, Turkey is involved with Joint Consultative Committees (JCC).

The EU-Turkey JCC is a joint body that brings together representatives of organized civil society of the EU and Turkey. The EU-Turkey JCC members come from various CSOs:

The Opinion of EESC on Civil Society Dialogue between the EU and Candidate Countries, 26-27 October 2005, Brussels

Opinion of EESC on EU-Turkey Relations with a view to the European Council of December 2004 (own-initiative opinion), 1 July 2004, Brussels

Chambers of commerce and industry, employer associations, trade unions, cooperatives, chamber of agriculture, consumer associations, NGOs and so on.¹³⁶ The JCC was formed in 1995 to promote dialogue and cooperation between economic and social interest groups from both sides. It contributes to the dialogue between civil societies, and assumes organizing specific initiatives to develop this further.¹³⁷

There are fifteen members from each side forming the JCC. Several organizations represented from the Turkish side: TOBB, TİSK, TÜRK-İŞ, HAK-İŞ, DİSK, KAMU-SEN, TZOB, TESK, TÜSİAD and such institutions. There are two chairs; one representing EESC, the other representing Turkey. Turkey's co-chair is selected for a two-year period. The present co-chair of Turkey is Şemsi Bayraktar, while EESC's co-chair is Bryan Cassidy.

The JCC meets twice a year, once in Turkey and then in Brussels (it may rarely change to another city in the EU). These meetings form a kind of platform to exchange views. References both to the developments in Turkey in the accession process and the acts of EU Institutions are discussed while giving the necessary steps that both parts should take. Meetings are enriched by working papers on various issues prepared and presented by experts from different institutions or the members of JCC itself. The agenda of the JCC is also figured in respect to the developments in the EU-Turkey relations in the time the meeting is held. At nearly every meeting, a reference is made to the Turkish Economic and Social Council (formed in 1995 like the JCC, it gathers social partners under one umbrella) where it is requested that it be strengthened and given weight in policy making. Suggestions to the Turkish government to consult this council and take its opinions into serious consideration are

¹³⁶ Joint Declaration, JCC Meeting, 30 November 2004, Hague

¹³⁷ Civil Society Dialogue, 2005

being made. Various issues like research and development (11th JCC Meeting, April 18-19, 2001 Ankara), social dialogue and social rights (12th JCC Meeting, November 5-6, 2001 Brussels), economic crisis and migration (13th JCC Meeting, July 12, 2002 Erzurum), common agriculture policy and efficient market economy (14th JCC Meeting, November 28-29, 2002 Brussels), the market economy and regional disparities (15th JCC Meeting, April 7-8, 2003 Istanbul), the sixth framework program (16th JCC Meeting, November 3-4, 2003 Brussels), disabilities and micro/small enterprises (17th JCC Meeting, May 27-28, 2004 Denizli; 18th JCC Meeting, November 29-30, 2004 Hague), involving civil society in Turkey's accession negotiation process (19th JCC Meeting, July 7-8, 2005 Istanbul), and civil society dialogue and trade union rights (20th JCC Meeting, November 28-29, 2005 Brussels), women and employment, Lisbon strategy, rural development, and involving civil society in Turkey's accession negotiation process (21st JCC Meeting, July 13-14, 2006 Kayseri) and finally trade union rights, visa procedures, actual stand of negotiations and the role of organized civil society (22nd JCC Meeting, March 1-2, 2007) are being discussed at the JCC Meetings.

3. FUNDING¹³⁸

The seeds of financial assistance from the European Community to Turkey were sewn long ago, with the Ankara Agreement of 1963. Turkey has been given grants from the EU budget and loans from the European Investment Bank (EIB) since then. At the conclusion of the Ankara Agreement, an association regime was mutually agreed upon. Under this regime, three separate financial protocols designed to encourage social and economic development in

¹³⁸ This information is available on the website of the Representation of European Commission to Turkey, www.deltur.gov.tr

Turkey were signed from 1964 to 1981. Turkey benefited from financial support at a level of 752 million Euros during this period. Of this total, 115 million Euros came from EIB loans, with 637 million Euros consisting of Community loans.

- First Protocol (1964-1969): Community loans for 175 million Euro;
- Second Protocol (1973-1976): EIB loans for 195 million Euro;
- Third Protocol (1979-1981): Loans of 310 million Euro (Community loan for 220 million Euro and EIB loan for 90 million Euro)

Neither these protocols nor several other sources of funds later on included assistance to Civil Society Organizations. The first of the funds for direct assistance to CSOs did not come until in 1993, when the Commission allocated financial support under various budget lines to many Turkish non-governmental organizations working to promote democracy, human rights and civil society. Since 1993 NGOs in Turkey have received grants averaging 500,000 Euros.

Subsequent assistance came from the MEDA I Program, initiated under the Euro-Mediterranean Partnership.¹³⁹ The European Commission allocated 4.6 million Euros from its budget for the 1995-99 periods to facilitate financial cooperation between the EU and its Mediterranean Partners. Of this total, 3.4 million Euros were committed within the framework of the MEDA I Program, the main financial tool of the Partnership, which corresponded to 55 projects. National and regional policies formulated to benefit from the MEDA I Program were developed.¹⁴⁰ These donations from the European Commission were supported by long-term

¹³⁹ Further information is given on the previous title Euro-Med.

¹⁴⁰ MEDA I Program: Bilateral and Regional Cooperation: The MEDA Program is the basic financial aid mechanism in implementation of the European-Mediterranean Partnership. Turkey, as a member of the Partnership, has been eligible for the EU resources since 1996. The total of financial support in the pre-Helsinki period reached 376 million Euros. As of the end of 1999, the entire amount of this allocation had been committed to bilateral projects aiming at economic consistency, social-economic development, democratization and reinforcement. Besides bilateral cooperation, Turkey benefits from various regional programs such as the Cultural Heritage Program, the

loans provided within the framework of the European Investment Bank's Partnership.¹⁴¹

Included among the beneficiaries of this program were Turkish NGOs.¹⁴²

Since acquiring candidacy status, Turkey has been eligible to join community programs and receive financial assistance under the pre-accession program. This both formalized and systematized assistance to Turkey. On December 17, 2001, the Council adopted regulations concerning pre-accession financial assistance for Turkey determining a certain amount of annually assistance, which was increased with the Commission's Strategy Paper of 2002. The pre-accession financial assistance for Turkey is as follows:

Table 1

Pre-accession Assistance

	2004	2005	2006	Total
Pre-accession financial assistance for Turkey	250	300	500	1050
€million, current prices				

Source: Central Finance and Contracts Unit

Youth Action Program, the Audio-Visual Cooperation Program, EUMEDIS and SMAP. Source: Representation of European Commission to Turkey

¹⁴¹ A total of 2.3 million Euros was allocated to the Partnership during the 1997-2000 period.

¹⁴² Grigoriadis, 2005

All the budgeting, tendering, contracting, payments, accounting and financial reporting aspects of all procurement in the context of the EU-funded programs in Turkey is the responsibility of the Central Finance and Contracts Unit (CFCU), which operates as an independent body attached to the EU Secretariat General and the National Aid Coordinator.¹⁴³ The CFCU was established by the Memorandum of Understanding, which was signed between the EU Commission and the Turkish Government on February 14th, 2002, and subsequently ratified by the Grand National Assembly on January 29th, 2003.

There is a project called “Improving Cooperation between the NGOs and the Public Sector and Strengthening the NGOs’ Democratic Participation Level (SKIP in Turkish),”¹⁴⁴ which has a budget of € 2 million. The deadline for proposals was August 11th, 2005. The technical management of the project was given to Secretariat General for European Union Affairs¹⁴⁵ (EUSG). Included as part of the Contracting Authority are the Central Finance and

¹⁴³ <http://www.cfcu.gov.tr/>

¹⁴⁴ The project is translated into Turkish under a website <http://www.skip.org.tr/>

¹⁴⁵ EUSG is founded in 2000 under the Prime Ministry. Its objective is in conformity with plans and programs, channel and shoulders the internal coordination of the preparations and the harmonization work to be carried out by the Turkish public organizations and agencies within the framework of efforts to prepare Turkey for full membership in the EU (article 1 of its by-law) coordinating, in conformity with plans and programs, internal efforts of harmonization to be carried out by the Turkish public organizations and agencies;

b) Providing secretarial services to the boards and committees which shall be established with a view to preparing Turkey for membership in the EU, and guiding the implementation of the decisions of the said boards and committees; c) conducting required research and studies in line with the decisions of the Government and the boards and committees to be established;

d) Awarding, by contract and in areas of its competence, to natural and legal persons both within Turkey and abroad the tasks of making studies, research and translations;

e) Issuing, through the Prime Ministry, regulations, communications, circulars and other similar regulatory instruments concerning the services that it is responsible to render. (Article 2 of its by-law)

Source: <http://www.abgs.gov.tr>

Contracts Unit (CFCU). The project has two main components: technical assistance and the facilitation of grants. The aim of the technical assistance component was developing strategies to improve the cooperation between the civil society and the public sector. Accordingly, it is to identify necessary regulatory changes, promote good practices, prepare a Code of Conduct, build the capacity of relevant actors and raise awareness on the benefits and successful models for cooperation between NGOs and the public sector. The second component is facilitating grants in support of pilot projects aimed at strengthening NGO-public sector cooperation within the framework of the EU alignment process. The overall objective of this program is to contribute to the development of a structured dialogue and effective and sustainable forms of cooperation between civil society and public sector in Turkey.¹⁴⁶

One of the most important and comprehensive programs initiated by the Commission to support the CSOs has been the “Civil Society Program.” This program was designed for two years with a total budget of €8 million.

The general objective is to reinforce civil society in Turkey, to develop capacity for citizens' initiatives and dialogue, domestically and abroad, and to help establish a more balanced relationship between citizens and the state, thereby contributing to the maturing of democratic practice. The program aims to stimulate citizen initiatives in all parts of the country and generally enhance NGO professional and management capacity, to strengthen NGO capacity for dialogue, networking and partnership projects within Turkey and with opposite numbers in Greece and other parts of the EU. The program has six components:

Component 1: Local Civic Initiatives: The proliferation of successful NGO initiatives and cooperation, improved management skills and increased capacity among NGOs and greater public awareness of the potential role of civil society in Turkey.

¹⁴⁶ Guideline for applicants, “Improving Co-operation between the NGOs and the Public Sector and Strengthening the NGOs’ Democratic Participation Level,” Contracting Authority is Central Finance and Contracts Unit.

Component 2: Turkey-Greece Civic Dialogue: The proliferation of dialogue activity, a sustainable level of mutual knowledge and interest, and the dissemination of know-how.

Component 3: Local Government Partnerships: This component will result in a number of successful 'demonstration' projects on exchanges and dissemination of know-how on benefits and mechanisms of EU-Turkey municipal exchanges.

Component 4: Dialogue and Development of Chambers: This component will result in a number of successful 'demonstration' projects on exchanges and dissemination of know-how, including a quality control system, within and by the milieus concerned.

Component 5: Trade Union Dialogue: This component will result in the establishment of the National Integration. Commission NTUCEI as a tool to create and sustain a more harmonious relationship among the Trade Union confederations in Turkey, and between them and their EU counterparts. The Turkish Trade Union confederations will be informed of the role and behavior of Trade Unions in the Member States on matters concerning European economic and social integration.

Component 6: Police Professionalism and the Public: The programme will result in new skills by police trainers and police at various levels following adjustments in the basic curriculum and in the training methodology, including the introduction of a specific component 'policing in a democratic society' concerning ethics, behaviour and relations with the public.¹⁴⁷

A six-member team for managing the civil society development program was organized and directed by Sunay Demircan. Besides helping the CSOs who would like to contribute to the projects specified in the components, this team organized several training seminars for CSOs in a number of cities and set up a website for CSOs to keep them abreast of issues.

After having successfully completed this program, to serve as a continuation of civil initiatives supported by the funds of European Commission,¹⁴⁸ the "Civil Society Development Center (STGM)" was founded by nine persons and led by Sunay Demircan, as was the case with the CSDP.

¹⁴⁷ EU Funded Programmes in Turkey 2002-2003 and 2003-2004, The Delegation of European Commission to Turkey (The total two-year term budget of the Civil Society Development Project carried out by the Civil Society Development Center and supported by the European Commission was 1,820,000 Euro).

¹⁴⁸ www.stgm.org.tr

STGM tries to help the work of CSOs while keeping them informed of a number of issues. It holds training seminars and provides assistance in the form of information to projects. Their website provides announcements of the activities of the CSOs, which facilitates coordination and awareness between them and projects. It also provides information on the provision of EU funds. Guides for civil society and projects are currently being planned. It performs comprehensive mapping analyses that provide a picture of the NGOs situation, problems and other issues. Such a study of STGM that is held in 8 provinces with at least 32 NGOs will be examined in another section.

Project writing and efforts to keep track of EU developments in the arena of civil society would be extremely difficult for CSOs, especially the small, grassroots ones working in every area. Institutions like the CSDC may help the CSOs by serving as consultative bodies, but the problem is still widespread. Turkish CSOs are at the beginning of a learning process. This was pronounced recently by a number of women NGOs. 58 women NGOs in Turkey wrote a letter to the EU authorities in Brussels and Ankara criticizing them for the difficulty and time-consuming procedures that exist for seeking grants from the EU. They have stated that this is valid for all kinds and amounts of funds, something that keeps women NGOs, especially the small grassroots ones, from benefiting from the funds. The reply of the Commission pointed to the principles of the funding such as transparency and accountability.

Women NGOs have developed exponentially, especially in recent years. They have influenced and successfully changed the articles of the new Civil Code (the 2002 changes) and the Penalty Code (the 2004 changes) concerning women's rights and the crimes committed against women.¹⁴⁹ They have been able to work together to achieve such common goals as the establishment of women's platform, which lobbied the EU for support in getting

¹⁴⁹ Here, some data are derived from a conversation held with Aysun Sayın, Kadiger (Women Entrepreneurs Association of Turkey)

changes made to the abovementioned codes. They have been members of the European Women's Lobby and opened the European Women's Lobby Turkish National Coordination Committee. They have raised the awareness of women's issues in the Turkish public. They have worked to increase press coverage of women-related news. They have interacted with the EU not only with the recent letter mentioned, but also with the funds allocated for gender equality. Women NGOs have supported the cause of women by forming projects such as those that work to fight violence against women and to promote female entrepreneurship and the participation of women in economic life.

In spite of the obstacles faced in the learning process, Turkish CSOs have been increasingly benefiting from the EU funds. On the ground of funding, Kaya¹⁵⁰ asserts that, there is a clientelist relationship between the CSOs and the EU Institutions, of which the EU creates funds with several topics and the CSOs are the customers of these funds. But regardless of the type of relationship, the positive impact of this funding cannot be ignored. The contribution to Turkish CSOs is not only in financial terms; it is also achieved through bringing about cooperation (projects may require partnerships with other organizations in order to benefit from the funding), motivation for activities, specialization, gaining trust and support.

¹⁵⁰ Ayhan Kaya (presentation together with Ahmet İçduygu); "Civil Society and Turkey's Europeanization Process: Towards a Differentiated Analysis," in Symposium "Europeanization and Transformation: Turkey in the Post-Helsinki Era," 2-3 December 2005, Koç University

4. Lobbying in Brussels

The term “lobbyist” is said to have been created by the former president of the United States Ulysses S. Grant (1869-1877). He used to go to the lobby of the Willard Hotel near the White House to smoke his cigar and drink brandy to relax. People learned about this and started coming to the lobby to tell him their problems. The president called these people who tried to persuade him “lobbyists.”¹⁵¹

Brussels is an enormous magnet attracting all sectors. Since it hosts EU institutions and NATO, Brussels is a central place where many firms and lobbyists can be found. Turkish CSOs are also aware of this fact and are able to conduct effective lobbying there. Participating in the conferences held in Brussels and making contacts at the EU level are important support-getting tools. Recently, through the initiatives of the Turkish CSOs and several individuals, after six years of effort and effective lobbying, Istanbul was chosen, among many other candidates, as the European Capital of Culture for 2010. In the decision announced by the EU, the civilian structure of the Turkish Initiative Group¹⁵² was stressed as one of the crucial reasons for selecting Istanbul. This shows the growing impact and visibility of Turkish CSOs in Brussels. In addition to spontaneous initiatives and contacts, there are several Turkish CSO representations in Brussels. There are also CSOs founded by Turkish immigrants. Even though the focus of this study is the Turkish CSO’s representations, a brief description of the CSOs formed by the immigrants would be useful.

¹⁵¹ Bahadır Kaleağası (Representative of TÜSİAD Brussels); *Power Sources of Lobbies*, www.abhaber.com

¹⁵² Istanbul European Capital of Culture, <http://www.istanbul2010.org.tr>

The history of Turks in EU countries goes back more than 40 years. Immigration began with the invitation of host countries, including Holland, Belgium, Germany. Because of a need for workers in several sectors, such as iron-steel and mining, on July 16th, 1964, the Belgium Government signed a treaty pertaining to the employment of Turkish workers in Belgium. Massive migrations of Turks occurred all over Europe, mainly in Germany, during the 1960s and 1970s. 1973 figures from Belgium put the number of Turkish migrants there at 14,029.¹⁵³ However, following the unification of families, the tendency of Turks to stay in host countries rather than return to Turkey (due to such reasons as economic crisis in Turkey), and additional migration, this number had grown to 160,000 Turks (with 120,000 having acquired Belgium citizenship) by 2005.¹⁵⁴ It is estimated that there are 3.86 million Turks living in the EU – the largest group of immigrants there.¹⁵⁵

It is generally agreed that immigration results in individuals identifying more with values, identity and religion. This is also valid for EuroTurks (T. Küçükcan and V. Güngör referred this term, 2006). Moreover, for a long time, they were basically ignored by both the home and host countries. Since they were not seen as permanent in the first place, but only as temporary workers, no integration policies existed. This enhanced feelings of isolation and alienation, which forced Turks into small, self-sufficient Turkish communities. In terms of distribution, it can clearly be seen that the population of Turks in specific host countries came from particular areas of Turkey. For example, Turks from the “Emirdağ” region of Afyon are

¹⁵³ Talip Küçükcan and Veysi Güngör, EuroTurks and Turkey-EU Relations: The Dutch Case, Türkevi Research Center, Amsterdam 2006.

¹⁵⁴ Turks in Belgium, Embassy of the Turkish Republic in Brussels, <http://www.turkey.be/prod02.htm>

¹⁵⁵ “The European Turks: Gross Domestic Product, Working Population, Entrepreneurs and Household Data,” Centre for Studies on Turkey, Essen 2003. This research would be obtained from TÜSİAD’s website.

mostly situated in Belgium. Associations formed during the early decades are all based on primordial ties. Associations for solidarity (both in the regional and religious base) were very common early on. Their focus was more on resisting assimilation and preserving their own culture and values. Additionally, they were separated ideologically. Their agenda was preoccupied with Turkey's agenda. After conditions and perceptions of them changed (i.e., once they stopped being seen and stopped seeing themselves as temporary; changing economic conditions, rising levels of education; the formation of a merchant class so on and so forth), the structuring and themes of the CSOs started to change as well. Ideological cleavages have left themselves to a greater focus on the individual, with individuals becoming more enthusiastic about cooperating. Their agenda has shifted away from Turkey to that of the host countries. Moreover, there has been a move away from a concern with how to not assimilate to how to integrate better and raise the standards of Turks. But these are not valid for all the CSOs. There is still a great number of "solidarity organizations."¹⁵⁶ In addition, these developments do not mean that CSOs have become detached from their Turkish roots completely. According to a research study based on questionnaires, they feel more like hybrid organizations, i.e., simultaneously Turkish and Belgium/Dutch.¹⁵⁷ Also they have also concentrated their efforts on changing the image of Turkey in Europe and contributing to the perspective of Turkey-EU Relations.

With the rise of the merchant class, we see that the Turkish population in Brussels has increased efforts to form business organizations, which have had successful results working with a number of CSOs.

¹⁵⁶ Please see the list of the associations in Brussels and Antwerp, registered to Turkish Consulates in Belgium. <http://www.turk-konsolos.com/go.php?page=87&lang=3> , <http://www.turk-konsolos.com/go.php?page=83&lang=3> Note: Registration is not obligatory; these are the ones who registered voluntarily.

¹⁵⁷ Veyis Güngör; Hello to 2006 with Dutch Writers' Club, 15.02.2006, <http://www.postgazetesi.com/c/ho.asp?id=5744>

A. Turkish CSOs Representations in Brussels

There are several representations of Turkish CSOs in Brussels. These are deeply rooted, effective and well-known organizations. Their institutional existence in Brussels - the so-called capital of the EU, has emerged mainly in the last two decades. But this does not mean that their studies of and interactions with the EU are novel. On the contrary, they have existed in EU for a long time. Those representatives established more recently are probably the result of a clarification of EU-Turkey relations, the transformation of EU itself and a growing awareness of policy-making in Brussels. While there are exceptions, business-oriented organizations are in the majority. They are mostly members of the European equivalents, such as Unice, Eurochambers, Iglo, and Eurotex. This makes them better able to make their voice heard and be represented throughout Europe. This also gives them the opportunity to be represented in Coneccs (elaborated in the previous headings of this study), even though none of the Turkish CSOs is on the list of Coneccs by itself.

The representations of Turkish business organizations have cordial relations with each other. They may come together at meetings and exchange views. Since 2005, they have also held regular meetings (Brussels Civil Society and Business World Representatives Meeting-STİD in Turkish) under the chairmanship of Ambassador Mr. Volkan Bozkır, of the Permanent Representation of Turkey to the EU. Several meetings have been held so far to enable the flow of information and to manage coordination between them.

Turkish CSOs have good bilateral relations with EU Institutions. They establish contacts and also facilitate the accurate flow of information flow in their working area.

As CSOs publications/websites are one of the key sources on specific areas like industry, their research and efforts cannot be ignored.¹⁵⁸

After having provided brief information, I would like to discuss individual CSOs in more detail. My main focus will be on business-oriented organizations due to their dominance in the area. My study samples will be the IKV, TUSIAD, TOBB, ITKIB and TUR-BO. I will focus on their formation and activities in both Turkey and Brussels.

a. IKV (Economic Development Foundation)¹⁵⁹

The IKV's history is as old as the history of EU-Turkey relations. After the signing of Ankara Agreement in 1965, the IKV started preparations for its establishment. It was founded in 1965 to monitor and evaluate Turkey-EU relations, to inform the public and to represent the Turkish business world to EU. Its founding members are two important social partners in Turkey - the Istanbul Chamber of Industry (ISO) and the Istanbul Chamber of Commerce (ITO). The IKV has increased the number of its trustees and supporters since its foundation. Its current trustee institutions are the Union of Chambers and Stock Exchanges of Turkey (TOBB), the Union of Textile and Apparel Exporters of Istanbul (ITKIB), the Turkish Exporters Assembly (TIM), the Union of Agricultural Chambers of Turkey (TZOB), the Aegean Region Chambers of Industry (EBSO), the Istanbul Commodity Exchange (ITB), the

¹⁵⁸ In a survey, members of European parliament are asked to identify their key sources for industry. The responses were as follows: 31 % industry newsletters, 28 % industry position papers, 27 % the *Financial Times*, 13 % NGO publications/websites, 12 % EU press releases, 12 % non-specific newspapers, 11 % publications by trade unions/organizations, 8 % the *Wall Street Journal*. "MEP's Mixed Response to Industry Lobbying," A Guide to Effective Lobbying of the European Parliament (Based on a survey of MEPs Autumn 2001), Burson-Marsteller, Government Relations Worldwide, 2001.

¹⁵⁹ The technical information is based on IKV's official website (www.ikv.org.tr) and IKV's Booklet for the 40th year anniversary of its foundation.

Izmir Commodity Exchange, the Izmir Chamber of Commerce, the Union of Banks of Turkey (TBB), the Confederation of Employers' Union of Turkey (TISK) and the Turkish Industrialists and Businessmen Association (TUSIAD). IKV receives financial and other kinds of support from several foundations and companies.¹⁶⁰ It has 17 board members and two auditors, who are chosen every two years, on its board of directors.¹⁶¹

The IKV has adapted itself to evolving developments in Turkey–EU Relations.

The main objectives of the IKV are:

- Contributing to the economic and social development of Turkey
- Facilitating what needs to be done to develop the relations of Turkey with the other countries and especially with the EU.
- Organizing seminars, conferences, panels and related meetings for informing the Turkish Public; to release research prepared by the IKV itself or by expertise institutions asked by IKV to do so.
- Enabling cooperation and coordination among the business world both domestically and in abroad; to form the basic views towards Turkey-EU relations while encouraging corporation and exchange of views/information with all the related public and private sector institutions.
- Constantly following the developments in EU and informing the public by evaluating the effects of these on Turkey.
- Promoting Turkey abroad.¹⁶²
- Facilitating facilitate and accelerating Turkey's EU membership process.
- Ensuring active participation of the Turkish business world and civil society in this process.¹⁶³

¹⁶⁰ The total number of supporters from different sectors is 65 according to the IKV's website; For the list, see <http://www.ikv.org.tr/destekleyenler.php>

¹⁶¹ The IKV's Booklet, 2005

¹⁶² About the IKV, <http://www.ikv.org.tr/ikv.php>

¹⁶³ The IKV's Booklet for the 40th Anniversary of its Foundation, 2005

In order to achieve these goals, the IKV conducts the following kinds of activities:

- Organizes seminars, conferences and panels to inform mainly the public and private sectors and the public as well: the IKV holds these both in Turkey and EU countries with the assistance of experts from Turkey and the EU.
- Conducts comprehensive research and issues publications: IKV has released nearly 550 publications so far on many aspects of EU and Turkey-EU relations. It also has been publishing periodicals, bulletins, and almanacs.
- Carries out projects that contribute to the integration Turkey-EU process: These projects are in different areas. One is for enhancing inter-firm cooperation. The IKV, with the support and cooperation of the European Commission, facilitates the representation of Turkey in many programs developing inter-SMEs relations in many areas, including research and development (e.g., Europartenariat, Europartner, Medpartenariat, Enterprise, Business Partnerships). The IKV is the only institution out of institutions from 80 countries that has been selected as the most successful “National Representative” in the concerned programs for 5 years in a row. Another project in which the IKV has been involved is in the area of education and information whereby support for the EU in the Turkish public and business sector is enhanced by making more information available to them.
- Develops key positions and recommendations: the IKV watches developments in the EU and in Turkey-EU relations. It then develops several positions and formulates recommendations in the name of the Turkish private sector. While developing these positions, the IKV is always in dialog and exchanges information with the public and private sectors. The IKV presents reports and strategies to the government. These are prepared especially during the candidacy period. It also gives briefings at high-level institutions of the state.
- Facilitates the task of promoting Turkey within the EU by cooperating with several local and foreign persons and institutions, and promoting the EU to the Turkish private sector and public.
- Maintains the results of research. The IKV has the oldest EU library in Turkey. This library not only contains the research of the IKV but other institutions, international organizations, chambers as well.
- Coordinates, promotes and lobbies: The IKV opened its branch in Brussels in the early 1980s. IKV Brussels conducts promotional activities for Turkey both at the level of member states and in EU Institutions. It releases several regular reports, publications on the Turkey-EU process, which it sends to foreign media representatives, European NGOs, EU institutions and elsewhere; it contributes to several meetings in the member states, invites their authorities and media staff to Turkey. It lobbies through bilateral contacts with EU Institutions.

The İKV has undertaken the task of coordinating the “Turkey Platform,”¹⁶⁴ which is composed of over 250 CSOs from different areas. This platform does not meet regularly but rather only when the platform feels it is necessary. It carries out communication, promotion and lobbying campaigns, and indicates its position or offers its support to the government on the EU process. At the EU level, it sends messages via meetings and their declarations. At the initial meetings, the platform asked the government to continue with the reforms. Then, in Brussels, two years before the negotiations actually started, it pointed out the reforms Turkey had already undertaken and asked for support. Also, almost 300 CSOs representatives came to Brussels with the support of the İKV and the TOBB under the Platform to meet their EU equivalents.

b. TÜSİAD

TÜSİAD (Turkish Industrialists' and Businessmen's Association) was founded in 1971 by a group of leading industrialists primarily to defend the interests of the private sector. It is a non-governmental, voluntary-based (in the sense that membership is not compulsory but the association has the right to accept or reject application of membership) association.

TÜSİAD is committed to the universal principles of democracy and human rights, together with the freedoms of enterprise, belief and opinion, it seeks to promote the development of a social structure which conforms to Atatürk's principles and reforms, and strives to fortify the concept of a democratic civil society and a secular state of law in Turkey. It believes that the industrialists and other business people should assume a leading role in Turkish society and encourages its members to act on this conviction. TÜSİAD aims to establish the legal and institutional framework of a market economy and to ensure the application of internationally accepted business ethics. It supports policies aimed at establishing a liberal economic system. It believes in and works for the idea of integration within the international economic system, by increasing the competitiveness of the Turkish industrial and services sectors, thereby assuring itself of a well-defined and permanent place in the economic arena. It supports all policies aimed at the establishment of a liberal economic system which uses human and natural resources more efficiently by means of the latest technological innovations and which tries to create proper conditions for a permanent increase in productivity

¹⁶⁴ Interview with Haluk Nuray, İKV Brussels Representative, 2006

*and quality, thus enhancing competitiveness. TÜSİAD, in accordance with its mission and in the context of its activities, initiates public debate by communicating its position supported by professional research directly to the parliament, the government, the media, international organizations and other states.*¹⁶⁵

TÜSİAD closely follows the agenda of the country and government decisions and contributes by suggesting solutions, making announcements, informing the public, organizing conferences, releasing reports and international institutions. TÜSİAD uses the mass media highly as a communication strategy.

TÜSİAD is a member of several organizations (e.g., BIAC - Business and Industry Advisory Council of the OECD, UMCE - Union of Mediterranean Confederations of Enterprises, and UNICE - Union of Industrial and Employers' Confederations of Europe). A member of UNICE since 1987, TÜSİAD and its members' interests and concerns are represented at the EU level. TÜSİAD is a strong supporter of Turkey's membership in the EU. It asks for further reforms and integration in Turkey (in the mid-1990s, it actively lobbied in favor of the establishment of a customs union between the EU and Turkey¹⁶⁶) and "monitors all governmental and parliamentary activities in relation to the EU."¹⁶⁷ At the EU level, it lobbies intensive. An example of this is the lobbying done in 1999, before the start of the Helsinki Summit, where the candidacy process of Turkey was officially initiated, when TÜSİAD visited 11 European Countries to lobby for Turkey's candidacy. Another example is the lobbying done prior to the European Council meetings in Copenhagen on December 2002,

¹⁶⁵ TÜSİAD By-Laws, Purposes

¹⁶⁶ TÜSİAD's Representation Catalogue, 2006

¹⁶⁷ Bahadır Kaleağası; "Turkey and the EU- A common future: Associational Experiences," Transnational Associations, The review of the Union of International Associations, 4/2005

and in Brussels on December 2004, when TÜSİAD visited almost all EU member countries and met their respective ministers, prime ministers and presidents.¹⁶⁸

TÜSİAD has several working groups, each in charge of different chapters of the EU acquis.¹⁶⁹ It also has nine committees, which are chaired by boards of directors. These committees are the Economic and Financial Affairs Committee, the Parliamentary Affairs Committee, the Company Affairs Committee, the External Relations Committee, the Social Affairs Committee, the Industry, Services and Agriculture Committee, the Information Society and New Technologies Committee, the Regional and Sectoral Development Committee and the Country Promotion Committee. The Country Promotion Committee, headed by Ümit Boyner, tries to contribute to the image of Turkey, specifically in the EU Accession Process. They hold several meetings abroad. An example of these meetings is the one held on March 8, 2006 in the European Parliament on women's rights in Turkey. They submit appraisals, develop concepts and raise funds pertaining to the furthering of these issues. TÜSİAD formed the "Committee of Harmonization with the EU," whose participants include other TÜSİAD committees working together to follow up the process of harmonization with the EU and to transmit the views of the private sector to the government. The TÜSİAD Brussels representation opened in 1996. It has a team of experts that has a mutual function of transmitting developments in Brussels to members and relaying positions of those members to Brussels. They attend meetings and/or organize meetings at several institutions, including the European Parliament (as in International Women's Day in 2006 and 2007) and the European Commission. They release weekly opinions and research and send

¹⁶⁸ TÜSİAD's Representation Catalogue, 2006

¹⁶⁹ Kaleağası, 2005

them to several important places. The head of the office in Brussels Mr. Kaleağası gives several interviews to the media during the year.¹⁷⁰

c. TUR-BO

TUR-BO, short for Turkish Research and Business Organizations, was officially founded in 2004 in Brussels. In contrast to other Turkish CSOs representations in Brussels, TUR-BO was established under Belgian Law. The founders were TÜBİTAK, TOBB, KOSGEB and TESK. TURBO is an international non-profit association based on the public-private partnership (PPP), which has also been recognized in the United States for a long time and in the EU for a decade.¹⁷¹ TUR-BO is concerned with the Framework Programs (FP) and CIP (Competition and Innovation Program). Turkey participated in the sixth (2002-2006) Framework Program¹⁷² after the signing of the Memorandum of Understanding in 2002. With the help of the European Commission, National Contact Points, whose aim is to transfer information about the framework programs, were opened. This was followed by the establishment of TURBO, which was to fulfill these tasks: providing information and communication, consultancy and training, networking and lobbying, organizing seminars related to the framework programs, and releasing reports on the official documents of the Commission on the forthcoming seventh FP and CIP. In 2006, TURBO assumed other tasks, which included responding to proposals at the EU level under the former Sixth and current Seventh Framework Program; the organization took on its first project in June 2006.

TUR-BO's area of activity mostly concerns DG Research and DG Enterprise. It attends

¹⁷⁰ Interview with Bahadır Kaleağası, Tüsiad Brussels Representative, 2006

¹⁷¹ Interview with Mehmet Gökgöz, TUR-BO Brussels Representative

¹⁷² For more information see <http://ec.europa.eu/research/fp6/>

the meetings of the DGs when invited and facilitates bilateral information flow. It establishes personal contacts for lobbying as well. There are several organizations like TUR-BO at the EU level. They are gathered under an umbrella organization called the IGLO (Informal Offices Group of RTD Liaison Offices in Brussels) whose aim is to facilitate and enhance the interaction, information exchange and co-operation between members of the IGLO, their national research systems and the European institutions on issues related to EU R&D, in particular, the Framework Program.¹⁷³ Since it is a member of the IGLO, TUR-Bo is better represented at the EU level.

Turkey's great concern with the Framework Program, the research policy of the EU and, concomitantly, building the necessary organizations (TUR-BO), as encouraged by the Commission, has led it to adopt the necessary measures and changes in the area. In the screening process, Turkey did not face any difficulty in Chapter 25 (i.e., Science and Research), with which it had previously harmonized. Thus, Science and Research was the first chapter to be opened and closed (on the same day, on June 12, 2006, in Luxembourg). Thus, formal negotiations between the EU and Turkey got underway.

d. TOBB

TOBB, short for "The Union of Chambers of Commerce, Industry, Maritime Commerce, and Commodity Exchanges of Turkey," was founded in 1952. TOBB represents 364 members in the form of local chambers of commerce, industry, commerce and industry, maritime commerce and commodity exchanges through nearly 1,250,000 firms of different sizes. There is a General Assembly composed of a maximum of 1000 members elected for a four-year term. The General Assembly forms, through election, five Councils representing

¹⁷³ Booklet of IGLO, March 2006

commerce and exchanges. There is the President, Board of Directors, Secretary General, Assistant Secretary General and other professional employees. There are several Directorates as well. The TOBB is a large structure consisting of a variety of members from different sectors; it protects the rights of its members and helps them in various issue areas. It enables a two-way flow of information both to its members from the outside and from its members to the outside via the publications it releases. It represents members internationally and domestically through memberships in different organizations.

TOBB has been engaged in EU activities for a considerable time. It has a “Directorate of European Union” (DEU)¹⁷⁴ as well. TOBB is a member of Eurochambers (Association of European Chambers of Commerce and Industry). The DEU facilitates relations with Eurochambers and represents the interests of TOBB members in EU Institutions. It informs the business world of the EU Laws, developments, Turkey-EU relations, financial issues and so on. The Directorate tries to develop projects in cooperation with Eurochambers to improve the quality of service provided by TOBB to its members. The DEU participates in the harmonization activities of the General Secretary of the EU, conveying the position of the Turkish business world there. There is also an EU Harmonization Commission, founded in 2005, which follows the issues in the negotiations related to business, examine the topics given by the President and makes presentations to the General Assembly. It also monitors the work of the Turkey-EU Joint Consultative Committee,¹⁷⁵ in which Tobb is represented, and coordinates the participation of the representatives. It also coordinates the participation of the Turkish private sector in EU programs. The DEU conducts research on Turkey-EU relations as well as other issues, prepares reports and informative notes, organizes conferences,

¹⁷⁴ <http://www.tobb.org.tr/abm/>

¹⁷⁵ See title “European Economic and Social Committee”

seminars, panels and related facilities in Turkey and abroad, and enables its members to benefit from the EU documentation center.

TOBB has been engaged in EU-related activities for a long time. With the start of a new period on October 3, 2005, it initiated procedures for establishing a permanent representation in Brussels, to be opened in early 2006.¹⁷⁶ TOBB anticipates a different structuring that will enable the chambers and the CSOs to use the building and the Brussels representation.

In addition to DEU and the Representation, Harmonization Commission, TOBB also operates TEPAV (Economic Policy Research Institute of Turkey) and a university that focuses on the EU. TOBB has conducted a number of sector-based research projects that concern EU law as well.

e. İTKİB

Exporters Associations in Turkey have a long history. They have close ties and relations with the Undersecretariat of Foreign Trade (a governmental body under the Prime Ministry) and the Turkish Exporters Assembly (TIM), which is the umbrella organization for all Exporters Associations.

The Exporter Associations provide assistance to their members and try to promote trade in various sectors. Legally, the Associations can be established on a sector or sub-sector basis. There can be more than one Association in the same sector but each must be in different regions. Currently, fifty-eight sectoral/regional Exporters Associations operate in Turkey.¹⁷⁷

¹⁷⁶ Interview with Bülent Bilgiç, Representative of TOBB Brussels, 2006

¹⁷⁷ www.itkib.org.tr

Textile exporter associations started having relations with the EU in the 1970s.¹⁷⁸ Association protocols have reduced the customs duties in several sectors. However, the case of textile has been different due to the large capacity of the Turkish textile sector. Quotas have been allocated and other arrangements made with autonomous textile exporters. In the past, the Textile Exporters Association had an integrative structure. The association represented all the sub-sectors. However, the textile sector has grown so big that the sub-sectors have divided into such further subdivisions as ready-made garment, leather and so on. With the Customs Union, which became effective in 1996, customs were eliminated. However, “the Customs Union covers all industrial goods but does not address agriculture (except processed agricultural products), services or public procurement”¹⁷⁹. With the Customs Union Agreement, the role of the textile exporters associations in the allocation of quotas was eliminated but the ongoing relations with the European equivalents have continued, thus their efforts and activities as well.

The Union of Istanbul Textile and Apparel Exporters’ Associations (İTKİB) was founded in 1986. Under the name of İTKİB, there are four regional associations:

- Istanbul Apparel Exporters’ Association
- Istanbul Textile Exporters’ Association
- Istanbul Leather Exporters’ Association
- Istanbul Carpet Exporters’ Association

77 % of total Turkish apparel exports, 55% of total textile exports, 81% of leather exports and 33% of carpet exports are realized by İTKİB member companies in the associations. Thus, the İTKİB has high representative power. It tries to help its members and promote bilateral and multilateral trade relations. Based on these aims, it conducts several

¹⁷⁸ The following information is based on an interview with Haluk Özelçi, Representative of the İTKİB – Brussels

¹⁷⁹ European Commission, Bilateral Trade Relations
http://ec.europa.eu/trade/issues/bilateral/countries/turkey/index_en.htm

activities: the promotion of trade, maintaining and reporting statistics, lobbying, training, consulting and coordinating.¹⁸⁰

The İTKİB Brussels Representation was opened in 1996 to continue relations with EU and to assist in the bilateral transfer of information. It conducts effective lobbying as well. Even though Turkey shares a single market with the EU and has a large volume of textile trade with EU member states, due to being non-EU state, was unable acquire membership in European umbrella organizations related to textile. Through the efforts of the İTKİB, the by-laws of the organizations have changed so that the states engaged with the Customs Union are allowed as well.¹⁸¹ After these changes, the İTKİB and its members started to become members of these organizations. Moreover, they have assumed positions on the boards of directors of such organizations. The European-level memberships include EUROTEx - European Textile and Apparel Organizations (Turkey is represented with full members, four board of directors, and deputy chairman), the CIRFS - International Rayon and Synthetic Fibres Committee (there are Turkish firms in the board of directors and the Chairman is Ömer Sabancı currently), EUROCOToN - The Committee of the Cotton and Allied Textile Industries (deputy chairman is Ertekin Ashabođlu) and EATP - European Association for Textile Polyolefins (on the board of directors). Most of these organizations participate in the consultative bodies of the Commission (see CONECCS). Thus, Turkey is represented at the EU level. Through the extensive efforts of the İTKİB Brussels Representative Mr. Özelçi, Turkish textile and its interests are protected and accurate information is transferred and meetings, conferences, projects held in the EU level enable further cooperation.

¹⁸⁰ see www.itkib.org.tr for the activities

¹⁸¹ Interview with Haluk Özelçi, 2006

V. THE STATE OF CSOS IN TURKEY: STRENGTHS AND WEAKNESSES

The Turkish Republic inherited a state tradition and the seeds of civil society from the Ottoman Empire. It has an organizational culture that is different from what is found in the West. In addition, due to political and economic changes, Turkey made gradual progress in the area of civil society mainly in the second half of the 20th century. As the impact of the EU on civil society and its actors in Turkey grew, primarily during the accession process following the Helsinki Summit of 1999, the power, role and general acceptance of CSOs rose dramatically. The legitimacy of CSOs in the public's eye and their visibility in the media (with rising press coverage) and elsewhere have increased together. The EU itself has placed importance on the third sector in Turkey, both in its reports and in supplying direct funds. The EU has also provided a justification (legislative changes) and a purpose that encourage CSOs to work (e.g., carry out EU-related projects and attempt to get support). As examined before, the Associations Law and the Civil Code have changed; this has created important changes in the freedom of associations. The restrictive measures taken towards the activities of CSOs have been eliminated and civil society services held by the state have been "civilized" through the Department of Associations under the Ministry of the Interior. There have been several changes in articles concerning the foundations as well. However, a new Foundations Law was enacted by the Turkish Grand National Assembly, and subsequently vetoed by the President of Turkish Republic.

According to the Associations Department,¹⁸² there are 188,170 established associations, of which 74,803 are currently active (taken from the official website of the Associations Department, updated on Mart 3, 2007). In addition to this, there are around 5,000 foundations in Turkey (European Foundation Center country report and Directorate General of Associations figures). In light of the developments in the EU, in addition to internal dynamics and the total number of the CSOs, it is possible to say that Turkish CSOs have been growing in strength. On the other hand, there are still weaknesses and obstacles that need to be overcome. They will be examined with the help of several quantitative studies: The first one is the “Civil Society Development Center (CSDC)’s “Mapping Study: Civil Society Organizations, Needs and Constraints,” done in October, 2005. The second one is the Civicus Civil Society Index (STEP in Turkish), which was conducted with the Third Sector Foundation of Turkey. Its results of which were announced in December 2006. The third one is Ersin Kalaycıoğlu’s article, “Civil Society in Turkey: Continuity or Change?,”¹⁸³ which contains several surveys and observations of the writer. In addition to these studies, I will use the arguments of Sefa Şimşek contained in his article “The Transformation of Civil Society in Turkey: From Quantity to Quality”¹⁸⁴ as well as several other articles, interviews and my own observations.

The research from which I have benefited for this chapter examines different components of civil society in order to classify the problems of CSOs and evaluate their strengths and weaknesses. In his article, Kalaycıoğlu mostly focuses on associability, social and political

¹⁸² <http://www.dernekler.gov.tr>

¹⁸³ Kalaycıoğlu, Ersin, “Civil Society in Turkey: Continuity or Change?”, in “Turkish Transformation: New Century New Challenges”, W. Beeley, Brian (ed), p.71, 2002

¹⁸⁴ Sefa Şimşek, The Transformation of Civil Society in Turkey: From Quantity to Quality,” *Turkish Studies*, Vol. 5, No. 3, pp 46-74, Autumn 2004

tolerance, interpersonal and inter-institutional trust to define the power of civil society. In contrast, STEP classifies CSO according to their structure, environment, values, and the impact of civil society on them. Şimşek conducts his evaluation by considering the following criteria: separation of the economic sphere from the state and political power, low level of fragmentation and hostility in civil society, civility (tolerance and cultural/political relativism), existence of individualistic culture in civil society and the existence of horizontal (high quality) relations in associational life. The CSDC's Mapping Study classifies the problems according to infrastructure, voluntary networks/cadres and members, relations with the state, intra-organizational relations within CSOs, organizational relations between CSOs, relations with target groups and rest of the society, relations with the media, conceptualization of civil society and lobbying activities by CSOs.

I will be using the data aggregately - combining the arguments and the surveys under common components. But it is useful to stress in the first place that the generalizability of the arguments will sometimes be challenged by the particularity of specific actors and cases, e.g., unions or chambers, which have relative power compared to the relative weakness of the CSOs in general. As the exceptional cases will not be generalized to the majority and the aim of this study is to give a general picture of the area, those cases will not be examined specifically.

1. Quantitative Figures and the Content

As stated before, according to the figures of the Associations Department of the Interior Ministry of Turkey, there are 180,384 established associations, which is a high number. However, only 76,817 are currently active. This which means that more than half have closed

or have been passive for various reasons. Even among the active ones, there are many organizations that are only registered on paper but do not have sustainable projects. They carry out a project only and become inactive afterwards.

According to the early results of STEP, only 7.8 % of the Turkish public is a member of a CSO. Of this 7.8, 70.2 % has a membership in one CSO, where the others are have membership in more than one.¹⁸⁵ Activities without partisan structure (such as writing to a newspaper, signing a petition, participating in a demonstration) make up 17.8 % (World Values Survey in STEP Results). The reasons may vary. One of them is the lack of trust of the Turkish public towards civil society organizations. Turkish citizens recall the widespread ideologically motivated organizations and their related activities in the 1960s and 1970s. They regard the organizations with suspicion. We see a reflection of this even in the concept of itself. The Turkish translation of the term “civil society organization” can be translated in two forms. The difference comes from the translation of the term “organization,” which could be “örgüt” or “kuruluş.” “Örgüt” has more a partisan or ideological connotation while the term “kuruluş” is more neutral and technical. The latter has started to be the preferred translation recently.

With respect to the reasons for low membership levels, the STEP survey on the CSOs indicates socio-economic factors, factors having to do with various restrictions, and regional ones. For example, in Diyarbakır and Ankara, the participants of the survey pointed to a low

¹⁸⁵ The results in the membership figures may change from survey to survey. According to Strateji-MORI research company survey, when the respondents are asked, how they relate with NGOs; only 4.8% replied as "membership," where 3.5% as joining to the facilities of NGOs and 5,8% as supporting the facilities. So, only 14.1% in total are involved in relation with NGOs.

Source: Ali Çarkoğlu; “Relations between the State and Civil Society Organizations in Turkey,” in Taciser Ulaş (ed) "Hello Civil Society," Helsinki Citizens Assembly, 1997.

level of societal consciousness and understanding of the responsibilities of citizens. On the other hand, participants from Adana emphasized the lack of trust in CSOs. The CSDC 's survey shows not only lack of members but also an absence or inadequacy of "qualified" human resources, which is said to keep new projects and activities from flourishing. However, according to the study, this does not mean that the administrators or members are unqualified. Rather, it indicates that they need to be equipped intellectually and technically to run an effective organization. According to Kalaycıoğlu, the overall tendency to get involved in voluntary associations ("associability") in Turkey is relatively low, though it is rising¹⁸⁶. Kalaycıoğlu's associability survey (Table 5), which is based on different membership perspectives of various organizations¹⁸⁷ in twenty European countries including Turkey, provides comparative data. According to the results, in addition to the differences between the countries, in Turkey, associability with organizations working in the area of religion, sports, culture/art, trade unions, environment and social welfare/charity are below the average whereas, political parties and professional ones are over the average. In order of membership strength, political parties, professional organizations, sport organizations, trade unions and charity associations are the five top-ranking organizations. In contrast, in general, trade unions, sport organizations, religious foundations, culture/art organizations and political parties are five top-ranking organizations in other European states. Even so, the overall tendency to be involved in the CSOs is low in Turkey. Kalaycıoğlu explains this in terms of the omnipotent state tradition, whereby community interests outweigh those of individuals, the image of the state as a "father" figure in the public's eye, apolitically raised children (e.g., families warning their children to stay away from demonstrations – also seen as a way of keeping

¹⁸⁶ Ersin Kalaycıoğlu; "Civil Society and Neopatrimonial Politics" in E. F. Keyman and Y. Sarıbay, *Globalization, Civil Society and Islam*, pp. 127-9, Ankara, 1998

¹⁸⁷ *Associability in Comparative Perspective (1990-1997)*, Turkish Values Survey 1997 and World Values Survey 1989/90 in Ersin Kalaycıoğlu, 2002.

their children from rebelling – and avoid organizations, political movements and anything else that might be considered as dangerous) and patronage politics. Turkish citizens may also see involvement in NGOs as a waste of time and not believe in their effectiveness. Financial problems of the NGOs are obstacles to employing professional, paid staff.

Poverty in Turkey can also be considered as a factor limiting membership. More than half of the population is below the poverty line; thus, civil society attempts are undertaken by a small percentage of people who can afford to make a living to a certain extent.¹⁸⁸

We may also see obligatory membership in several organizations in Turkey such as law associations and trade unions. Scholars have charged that this conflicts with the voluntarism of civil society organizations. On the other hand, in countries where the civil society culture is not developed adequately and “the institutional infrastructure is weak, obligatory membership would be useful to promote institutional development¹⁸⁹ and develop civic culture.

¹⁸⁸ Following sources:

Yerasimos, Stefanos, “Civil Society Organizations in Turkey, State and the Accession Process,” in *The Future of Civil Society*, Körper Stiftung, 2001
Interview with Ahmet Evin, Sabancı University.

¹⁸⁹ Interview with Güven Sak, Director of TEPAV, 2005

Table 2**Associability in Comparative Perspective**

Table 1: Associability in Comparative Perspective (1990-1997)

Country	Religious	Sports	Culture/ Art	Trade Union	Political Parties	Environ- ment	Profes- sional	Social Welfare/ Charity
	%	%	%	%	%	%	%	%
Austria	15.5	17.1	8.0	19.3	11.9	2.9	5.8	5.8
Belgium	12.1	19.5	16.2	14.4	5.8	6.6	6.7	11.6
Britain	16.6	16.9	9.3	14.4	4.9	5.0	9.8	7.1
Bulgaria	2.3	4.3	4.3	19.2	11.4	3.8	5.0	3.6
Denmark	6.7	33.5	12.5	49.0	6.5	12.5	12.1	5.5
Estonia	3.8	14.3	11.1	59.0	7.9	2.7	4.2	1.6
Finland	17.7	22.8	20.1	35.9	13.8	5.4	15.3	10.5
France	6.2	15.7	8.8	5.2	2.7	2.3	5.0	6.6
Germany (West)	15.9	32.3	12.0	15.7	7.5	4.6	8.9	7.2
Hungary	11.1	4.2	2.5	31.7	2.4	1.4	5.6	2.1
Ireland	13.9	23.7	10.1	8.8	3.8	2.3	5.0	7.4
Italy	8.0	11.3	4.9	5.9	5.0	3.3	3.9	4.1
Latvia	3.1	8.9	6.8	52.0	18.4	4.3	6.2	1.6
Lithuania	3.4	7.5	7.3	42.7	7.4	2.1	2.7	0.9
Netherlands	34.9	40.4	34.6	19.1	9.4	23.8	13.1	16.0
Norway	11.2	32.8	13.5	41.7	13.9	4.1	16.3	10.9
Portugal	10.5	11.5	6.2	4.5	4.0	0.8	3.5	3.9
Spain	4.8	5.3	5.3	3.2	1.8	1.4	2.6	2.6
Sweden	10.2	32.1	12.7	58.5	10.1	10.6	11.9	7.6
Turkey	3.7	5.7	3.1	4.8	9.7	1.9	8.6	4.1
Mean	15.5	16.8	11.3	19.8	9.1	4.7	8.8	6.2
Median	11.2	15.7	9.3	14.0	7.4	2.9	6.2	5.8
S. Dev.	14.5	10.3	7.6	18.1	6.8	4.7	5.9	3.7

Source: Turkish Values Survey 1997 and World Values Survey 1989/90.

Table entries for the countries are percentages of respondents in the corresponding country samples who claim to have membership in the type of organization designated per column.

With respect to perception of membership, Kalaycıoğlu focuses on the level of trust in Turkey. According to him, the culture of distrust seems to be well established in Turkish society. For instance, when the level of interpersonal trust is examined, it is seen that nine out of ten people in Turkey do not trust their fellow human beings. Turkey shares the lowest level of interpersonal trust with Brazil among the countries in the World Values Survey conducted

in the 1990s.¹⁹⁰ This shows that establishing and maintaining partnerships are difficult. We can see the reflection of this situation in the high percentage of family firms and in their success. Under these circumstances, primordial ties (lineage, regional bonds, marriage, etc) emerge as the only bases on which partnership can be established. This explains why "regional solidarity organizations" are so widespread in Turkey. Also, there is lack of interinstitutional trust in Turkey. It is why there is not much partnership among the NGOs. Even funds from the EU cannot be benefited from fully because they may require partnerships as criteria. The STEP survey confirms this. Co-operation and communication between CSOs is weak both in Turkey and on the international level. STEP points out that although the platforms and networks that the CSOs have developed in Turkey are increasing, effort to create common rules that organize the inter-structure is limited. Şimşek argues that that in non-western models, civil society is based largely on bonds of reciprocity, mutual trust and informal ties rather than on formal contracts between individuals, which is the case in western models.¹⁹¹ As Turkey has both a non-western and western culture, this would be the reason for Kalaycıoğlu's argument that the types of organizations are mostly based on primordial ties. This results in a lack of institutional culture in organizations. Moreover, due to interpersonal conflicts, there is a high level of fragmentation. The organizations are subdivided under different names due to personal clashes and/or interests, thus a high level of unconstructive and damaging rivalry may occur. Fragmentation does not only reveal itself in this kind of partitioning but also in political terms. The political affiliations of some groups may place them on different places along the political spectrum. Şimşek says this situation exists in

¹⁹⁰ Interpersonal Trust (1990-1997), Turkish Values Survey 1997 and World Values Survey 1989/90 in E. Kalaycıoğlu, 2002.

¹⁹¹ Jenny B. White, "Civic Culture and Islam in Urban Turkey," pp. 143-4, in Chris Hann and Elisabeth Dunn (eds), *Civil Society Challenging Western Models*, Routledge, 1996.

business unions and chambers that sympathize with different political ideologies and gives examples of them.

Leadership is also a crucial component of the CSOs, an element that is a reflection of Turkish political culture. Added to the difficulty of getting volunteers to commit themselves to the organizations without receiving material benefit in return, the leader assumes greater responsibility by assuming the role of chief motivator and serving as the backbone to the staying power of the organization. As a consequence, the vulnerability of the organizations rises. When the leader changes, or in the case of weak leadership, the organization may dissolve, which is also a result of lack of institutional culture. The agenda, the direction or the tempo of the CSO may fluctuate as well during the terms in office of different leaders. The organization may increase its power and activities with one leader while it might go downhill completely with another. Thus, sustainability and the stability of the Turkish CSOs cannot be ensured.

Though membership in CSOs and involvement in civil movements is low in Turkey, spontaneous events may result in an increase in such membership, even if not necessarily in an organized or institutionalized way. These are limited incidences that appear during a big domestic or international event - mainly political or military - which are fostered by international movements and the media; or when the tolerance of the public is overwhelmed by. The outcome reveals itself in different forms, including demonstrations and marches, or various collective actions taken to protest major societal or political events.

2. Budgetary Concerns

CSOs in Turkey lack financial sufficiency and an ability to create resources.¹⁹² Though membership fees and personal donations are important components of the income of CSOs, they contribute relative little to the budgets of CSOs in Turkey. CSOs have difficulty in getting funds from the state, private sector or international organizations.¹⁹³ The EU perception seems to affect this picture. Even though some parts of civil society are unable to benefit from these funds, due to lack of information, long, detailed and complicated project-writing procedures and professional staff, there is a rising tendency of CSOs to apply for CSOs funds to facilitate their projects. This financial motivation has an impact on their will to sustain their organizations. In other words, it has begun to have a spillover effect starting with financial terms, leading to other types of impacts and co-operations. However, the financial deficits of CSOs are still very widespread in Turkey. This affects them in many aspects - varying from not being able to employ professional staff or rent a permanent office to not being able to develop projects.

3. Individualism Concerns

According to Yerasimos,¹⁹⁴ development of civil society in Europe seems directly related to the evolution of post-industrial societies. Among the reasons, he notes that in today's societies, which are based on individuals and their freedoms, the solidarity that exists

¹⁹² Mapping survey of CSDC (STGM).

¹⁹³ STEP

¹⁹⁴ Stefanos Yerasimos, "Civil Society, Europe and Turkey," in S. Yerasimos, G. Seufert, N. Mert, various writers *Civil Society and Nationalism in Turkey*, İletişim, 2000.

in traditional societies has disappeared. Hence, individuals who lack this feeling of solidarity tend to cooperate in various areas to make up for it.

Can Paker notes that¹⁹⁵ individualism and liberal economy have not developed adequately in Turkey, something that hinders the development of civil society. Ersin Kalaycıoğlu¹⁹⁶ also stresses the same deficiency in Turkey. He says that individualism and privacy as the realm of the private is lacking in Turkey. The individual himself, his independence and interests in society should be accepted. The individual as a value should be recognized. Private life should be distinguished from the public one as a different but legitimate sphere. He mainly refers to a Hegelian type of civil society. Moreover, he adds that only after fulfilling individualism can there be a transition to collectivism.

Hale¹⁹⁷ refers to liberalization policies as a step to civil society. He points to the 1950s, even more, the 1960s, as the period where the seeds of civil society organizations in the modern Turkey were sewn. This revealed itself in labor unions, employment organizations, and economic interest organizations. However, he also refers to the Islamic tradition, where social solidarity and social interaction is high, and tradition asks for homogeneity. In contrast, in the West, market freedoms, which are individualistic, dominate. He adds that there has been a redefinition of Islamic politics and faith-based movements, organizations, forms and values. He also refers to the counterparts of faith-based movements such as Catholic actions in other countries.

¹⁹⁵ Interview with Can Paker, Executive Manager of TESEV, 2005

¹⁹⁶ Interview with Ersin Kalaycıoğlu, Rector of Işık University, 2005

¹⁹⁷ Interview with William Hale, Sabancı University, 2005

Elisabeth Özdalga describes the status of individuals in the Islamic movement and its relevance to civil society. As Şimşek says, “The fact is that a tug-of-war between communitarianism and individualism is going on within the Islamic movement itself. This is also an important reason why it is wrong to condemn their organizations as being without relevance for the construction of a civil society.”¹⁹⁸ Sefa Şimşek, says the following:

The concept of civil society is based on free associations and this is only possible where free individuals exist. Free individuals do not emerge solely by lifting the coercions and constraints that stifle them. There must be some degree of individualistic culture in society. Though this culture, individuals can develop not only their own identities with some autonomy from their family, group or community, but also develop the ability to think about themselves, their social life, institutions and political leaders. Turkish people generally create a great cult around their leaders (Sefa Şimşek, 2004).

All the scholars I have cited place a great importance on individualism and its components. They note that in Turkey this concept has not yet been fulfilled. Turkey is more a case of solidarity and community. This damages the infrastructure of civil society itself. On the other hand, this leads to CSOs based on primordial ties (family, kinship, neighborhood, tribe, ethnic and religious communities¹⁹⁹). On this point, there is vagueness in the literature on the inclusion or exclusion of these primordial units in civil society. Some scholars include them in civil society whereas others exclude them. This distinction is crucial because in the cases where they are included, it can be argued that the Islamic societies have had relatively strong civil societies; when left out, the opposite can be argued.²⁰⁰

¹⁹⁸ Elisabeth Özdalga, “Civil Society and its Enemies: Reflections on a Debate in the light of Recent Developments within the Islamic Student Movement in Turkey,” in Sefa Şimşek, 2004.

¹⁹⁹ Esmail, “Self, Society, Civility and Islam,” p 61

²⁰⁰ Choueiri, pp. 487-488

Since the liberalization movements of the 1950s, transition to an open market, elimination of restrictions on associations and individuals, and the impact of the EU on human rights, rapid improvements in civil society have occurred. Turkey is experiencing the use of a different, mixed model in the transition to civil society. This is due to Turkey's Ottoman heritage, its unique transition to democracy, and all the reforms that have been undertaken recently.

4. Civil Society Organizations and the State

The state and civil society are not opposite concepts representing mutually exclusive entities. Civil society will assume different tasks in different countries at different times. Civil society will be supplementary in cases where the state remains insufficient; it will taken on an advocacy role to raise public opinion and awareness; it will adopt a supervisory role to monitor the actions of the state; “it will serve an intermediary role, standing between the private sphere and the state²⁰¹ like a buffer zone to the actions of the state and mechanisms of the market economy;”²⁰² it will play an informative role when it reaches to different levels of the society with the researches it holds in its specified area; it will be complementary when it assumes some of the responsibilities of the state itself, mostly when asked to by the state (e.g., the Scandinavian Model and quangos, as well). In none of the cases is civil society and the state enemies or rivalries. An ideal case is where civil society is a “critical friend”²⁰³ of the state. The critical friend model foresees both distance and closeness of the two actors vis-à-vis each other. Civil society helps the state to operate better. It may affect the policymaking

²⁰¹ Diamond, p. 5

²⁰² Erözden

²⁰³ Model used by Education Reform Initiative (İstanbul Policy Center), Sabancı University

process. It does not act like an opposition party against the state nor as a sub-department of the state to promote it. It provides constructive criticism of state decisions when it thinks that it is necessary while showing how to make the policy better. When interacting with the state, the organization always maintains its own autonomy. Prof. Dr. Üstün Ergüder, chairman of the Education Reform Initiative (ERI), targets a critical friend model in the education field. The ERI is a project launched within the Istanbul Policy Center at Sabancı University to improve education policy and decision-making through research, advocacy and monitoring. It does so by gathering several CSOs (Association of Private Schools, Mother and Child Education Foundation, Open Society Institute Assistance Foundation) under the umbrella structure of the ERI. Its aim is to encourage inter-organizational dialogue among CSOs. Among its policy areas and activities, the ERI is focused on curriculum reform, research on demographics, organizing conferences on finding the best practices in education, education sector studies (in collaboration with the World Bank), the EU Gender Project, religion and education.²⁰⁴ While undertaking these activities, because it wants to affect the macro policies of the state in the field of education, the staff of the ERI interacts with state officials in various ways. It develops cordial communication while maintaining the critical tone of the dialogue. During four years of functioning, the ERI has made its voice publicly heard as well; media coverage has risen dramatically, which gives it more power. The initiative has been trying to advocate its policies for an improved comprehensive education by attempting to affect the policy-making process. In contrast, most Turkish CSOs dealing with education mainly focus on supplying scholarships, building schools and transferring donations. The ERI and other CSOs have a difficult mission. Traditionally, the state has had excessive power in

²⁰⁴ Education Reform Initiative, Presentation Catalogue, 2005

exercising its policies in education. But there has been progress in the interaction and cooperation between the state and the CSOs in the area of education recently.

There is lack of sufficient dialogue between the state and civil society actors according to STEP and the CSDC. It is also said that there are problems in implementing the changes in the law. But it would be unrealistic to expect that trust and an internalization of changes can occur immediately. What is needed is time and the practice that takes place within a learning process supported by training and internal and external assistance. There have been attempts to do this. For example, the Department of Associations held a long-term training project supported by the British Embassy. Its goals was contributing to the project of “developing public services and quality standards of civil society organizations,” carried out by the European Commission and the Ministry of the Interior. The project aimed at adopting the reforms that have taken place in within civil society and examining state-civil society examples taken from EU member states. The project had six activities of which the last one was the evaluation and sharing seminar of this project. It was entitled the “Evaluation of Reforms towards Civil Society in the EU Process and Sample Country Practices” and held in December 2005 in Ankara. I had the opportunity to listen and observe at this seminar. During two days, the CSOs and the civil servants from the Associations Department met and exchanged views directly, both in seminars and workshops. This was a positive development and a sign of improvement in the interaction of the state and CSOs. Another example is the project “Improving Co-operation between the NGOs and the Public Sector and Strengthening the NGOs’ (SKIP in Turkish) Democratic Participation Level,” which is managed by Secretariat General for European Union Affairs²⁰⁵ (EUSG). Working with the Contracting

²⁰⁵ The EUSG was founded in 2000 under the Prime Ministry. Its objective is in conformity with plans and programs, and channels and shoulders the internal coordination of the preparations and the harmonization work to be carried out by the

Authority is the Central Finance and Contracts Unit (CFCU). The project aims to strengthen the cooperation between the civil society and the public sector.²⁰⁶

We see that there has been a relative transformation of the view of the state towards CSOs. As noted by Uzun,²⁰⁷ there has been a change in the perception of the state. In the past, the organizations wanted to be kept under pressure, where now, they want to be developed. As for the Associations Department, it would like to create more dialogue. The department is also trying to ease the procedures and reduce the red tape the associations must face in their relations with the state – for example, by the implementation of “e-associations application” (web based), which enables them to handle procedures via the Associations Department’s website.²⁰⁸

Turkish public organizations and agencies within the framework of efforts to prepare Turkey for full membership in the EU (article 1 of its by-law. Its functions are a) coordinating, in conformity with plans and programs, internal efforts of harmonization to be carried out by the Turkish public organizations and agencies; b) providing secretarial services to the boards and committees, which shall be established with a view to preparing Turkey for membership to the EU, and guiding the implementation of the decisions of the said boards and committees; c) conducting required research and studies in line with the decisions of the Government and the boards and committees to be established; d) awarding, by contract and in areas of its competence, to natural and legal persons both within Turkey and abroad the tasks of making studies, research and translations; e) issuing, through the Prime Ministry, regulations, communications, circulars and other similar regulatory instruments concerning the services that it is responsible to render. (Article 2 of its by-law)

Source: <http://www.abgs.gov.tr>

²⁰⁶ Further information about the project is given in title “civil society dialogue.”

²⁰⁷ Interview with Şentürk Uzun, Head of Associations Department, Interior Ministry of Turkey, 2005

²⁰⁸ Interview with Ramazan Yiğit, Deputy Head of Associations Department, Interior Ministry of Turkey, 2005

There is no regular consultation mechanism in the Turkish Government system as there is in the EU, but there are spontaneous bilateral contacts between the government and such CSOs as syndicates and business organizations. Encouraged by the EU, the CSOs have increased their efforts to affect the policies in their working area, though it remains limited. For example, women's NGOs have become very well organized; they have formed a platform and have lobbied at the EU level to get support. In addition, they have raised public awareness and gotten the articles in the Civil Code and the Penal Code modified in their favor. Another is the environment organizations dealing with a number of power stations. Business organizations also affect EU policy and the industrial policy of the state.

According to STEP's diagrams, the impact of Turkish CSOs on policy making is greater than their structure (e.g., On a scale where the highest value is 3, structure has a value of 0.7 while that of impact one of 1.3) This can be explained by two factors: the first has to do with the intensified work of organizations in specific areas such as gender equality. The second concerns the heterogenic distribution of the power and structure of the organizations in Turkey. The activities and lobbying carried out by big institutional organizations, which mostly have elitist structures and are adequately financed through their own means, will affect the policy-making process more. In addition, there are criticisms of these elitist structures. Yerasimos²⁰⁹ notes that it is natural that the leading, guiding forces of a new movement are elitists. He adds that it should be perceived as natural, too, that the civil society movement in Turkey is inspired by external examples since this movement is a recent product of the process of westernization.

²⁰⁹ Stefanos Yerasimos, "Civil Society Organizations in Turkey, State and the Accession Process," in *The Future of Civil Society*, Körper Stiftung, 2001

VI. CONCLUSION

The aim of this study, which focuses on Turkish Civil Society Organizations (CSOs) in the EU Accession Process, was to provide answers to the following questions:

- What is the legacy of civil society in EU institutions? What is the main legislation (binding or unbinding) in the area?
- Who are the main actors in the EU that have influence on civil society organizations?
- What is the impact of the EU on civil society in Turkey and on the Turkish Civil Society Organizations in the EU accession process?
- What is the state of civil society organizations in Turkey?

Prior to answering these questions, a definition of the main concepts used in this study had to be made. In the literature, there is lack of consensus on the definition of civil society and its actors. Even the terminology, (e.g., voluntary organizations, non-governmental organizations, and civil society organizations) is imprecise. Therefore, finding a generally accepted definition was problematic. In the end, the definition used by the European Economic and Social Committee in its “Opinion,” which is rather broad scope, was chosen since it focuses on civil society organizations and what they include. The organizations counted under CSOs included many organizations such as NGOs and business associations.

Civil society and CSOs in Turkey are not recent phenomena. There used to be foundations, “guild”s, “akhi”s in the Ottoman period, which have been elaborated upon in this study. But we can not talk about the absolute autonomy of those organizations from the

central power. In addition, they were not CSOs in the sense we understand today. Nevertheless, it can be argued that they are archetypes of modern-day CSOs that developed with the changing structure of the state following the foundation of the Turkish Republic. Of course, it was not only those organizations that were inherited by the Turkish Republic but also the ruling tradition and socio-cultural values that were transferred to the new state. Elements of culture such as the dominance of the central state over society, community interests over individual interests, patrimonialism, father state image, and the nature of center-periphery relations also continued during the newly born republic. Political, social, cultural and economic changes both in Turkey and the world have led to the rise of civil society and, similarly, CSOs in Turkey, e.g., there has been a shift to multi-party system, globalization, global movements, spread of media, liberalization. Starting with the late 1990s, we see that there has been a rapid change occurring in civil society. This is mainly due to the EU accession process, which was fostered by the Helsinki Summit where Turkey acquired candidacy status. Since then, Turkey has been highly affected by the EU reforms that are being created in the form of legislative packages by the governments. These reforms have also involved amendments to the laws concerning civil society organizations directly or indirectly. For example, the Civil Code and the Associations Law have already been changed and the Foundations Law is on the waiting list. The Copenhagen Political Criteria have been sufficiently fulfilled, as the European Commission expressed in its Recommendation on Turkey's Progress towards Accession on October 6, 2004 (before the EU Council's decision of December 17, 2004, which announced that it would commence the negotiations in October 2005). The political criteria have involved democracy, rule of law, human rights, respect for and protection of minorities, which have given CSOs greater space to operate freely.

The EU has been advocating the freedom of associations and other freedoms concerning the CSOs in Turkey. Over time, the CSOs, through their rising self-awareness and strengthened power, have started to advocate their own rights and become active initiators rather than passive subjects to the decisions made. But this does not mean that they do not need any more help, or that they are adequate enough.

The EU began to supply funding to Turkey especially after the Helsinki Summit when Turkey started to officially participate in EU programs as a new candidate. These programs and related funds are also channeled to Turkish CSOs, which suffer budgetary problems. Not only they are supported financially in this way; this economic motivation also encourages them to come up with projects and cooperate with other organizations both in Turkey and abroad. Thus, organizations have started to flourish and develop on account of EU encouragement.

In order to provide an idea of the organic relationship that exists between the EU and Turkish CSOs, the EU's legal arrangements concerning the civil society arena were examined at the beginning of this study. It was seen that there was *acquis communautaire* in the area but only non-coercive, unbinding documents designed to make the area easier for CSOs to operate in and enable them to participate in the EU policy-making process. The EU recognizes the competency of member states to determine their laws for the CSOs operating in their own countries. Nevertheless, with the White and Green Papers, communications, dialogues and other types of documents and through the EU Institutions' direct interactions with the CSOs, the EU has had an influence on them. But this has not been in the form of interference. Due to the legislation power of the EU, which affects many actors in the member states at every level, especially economically; the CSOs try to get closer to EU institutions so

as to be able to be involved in the decision-making process. The EU wants to reduce deficiency in democratic practice and its distance to EU publics through CSOs, which represent many levels of the society. The EU also would like to find out if the decisions it makes are the most effective and appropriate. It does this by obtaining opinions from the organizations that represent the actors that will be affected by the decisions concerned. Therefore, the interest and will for EU-CSOs interaction are mutual. Almost all the EU institutions have a link with the CSOs somehow but some have more. For example, the European Parliament (EP), European Commission and the European Economic and Social Committee (EECS), which have direct intensive interactions with EU Organizations and have been enclosed in the scope of this study. The European Council does not interact extensively with the organizations at the EU level. They operate mostly in the national level via their bureaucrats working there and so have been kept out of the scope in this study. Other institutions are not examined either due to their relatively low impact on civil society and/or lack of direct link with Turkish CSOs. It was discovered that the European Parliament was a very attractive place for lobbyists because of its openness and rising influence on the decision-making process via the co-decision procedure it practices with the Council. Among the many lobbyists accredited to the EP, there are also Turkish lobbyists. CSOs in Turkey or their representations in Brussels lobby directly or indirectly in the EP in favor of Turkish membership. European Commission is one of the most influential institutions dealing with CSOs due to its executive power, direct interactions and documents on the area, which are elaborated in detail in this study. Among these, the civil society dialogue concerns Turkey highly. This dialogue intends to get the EU and the Turkish public closer and more familiar with each other. The EU is a living organism which learns from its mistakes and moves ahead accordingly. This dialogue was constructed after the 2004 enlargement of ten countries for which the EU publics had not been ready and to which they reacted. The European

Commission does not have an accreditation system for CSOs like the EP but rather a database called CONECCS, which makes it easier to reach organizations and make them known. Though there are no restrictions on candidate countries, there are no Turkish organizations on the list - only Turkish CSOs that are indirectly involved as members of several EU level federations or confederations which exist inside CONECCS. Finally, there is the European Economic and Social Committee, which is an advisory body for other institutions and involves CSOs in its body. Turkish CSOs interacts with this Committee via the Joint Consultancy Committee, which holds meetings twice a year. Except for these bilateral relations with the EU Institutions, there are also Turkish CSOs' representations in Brussels, though they are not outnumbered. They are mostly business oriented and are branches of big organizations operating in Turkey. They lobby well but still many more organizations from Turkey are needed for a more effective lobbying, something that Turkey has only started to realize the importance of very recently.

The state of civil society organizations in Turkey has been elaborated by referring to their weakness and strengths. CSOs in Turkey in the recent decades have grown along with developments in Turkey–EU relations. The changing laws on Associations and Civil Code have given them a greater space in which to operate and the changing environment has enabled them to become more conscious of their role in society. They have also become legitimate in the public's eyes mainly after specific events such as the 1999 Earthquake, the EU's assistance to CSOs and the rise of press coverage, mainly starting in the late 1990s. Civil society organizations have been increasing their visibility in the media; these are mainly the ones working on environment, gender issues, business and education. They have started to contribute to policy making as well. The examples of women's organizations affecting the Civil Code and the Penalty Code can be given. A rising number of CSOs has created public

awareness on societal problems. But still, these kinds of efforts and their impacts are limited. The interaction between CSOs and the state is enhancing but it is a matter of time and a learning process.

CSOs have structural problems. Qualified human resources are absent or inadequate. The organizations are hard to hire professional staff in addition to volunteers because of financial difficulties. Most of them work in a “disinstitutional” structure and do not have organizational culture. Though there are a great number of associations registered, they end up becoming inactive after having a sole project or activity, therefore they are not sustainable. Additionally, within and between the organizations, there is lack of trust, which hinders co-operations and causes clashes and divisions inside the CSOs.

Civil society organizations in Turkey have gradually developed over the past two decades because of EU encouragement. It is not asserted that the EU is the only variable influencing the transformation of Turkish CSOs. But it is a strong factor. The increased perception of EU membership and the impact of this on Turkish legislation have encouraged CSOs in Turkey. Though they have not reached the desired level of development, they have taken big steps towards keeping the momentum going. The transformation of civil society is not only political, or economical but also cultural and societal; thus, it takes time to be internalized by the public, which constitutes the CSOs itself. As the formal negotiations between Turkey and EU started on June 12, 2006, CSOs now have a bigger role in the process through their coming efforts to get the *acquis* internalized by the public, lobbying in the EU level for membership and bridging relationships between the Turkish and the EU publics.

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ANNEXES

1.

Main dates in the evolution of the European social dialogue¹

- 1985** The launch of the bipartite dialogue, initiated and supported by the Commission, and traditionally known as the "Val Duchesse" process, after the place where the first meeting was held. The social partners begin to adopt non-binding joint opinions.
- 1991** Against the background of the 1991 Intergovernmental Conference, the social partners negotiate the Agreement of 31 October 1991, proposing reforms to the Treaty decision-making provisions in the social policy field. The social partners' proposals are incorporated virtually verbatim into the Protocol on Social Policy annexed to the Treaty on European Union.
- 1993** Commission Communication "concerning the implementation of the Protocol on Social Policy" [COM (1993) 600 final].
- 1994** The Treaty on European Union enters into force.
- 1995** Successful negotiation of the parental leave agreement, the first Article 139 framework agreement implemented by Council directive.
- 1996** Commission Communication "concerning the development of the social dialogue at Community level" [COM (1996) 448 final].
- 1997** Successful negotiation of the second framework agreement implemented by directive – on part-time work.
- The provisions of the Protocol on Social Policy are incorporated into the Amsterdam Treaty as Articles 138 and 139.
- 1998** 20 May: Commission Communication "Adapting and promoting the social dialogue at Community level" [COM (1998) 322 final] defines the criteria for the establishment, composition and operation of sectoral dialogue committees and constitutes a new departure for the development of social dialogue within sectors at European level.
- 1999** Successful negotiation of the third framework agreement implemented by Council directive - on fixed-term work.
- 2000** Lisbon European Summit, the Heads of State and Government set out a ten-year strategy for the economic and social development of the European Union. The

¹ Chart is taken from: "Social Dialogue",
http://ec.europa.eu/employment_social/social_dialogue/index_en.htm

common vision requires an integrated approach across a range of economic, social and environmental policy areas, in order to achieve sustainable economic growth, more and better jobs, with greater social cohesion. The successful implementation of the Lisbon agenda requires the active involvement of the social partners. Presentation of the Social Policy Agenda at the Nice European Council in December 2000, which underlines the importance of social dialogue in promoting competitiveness, solidarity and an appropriate balance between flexibility and security in employment.

2001 11 December: "Joint Contribution" of the social partners to the Laeken European Council.

2002 26 June: Commission Communication "The European Social Dialogue, a force for innovation and change" [COM (2002) 341 final].

A new generation of texts entailing a greater implementation and monitoring role for the social partners - Firstly, adoption in March 2002 of the Framework of Actions for the lifelong development of competencies and qualifications, to be implemented by the open method of co-ordination. Secondly, adoption in July 2002 of the telework agreement, the first "autonomous" Article 139 framework agreement, to be implemented and monitored by the social partners themselves.

28 November: Adoption of the first independent joint multi-annual work programme for years 2003-5.

2003 First Tripartite Social Summit for Growth and Employment; with the Council Presidency, the President of the Commission and highest-level representatives of the social partners (on basis of Council Decision of 6 March 2003).

2004 12 August: Communication from the Commission "Partnership for change in an enlarged Europe - Enhancing the role of European Social Dialogue [COM (2004) 557 Final]

8 October: Adoption of the second 'autonomous' agreement on work-related stress.

2005 Mid-term review of the Lisbon strategy: The European Council (22-23 March) reiterates the importance of the social partners' active involvement in order to achieve the strategy's objectives on growth and employment

Conclusion of the Framework of Actions on gender equality, identifying work priorities for the national social partners.

29 September: Social Dialogue Summit - 20 years of European social dialogue celebrated in Palais d'Egmont in Brussels.

2006 13 March: First European sectoral social dialogue conference.

23 March: Presentation of the second joint multi-annual work programme (2006-2008) at the Tripartite Social Summit.

25 April: Signature of the first multi-sectoral agreement on crystalline silica covering more than 2 million workers.

ANNEX

2

Comparison of Associations Law

Former Associations Law No: 2908		New Associations Law No: 5253		Civil Code No: 4721	
Article	Name of Article	Article	Name of Article	Article	Name of Article
Art.1	Object	Art.1	Object and Scope		-
Art.2	Scope	Art.1	Object and Scope		-
Art.3	Definitions	Art.2	Definitions		-
Art.4	Entitlement to Establish Associations	Art.3	Entitlement to Establish Associations		-
Art.5	Associations subject to restrictions and prohibited activities	Art.30	Associations subject to restrictions and prohibited activities		-
Art.6	Restriction to use certain names and signs	Art.29	Restriction to use certain names and signs		-
Art.7	Restriction to International Activities		-		-
Art.8	Statute of the Association	Art.4	Statute of the Association		-
Art.9	Having Legal Entity by Associations, Declaration of establishment		-	Art.59	State of being a legal entity
Art.10	Declaration and examination of By-Law		-	Art.60	Examination
Art.11	International Activities of Associations founded in Turkey	Art.5	International Activities		-
Art.12	Activities in Turkey of Associations founded abroad	Art.5	International Activities		-

Art.13	Declaration		-		-
Art.14	First General Assembly Meeting		-	Art.62	First General Assembly Meeting
Art.15	Association's File and Registration Procedures		-		-
Art.16	Right to be a member		-	Art.64	Conditions of Membership
Art.17	Termination of membership		-	Art.65 Art.66 Art.67	Automatically Discharge from Associations Discharge Reasons
Art.18	Rights of members	Art.6	Voting by the Legal Entity	Art.63 Art.66 Art.68 Art.69	Rule Discharge from Associations Equal Rights Voting Right
Art.19	Organs of Association		-	Art.72	In General
Art.20	General Assembly Meetings		-	Art.74 Art.75	Ordinary Meetings Extra-ordinary Meetings
Art.21	Procedure of Call		-	Art.77	Call for Meeting
Art.22	Place of Meeting		-	Art.78	Place and quorum of the meeting
Art.23	Adequate number of Meeting		-	Art.78	Place and quorum of the meeting
Art.24	Method of Meeting		-	Art.79	Convening the meeting
Art.25	Issues to be discussed in Meeting		-	Art.79	Convening the meeting
Art.26	Authorities and duties of the General Assembly		-	Art.80	Duties and powers of the general assembly
Art.27	Formation of Board of Directors		-	Art.84 Art.85	Formation Functions
Art.28	Situation of Incompleteness of Board of Directors by deputy members		-	Art.84	Formation

Art.29	Formation of Auditors Board and Duties		-	Art.86	Auditors' Board
Art.30	Notifications of selected organs to the administration	Art.23	General assembly meeting and notifications of selected organs to the administration		-
Art.31	Formation of Branches		-	Art.94	Formation
Art.32	Organs of Branches		-	Art.95	Legal organs of the branch and applicable provisions
Former Associations Law No: 2908		New Associations Law No: 5253		Civil Code No: 4721	
Art.33	Clauses that Associations are subject to	Art.7	General Assemblies of the Branches	Art.95	Legal organs of the branch and applicable provisions
Art.34	Federation and Confederations	Art.8	Federation and Confederations	Art.96 Art.97	Federation Confederation
Art.35	By-Laws		-	Art.96 Art.97	Federation Confederation
Art.36	Having Legal Statute		-	Art.96 Art.97	Federation Confederation
Art.37	Activities that are prohibited or subject to Permission	Art.30	Associations subject to restrictions and prohibited activities		-
Art.38	Purpose and Activities of Students' Associations		-		-
Art.39	Purpose and Activities of Associations that Civil Servants founded		-		-
Art.40	Prohibition of activities subject to National Defence and security forces act	Art.30	Associations subject to restrictions and prohibited activities		-
Art.41	Facilities to be founded by the associations prior to permission	Art.26	Facilities to be founded by the associations prior to permission		-

Art.42*	Prohibition to carry gun		-		-
Art.43	Relations with the foreign Associations and Organisations		-		-
Art.44*	Announcement of Declaration		-		-
Art.45	Liability To Submit Statements and Inspection	Art.19	Liability To Submit Statements and Inspection		-
Art.46	Department for Associations (“Dernekler Dairesi Başkanlığı”)		-		-
Art.47	Financial auditing of public benefit associations		-		-
Art.48	Competence of the Security Department And Administration	Art.20	Competence of the Security Department		-
Art.49	Dissolution under the General Assembly		-	Art.88	Dissolution under resolution of the general assembly
Art.50	Dissolution by Court		-	Art.89	Dissolution by Court
Art.51	State of dissolution automatically		-	Art.87	Dissolution <i>Ipsso Facto</i>
Art.52	Closure of Associations by Court’s Decision		-	Art.89	Dissolution by Court
Art.53*	Closure of Illegal Associations		-		-
Art.54	Detaining of Association’s Activities by the Province		-		-
Art.55	Liquidation	Art.15	Liquidation		-
Art.56	Prohibition to facilitate in the Organs of Student Associations		-		-
Art.57	Youth and Sporting Clubs	Art.14	Youth and Sporting Clubs		-
Art.58	Qualification to	Art.27	Public Benefit		-

	operate to public benefits		Associations		
Art.59	Acceptance as a public benefit association	Art.27	Public Benefits Association		-
Art.60	Income of Association		-	Art.99	Income of the Association
Art.61	Conditions of Assistance to Associations	Art.10	Assistance and Cooperation		-
Art.62	Statutory Books and Records	Art.11	Procedure applicable in Income and Expenditure		-
Art.63	Procedure applicable in Income and Expenditure	Art.11	Procedure applicable in Income and Expenditure, and statutory books of the association		-
Former Associations Law No: 2908		New Associations Law No: 5253		Civil Code No: 4721	
Art.64	Acquisition of immovable property	Art.22	Acquisition of immovable property		
Art.65	Associations' Names that are subject to Permission	Art.28	Associations' Names		
Art.66	Prohibited Places for Associations' activities		-		-
Art.67	Authorization of the police ("Hükümet Komiseri")		-		-
Art.68	Duties and authorities of the police		-		-
Art.69*	Transmission of the illegal and by-law violating acts to office of the director of public prosecutions		-		-
Art.70	Fee that will be given to the police		-		-
Art.71	Special Situations		-	Art.100	Reserved

					provisions
Art.72	Associations that Turkish Citizens have founded abroad		-		-
Art.73	Unit of Association	Art.2	Definitions		-
Art.74	Judging Procedure	Art.18	Trial Procedure		-
Art.75-87	Penalty Clauses	Art.32	Penalty Clauses		-
Art.88	Final Clauses		-		-
Art.89	Establishment Of Special Funds by Associations	Art.12	Establishment Of Special Funds		-
Art.90	Opening clubhouse ("Local")	Art.26	Facilities to be founded by the associations prior to permission		-
Art.91	Attributions to the Laws for Associations	Art.34	Attributions to the Laws for Associations		-
Art.92	Provisions of this Law applicable to professional institutions and chambers	Art.35	Provisions of the Law applicable to professional institutions and chambers		-
Art.93	Application of Turkish Civil Code	Art.36	Applicable Clauses		-
Art.94	Regulation	Art.37	Regulation		

* The Articles of the former Associations Law **indicated with an (*)**, because they are defined as criminal in the other laws, are not repudiated by the new Associations Law.

Source: Turkey Third Sector Foundation (TESEV), Translated by: Derya Baykal