

**Cluster Analysis for Improving Co-operation between the NGOs and the
Public Sector in Turkey**

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CHAPTER I: INTRODUCTION

I.1. Terms of Reference

The Secretariat General for European Affairs of the Prime Minister's Office in Turkey (EUSG) has contracted Technical Assistance through British Council, designed to improve cooperation between Non-Governmental Organisations (NGOs) and the Public Sector. The main aim is developing formal channels and procedures to improve and increase NGO participation in planning and policy development. The project is funded by the EU and part of a wider Programme of work for strengthening Civil Society in Turkey.

The project covers four main components:

- Clustering and Feasibility Study for NGO/Government partnership;
- Establishment of an Action Plan and Capacity Building measures;
- Increasing Public Awareness and Networking; and
- Implementation of a Micro-Grants Scheme.

One of the significant expected outputs of the project is the draft Code of Conduct for NGO-Public Sector engagement. The Project ends in mid December 2006.¹

Within the Clustering and Feasibility component, this Cluster Analysis seeks to identify areas of greatest potential for the development of partnerships of the NGO and public sector in the medium term. The bulk of this work is comprised of research that focuses on key parts of the NGO and Public Sector where cooperation is either currently ongoing or an immediate prospect of such cooperation could be developing. Similarly, the institutions that the Project will work with are very much defined by this intention, rather than attempting to work broadly with all of Civil Society and all the branches of Government. The research was conducted by Turkish experts from the YaDa Foundation during December 2005 and January 2006, seconded with guidance, analysis and reporting by Kristian Sørensen, Dialogue Development.²

This analysis is accompanied by a separate study of the legal framework and of the impediments within it that affect the feasibility of Government/NGO partnership and a Training Needs Assessment Analysis that will feed into the overall feasibility study.

I.2. Context

One of the key priorities for Turkey and one of the drivers for modernisation in both an economic, political, social, and cultural sense is joining the European Union. Turkey is going through a dynamic transformation and important transition phase in its history, while entering the process of to becoming a member state of the European Union. At the Helsinki European council in 1999, Turkey was officially recognised as a candidate state destined to join the Union. More recently, in Brussels on 17 December 2004, the European Council³ welcomed the decisive progress made by

¹ Terms of Reference Europeaid No.

² YaDa Foundation already conducted a Study on Turkish Civil Society and Dialogue Development made similar studies in other candidate countries. For YaDa's study see, "Civil Society Organizations: Needs and Constraints", SCDC (Civil Society Development Center) Mapping Study, October 2005, available at stgm.org.tr

³ European Council Resolution No.

Turkey to fulfil the Copenhagen political criteria, including standards of human rights, democracy and the rule of law.

One result of this process has been the creation of new government structures, which is bringing radical changes to the traditional relations between state and civil society through increased institutional capacity to develop dialogue and trust between the sectors⁴. The creation of the DoA as well as the modernisation of the General Directorate of Foundations (GDF) of the Prime Minister's Office⁵ are indicators demonstrating that Turkey is a part of the European system of democratic values, that it understands the value of voluntary and nongovernmental organisations to civic and social life.

Civil society organisations (CSOs)⁶ in Turkey have strongly voiced the need for better civic dialogue and more productive partnerships with government. But history has left a legacy of mistrust and uneasiness, which the Government of Turkey will have to work hard to remove. The Government wants to create a strategy for working with CSOs and a regulatory system, which is not constraining, but which facilitates the work of NGOs and ensures transparency. The commitment at central government level is evident within the National Programme for the Adoption of the Aquis Communitaires. Extending the commitment to Local Government is an important strategic goal.

The present positive rhetoric and good intentions that exist on the part of both central and local level provide an opportunity to build confidence and trust, and to create opportunities for joint working and productive partnerships.

I.3. Analytical and Structural Approach to Civil Society

The challenges facing the Turkish Government in its reform process are illustrated in the policy areas enumerated in the Turkish National Programme for the Adoption of the Aquis Communitaire (NPAA)⁷, and Turkey's Millennium Development Goals⁸. The report to the MDG 2005 Summit contains 8 goals to eradicate poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability, and develop global partnership for development.

Such a *programmatic approach to setting up a Government Strategy* in relation to civil society development - as is presently done in several of the European Union national civil society programmes⁹ - implies an assessment of the tasks to be met based a prioritisation of the policy areas

⁴ Europeaid /120154/D/SV/TR

⁵ GDF Interview on January 29, 2006.

⁶ Thereafter the term Civil Society Organization-Sivil Toplum Kuruluşu (CSO-STK) will be used rather than NGO, which is the common name given to NGOs in Turkey.

⁷ Adopted by the Council of Ministers on 23 June 2003. (No. 2003/5930)

⁸ Millennium Development Goals as defined by September 2005

⁹ Such as Poland, Romania, and Serbia and Montenegro

defined in accordance with national development plans and a subsequent adjustment of the regulatory frameworks where necessary. For a more detailed model, see [Annex I](#).

Such a strategic assessment of possible areas of policy intervention should lead to research clustering relevant ministries or group of ministries and relevant sector or issue networks of CSOs in each area of intervention. The Government of Turkey through the EUSG and in particular the Department of Association and the General Directorate of Foundations should develop the capacity for developing such a strategy in the course of the entry process of Turkey towards EU membership.

However, within the time limits and budget set up for the present analysis, it was decided to apply an alternative and more pragmatic approach, building on existing structures and practises already in place, and developing models for how to further cluster relevant ministries or group of ministries and relevant sector or issue networks of CSOs in different areas of policy intervention already defined in the present government policy.

The *structural approach* seeks to assure the legal and administrative coherency and streamlining of practises between Government and the civil society organisations.

This approach encompasses

- *Issues of legitimacy* in relation to the organisational and structural aspects of clustering
- *Issues of delivery* in relation to the capacity aspects of clustering, including programming, advocacy, and awareness building
- *Issues of partnership principles* in relation to governance aspects of clustering

This in no way lessens the need to apply the programmatic approach. But by using a structural approach in this analysis, it is hoped that the suggestions for reforming the actual practice of developing formal channels and procedures to improve and increase CSO participation in planning and policy development, will form an integral basis of the future overall Government Strategy.

I.4. Definition and Methodology

“A cluster is a thematically or geographically proximate group of interconnected civil society organisations and associated public institutions in a particular field or sector, linked by commonalities and complementarities.”¹⁰

Clusters vary in size, depth, and level of aggregation *across sectors and geographical localisation*. A broad cluster concept captures *important linkages and spillovers of know-how between sectors*, which are fundamental to openness, productivity and innovation. A cluster formation can have *different of degrees of formality* i.e. ranging from formal umbrella structures based on agreed protocols or agreement between the involved governmental and civil society, to more loose platforms for exchange of information and co-ordination or to just having established interactive web sites web-sites.

¹⁰ Porter1998 (adjusted).

The definition of *clear criteria* for a cluster analysis and for developing models for how the interaction of the civic dialogue function, has been identified as the crucial missing link in the present conduct of government policy.

The overall *difficulties in accessing data* and in particular quantitative data made it necessary to utilise qualitative research techniques. Challenges of collecting quantitative data within this study were thus met mainly through in-depth case studies and verification through questionnaires e.g. to the Local Authorities.

For a detailed description of definitions and research methodologies used, see [Annex II](#).

CHAPTER II: MAPPING OF EXISTING CSO NETWORKS AND PRESENT GOVERNMENT PRACTISES

II.1. Present Inter-relations of Turkish CSOs

The analysis used in this chapter is mainly based on the YaDa Foundation October 2005 report¹¹ from data collected through in depth interviews and focus groups with the directors, representatives, members and volunteers of civil society organizations, and the TUSEV Foundation 2005 Civicus Civil Society Index Project on Turkey¹². Additional analytical data were collected through interviews particularly relating to NGO platform structures and Government structures. For a summary of the characteristics of the Civil Society Organisations in Turkey consisting of approximately 80.000 registered associations, some 3000 new non-state foundations (registered after 1920), and several hundred unions and chambers (including vocational and professional associations), each regulated under separate legal frameworks, see [Annex III](#). The annex also contains a definition of CSO typologies explaining the motivation for creating and sustaining organisations.

No defined body among Turkish CSOs is dealing with the civil society sector. CSOs report a significant lack of resource centres and organizations which aim to strengthen CSOs. Those centres existing, such as the EU supported centre for Civil Society Capacity Building (CSDF)¹³, often provide training, legal support and other key activities to help build the management effectiveness of CSOs.

This situation generally reflects *limited communication and cooperation with other CSOs* both within Turkey and with other international counterparts and networks. In terms of *level of connectedness*, 90% of CSOs report limited connections with international CSOs, and limited connections with other Turkish CSOs¹⁴. This suggests a very weak overall communication, dialogue and partnership is among CSOs in Turkey, as well as between Turkish CSOs and international CSOs. Rather the existing relationships are based on personal relations between the leaderships of CSOs¹⁵. CSOs seem to be unaware of the importance of the network relations with other CSOs. In

¹¹ Civil Society Organizations: Needs and Constraints, October, 2005, Yaşama Dair Vakif

¹² Civicus Civil Society Index Project on Turkey, December 2005

¹³ Interview CSDF, December 2005

¹⁴ “CSI in Turkey: Key Findings Report”, October 2005, Draft Version, TUSEV, p.8.

¹⁵ “Civil Society Organizations: Needs and Constraints”, 33.

most of the interviews in the YaDa study the participants confessed that they do not exactly know other CSOs which are working in the same field. Consequently, it is argued that most of the CSOs are working within their own restricted world for themselves without following the activities, problems, developments and organizations that take place within the civil sphere.

However, an *increase in the number of networks of CSOs is observed*, for example, among disabled persons' groups, women's groups, environmental groups, and most recently, human rights groups, but there are very few registered 'umbrella' organizations¹⁶, which are established organizations under which other CSOs become members. Only trade unions and chambers (including professional associations) are fully organized under umbrella organizations, which are quite active.

The *trade unions and chambers* are mutual interest and benefit based organizations¹⁷ characterised by their independent legitimacy through the members they represent and thus maintain a critical distance from the apparatus of state based on a secular and pro-European approach, while maintaining a functional relationship with key ministries. The strength of the big trade unions and economic and employers' federations lies in particular in their extensive local representation.

National	Trade Unions federations¹⁸	Description
	<ul style="list-style-type: none"> ○ TURK-IS <ul style="list-style-type: none"> ● DISK ● The Confederation of Turkish Real Trade Unions (HAK-İŞ) ● Kamu-Sen ● KESK ● Memur-Sen 	<ul style="list-style-type: none"> ● The biggest trade union confederation of Turkey with around 700.000 members ● The second big trade union confederation of Turkey with 125.000 members ● The third big trade union confederation HAK-İŞ has 125.000 members. ● The biggest confederation of public employees unions with 316.000members ● The second big confederation of unions of public employees with 264.000 ● The third big union of public employees has 160.000 members
National	Economic federations	

¹⁶ "Civil Society Organizations: Needs and Constraints", 13.

¹⁷ For typology description, see Annex III

¹⁸ Çalışma Hayatını Yansıta(maya)n İstatistikler - Ergün İşeri; www.sendika.org/yazi.php?yazi_no=4751

	<ul style="list-style-type: none"> • The Union of Chambers and Commodity Exchanges of Turkey (TOBB) • Turkish Industrialists' And Businessmen's Association (TÜSIAD) • MUSIAD 	<ul style="list-style-type: none"> • TOBB is the highest legal entity in Turkey representing the private sector with 364 members in the form of local chambers of commerce, industry, commerce and industry, maritime commerce and commodity exchanges. • TUSIAD is a non-governmental voluntary association composed of 458 individual members who are the owners or managers of companies or group of companies (they occupy the 41% of total sales in Turkey). • MUSIAD is a NGO composed of owners and managers of companies or group of companies that has grown to 26 branches and 2000 members since 1990.
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The CSOs advocating for policies regarding freedom of thought and expression are common interest and advocacy oriented organisations¹⁹ perceived to be the most active and successful according to the Civicus study. The two cases analyzed by Civicus were the campaign run by the ‘Initiative against prevention of freedom of thought’ between the years of 1995-2000 and analysis of the Freedom of Thought and Belief working group within the Human Rights Council in the Prime Ministry which was officially established in 2001, with government and non-governmental members.

The campaign against prevention of freedom of thought was said to have significant impact on the policy makers and judicial system, and raising awareness of the public. However, due to the significant pace and scope of reforms in this area since the late 1990’s it was difficult to distinguish between the impact civic initiatives compared to the political pressure on the government to address required reforms (as per Copenhagen Criteria).

The working group in the Human Rights Council was concluded to be weak in terms of impact and awareness raising for two reasons: The working group members were not equally active in preparing the report, and the report prepared by the working group on Minority Rights and Cultural Rights created much more tension and debate and thus most of the attention was drawn to this issue. The five leading Human rights organisations have now created their own association²⁰. For a deeper analysis, see the case study used below on the Human Rights Advisory Board²¹.

Another structured umbrella is found in the *Turkish Confederation for Disabled* composed of 6 federations working closely to lobby not least the legislative process but also to obtain concrete agreements with national authorities.

¹⁹ For typology description, see Annex III

²⁰ Human Rights Platform in Turkey. Jakob Kirkemann, Programme Manager DIHR

²¹ In choosing representative case studies for the cluster analysis the HRAB is used

The third type of umbrella is found in the *Alevi Bektashi Federation* composed of 3 nationwide Alevi organizations, which have more than 100 local branches working for the preservation of the Alevi identity and culture. The typology of the two latter networks is based on Self-Organization.²²

Alternatives to the umbrella type organizations are *flexible models of collaboration* for sharing the information and providing a fertile ground for the development of civil dialogue. Such *platform* examples exist among CSOs environmental platforms, women's groups' platform, the 'Democracy Platform', youth platforms, and various union federations/confederations representing common or mutual interest.

The Platform against Nuclear Power, PAN, represents an example of a cross-cutting initiative combating nuclear energy policies on national level. Otherwise the *environment organisations* have created strong regional platforms, such as Aegean Regional Platform and Common Secretariat of Eastern Mediterranean Environment Associations. But there are no nationally structured platforms among environmental organisations.

Turkey has had two nation wide *women organisations'* platforms who functioned for a particular issue; the first one is the platform for 8 March which is an organization committee more than a platform and the second one was initiated during the transformation period of the Turkish legal system in order to lobby for the new laws which meet the demands of women; but it is no longer functional. The continuous platforms of women organisations in Turkey are in regional and local levels. However, women organizations come together at several occasions in nationwide contexts to deal with specific issues, and are through a number of powerful national organisations as such perceived as one of the strongest civil society formations in Turkey

CSOs fulfilling some *social charity*²³ functions such as education campaigns, rescuing activities, health scans, child care or fertility studies, etc., are being espoused and supported by the authorities, media and the people²⁴, but mostly on a less structured and more individual organisation basis. CSOs were perceived to be most active in the area of informing/educating citizens and building community capacity.

Some the local networks which would serve to the establishment of *temporary or limited units* to accomplish a specific goal, such has My Ankara Platform in Ankara, the Resistance of the Bergama's peasants, or the Anti-nuclear platform in Akkuyu²⁵. Many representatives of CSOs remember the alliances for the great Anti- Iraq War Meeting which was realized in Ankara in 28 March 2003 in order to influence the Parliament as the most ostentatious one. However, these experiences do not constitute strong and permanent civil initiatives within the Turkish society

²² For typology description, see Annex III

²³ For typology description, see Annex III

²⁴ "Civil Society Organizations: Needs and Constraints", 21-22.

²⁵ *ibid.* 31.

As can be seen from the table summarising common platforms in the Turkish Civil Society, the motivation for creating platforms vary according to impact level and the specific nature of the purpose.

Impact level	NGO Common platform and federation examples	Motivation
National	<ul style="list-style-type: none"> • Human Rights Common Platform(HRCP) • Turkish Confederation for Disabled • Alevi Bektashi Federation • Platform Against Nuclear Power • 8 March Women Platform 	<ul style="list-style-type: none"> • Composed of 5 biggest HR organizations to counter state domination. • TCD is composed of 6 federations to create focal point in Government for issues of the disabled. • It is composed of 3 nationwide Alevi organizations which have more than 100 local branches for preservation of cultural identity. • PAN combat nuclear energy policies on national level since the various governments becomes keen on realizing the aim of nuclear energy in various parts of Turkey • National Organization committee for joint initiatives
Regional	<ul style="list-style-type: none"> • Aegean Regional Platform • Common Secretary of Eastern Mediterranean Environment Associations 	<ul style="list-style-type: none"> • Regional platforms or initiatives are generally the environmental ones and deal with particular environmental problems
Local	<ul style="list-style-type: none"> • Local Democracy platforms • Izmir and Antalya platforms • Mugla Women Platform 	<ul style="list-style-type: none"> • Local Democracy Platforms are formed by advocacy oriented organizations and with participation of self organizations such as local in many cities. • Some local platforms are formed by “civil” face of state such as wives of president’s, governors etc. as in the case of Izmir and Antalya, • Thematic platforms such as local women platforms aim to increase their negotiation power with local authorities

CSOs are seen to be very active in *building community capacity*. Among the examples provided to support this were: regional and local civil society development training, Local Agenda 21 programmes²⁶, ‘township associations’, literacy courses, special efforts for the 1999 earthquake region, and training courses for professional associations. The campaigns of “Dad, let me go to school!” and “Kardelen” are also well known examples.

²⁶ See Box in next Chapter

As a relatively recent tendency at the regional and local level CSOs have been organised in *local civic platforms* under the presidency of the wife of the governor, such as the Izmir and Antalya platforms²⁷.

In conclusion the civil sphere of Turkey seems to be dispersed and disorganized except for some exceptional platforms on social dialogue, human rights, disabled persons' rights, ethnic culture, environment and women rights, and some mostly charitable conjunctural events.

II. 2. Present State Practises

The *consistency of the legal framework* as to Government/Civil society relations and the ongoing reform process has generally improved with the recent amendments and suggestions to amendments of the pertinent laws. Based on the provisions of the Civil Code, the Law on associations and ensuing regulations were modernised and a similar modernisation of the Law on Foundations and ensuing regulations is presently underway. The details of these amendments are described in the parallel legal study to this cluster analysis.²⁸ With the modernisation these laws a certain of *convergence* has taken place, leaving the de facto difference between an association and a foundation lesser. Thus the difference in legal protection seems to be insignificant except for membership criteria. Both forms of organisation can form internal commercial activity.

In terms of *representativity*, however, there still exists a perceived difference among government officials lending a higher degree of inclusiveness to a chamber or a foundation not least due to the social and historical status. The founding process of foundations is seen as making this organisation form less prone to political influence. For details on Description of Government Sector in Turkey, see [Annex IV](#).

In relation to the legal framework of *decentralisation process* the Laws on municipalities and urban municipalities as well as Special Administrative Units now contain provisions for collaboration between municipalities and Non Governmental organisations.

However, overall it is a fair estimate that the government organisation is basically still functioning through the *central control* of the central ministries and the Office of the Prime Minister. The government representation through the Governors at the regional level and the local government structures (at district and sub-district level) is still by far the dominating element at the local level in terms of health, education, labour, social care, and economic development. This often leads to the paradox that similar initiatives involving civil society organisations are separately organised by the local government offices and by the municipality, running in parallel without any contact to each

²⁷ Interviews with Antalya-Kepez and Muratpaşa municipalities, December 2005.

²⁸ Interviews with the Department of Associations and General Directorate of Foundations (December 2005).

other but rather in competition. This state of affairs could be considered as *transitory distortions* until the decentralisation process is fully underway.

The organisation of state policy towards civil society organisations is basically anchored in the Department of Associations (DoA) and the Directorate General for Foundations (DGF) in terms of registering and monitoring of the associations and foundations. The Trade union law is now controlled by the Ministry of Labour and Social Security, while individual unions are linked with different line ministries according to their field of competence. Also the Chambers (Professional associations and chambers of commerce) are in a similar way linked to the relevant ministries in question. But it is at the regional level that the Unions and chambers register with the office of the Governor.

These separations stem mainly from history. The Ministry of the Interior police traditionally has been monitoring the associations and the Prime Minister's office GDF is having the overhang of administering and asset managing about 40.000 old foundations without descendants next to the modern foundations. Each of the two structures operates with local units, DoA with 81 local provincial directorates and DGF with a similar number of local units.

The main issue as to this *parallel organisation* is the want of a single governmental *strategic focal point* regarding civil society development in Turkey. The absence of a programmatically based strategic approach to a high extent leaves the extent and practise of Civil society inclusion up to the individual responsible directorates and ministries without an even set of rules as to social accountability to be encountered by partner civil society organisations.

The response to such *new crosscutting issues* facing government has in the most recent years been the formation of a series of horizontal General Directorates directly under the Prime Minister. Next to the EUSG are now found DGs such as, the DG for Social Assistance and Solidarity, the General Directorate of Social Services and Child Protection Agency, the State Ministry for Family and Women's Status and the State Planning organisation. Each of these General Directorates already has programmes directly related to Civil Society Organisations within their field of specialisation. They also have an elaborate local structure, the General Directorate of Social Assistance and Solidarity having 831 local Foundations²⁹, and the General Directorate of Social Services and Child Protection Agency having 63 Society Centres³⁰. It is interesting to notice how an increasing number of social protection tasks have been placed in these horizontal structures, including a national department for disabled persons.

These General Directorates function side by side with the *traditional vertically structured* line ministries as executive bodies (social, health, education, environment), each with their local structures covering the whole country on a regional and district level. Within each line ministry there are windows of partnership collaboration or financing with Civil Society.

However, the cooperation between the Government and the civil society seems not based on a long-term strategy, neither when it comes to horizontal directorates nor vertical line ministries. There are

²⁹ Interviews January 2006 with Foundations for Social Risk and Poverty Mitigation

³⁰ Interviews January 2006 with Society Centres for Social Services and Child Protection

some *individual cooperation on an ad hoc basis* between civil society organisations and certain Ministries.

The national civil society cooperation initiatives found of are illustrated by the following box:

<p>The Ministry of Education:</p> <ul style="list-style-type: none">• Support to Campaigns by CSOs; “Support to Education” by NTV (national TV channel) and• “Yasasin Okulumuz” by TOCEV (an education foundation)• Education campaigns on education of young girls (directed by Ministry) <p>The Ministry of Agriculture:</p> <ul style="list-style-type: none">• Cooperation Meetings and Workshops with relative Associations and Foundations besides unions and chambers. (These meetings are organized by the ministry within the agenda of preparation to screening and harmonization meetings with EU.) <p>The Ministry of Environment and Forestry</p> <ul style="list-style-type: none">• Cooperation Meetings and Workshops with relative Associations and Foundations besides unions and chambers. (These meetings are organized by the ministry within the agenda of preparation to screening and harmonization meetings with EU.) <p>Ministry of Labour and Social Security</p> <ul style="list-style-type: none">• Employment creation and prevention of unregistered employment <p>Ministry of Health</p> <ul style="list-style-type: none">• Nine CSO related programmes for combating AIDS• Health scans and fertility studies <p>The State Ministry for Family and Woman Status</p> <ul style="list-style-type: none">• Supporting the Campaigns Against Violence initiated by civil women organizations <p>State Planning Organization</p> <ul style="list-style-type: none">• Economic and Social Council for tri-partism and social dialogue <p>General Directorate of Social Assistance and Solidarity</p> <ul style="list-style-type: none">• Local CSOs participate in the Board of Trustee of Foundations founded and directed by the GDSAS. (will be discussed in case studies) <p>General Directorate of Social Service and Child Protection Agency</p> <ul style="list-style-type: none">• Society Centres constituted together with a CSO (will be discussed in case studies)• Department for Disabled established but no direct support schemes to NGOs <p>Directorate for Human Rights under the Prime Ministers Office</p> <ul style="list-style-type: none">• Human Rights Advisory Council (will be discussed in case studies)
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Two ministries in particular hold *horizontal cross-cutting functions*. The Ministry of Finance have horizontal Departments that cut across the ministerial structures and the Ministry of the Interior works on a horizontal basis through the Local Government Department responsible for tying up relations with different line ministries and the municipalities in the decentralisation process now embarked upon. The department has already been instrumental in promoting the Agenda 21

activities involving civil society in 38 municipalities and is ready to further detail regulations on municipal/civil society partnerships when needed³¹.

³¹ Interview with the Department of Local Authorities (December 2005).

LOCAL AGENDA 21

Agenda 21 is a comprehensive global action plan for socially, economically and environmentally sustainable development in the 21st century and endorsed by the United Nations Conference on Environment and Development (known as the “Earth Summit”) held in Rio de Janeiro in 1992.

Local Agenda 21 pertains to the development and implementation of local sustainable development action plans with a long-term perspective, based upon a consultative process and effective partnership of local stakeholders.

A project entitled the “Promotion and Development of Local Agenda 21s in Turkey” was developed with the initiative of IULA-EMME – International Union of Local Authorities, Section for the Eastern Mediterranean and Middle East region, to support the local authorities in Turkey commencing their respective Local Agenda 21 processes, particularly following the Habitat II Conference.

Project Management and Coordination

Program Steering Committee (PSC) continues to function since the commencement of the LA-21 Program in Turkey. The PSC meets at least once annually, with more frequent meetings being held as deemed necessary.

Project Partners are:

Marmara Region

ADAPAZARI Metropolitan Municipality, BURSA Metropolitan Municipality, IZMIT Metropolitan Municipality, CANAKKALE Municipality, YALOVA Municipality, BABAESKI (Kirklareli) Municipality, DEGIRMENDERE (Kocaeli) Municipality, IZNIK (Bursa) Municipality, ORHANGAZI (Bursa) Municipality, SILIVRI (Istanbul) Municipality, ISTANBUL Metropolitan Municipality, EDIRNE Special Provincial Administration, GEBZE (Kocaeli) Municipality

Aegean Region

IZMIR Metropolitan Municipality, AFYON Municipality, KUTAHYA Municipality, MUGLA Municipality, ALIAGA (Izmir) Municipality, CESME (Izmir) Municipality, FOCA (Izmir) Municipality, ODEMIS (Izmir) Municipality, AYDIN Municipality, DENIZLI Municipality
KUSADASI (Aydin) Municipality

Mediterranean Region

ADANA Metropolitan Municipality, ANTALYA Metropolitan Municipality, MERSIN Metropolitan Municipality, BURDUR Municipality, YALVAC (Isparta) Municipality
ANTAKYA Municipality, TARSUS (Icel) Municipality

Central Anatolia Region

NEVSEHIR Special Provincial Administration, URGUP (Nevsehir) Municipality
YENIMAHALLE (Ankara Metropolitan District) Municipality

Black Sea Region

SAMSUN Metropolitan Municipality, KASTAMONU Special Provincial Administration
BOLU Municipality, CORUM Municipality, ZONGULDAK Municipality

East Anatolia Region

AGRI Municipality, MALATYA Municipality, VAN Municipality, DOGUBEYAZIT (Agri) Municipality,
KARS Municipality

South East Anatolia Region

DIYARBAKIR Metropolitan Municipality, MARDIN Municipality, HARRAN (Sanliurfa) Municipality,
YAYLAK (Sanliurfa) Municipality

In terms of relations to civil society a pivotal point of collaboration in the state structure is the *state governors at the regional level*. Not only do the Governors play a role in policy execution e.g.

registering trade unions, chairing the Foundations for Social Risk and Poverty Mitigation, but in several instances the Governor institution is the instrumental force in convening regional civil society platforms as indicated above³². This pattern of behaviour is in many ways replicated at the *municipal level* - in particular in the bigger urban municipalities - although generally disconnected with the state structures³³.

In comparison to most European experience the traditional role of strong national CSOs also forming the backbone of local outreach is less evident in Turkey. The models based on *local civil society centrality* therefore have much merit in the Turkish situation. This was actually mainly how the state approached civil society participation in the social field. The relative weakness of the national CSO structures has led to an alibi dilemma of civil society independence, where some national social organisations and key foundations are involved to *justify government policy*. On the other hand there are organisations like the human rights organisations that pull the other way maintaining a critical attitude to their role in working with governmental policies. The risk from both sides is of course that if the civil dialogue is not maintained and clusters are not able to function that *parallel state organisations develop* as has already been the case or that or law reforms are solidifying the state structures.

³² “Civil Society Organizations: Needs and Constraints”, 30.

³³ This is verified by the case studies on municipalities below.

III. GAPS ANALYSIS: CHARACTERISTICS OF THE INTERRELATIONSHIP BETWEEN STATE AND CIVIL SOCIETY IN TURKEY.

III.1. Cluster Criteria Matrix

The mapping of existing CSO networks and present government practises in Turkey clearly indicates that for clusters to be functional in a Turkish context, a number of preconditions needs to be established to overcome present gaps in the civil society sector working and in the public sector collaboration schemes.

In relation to the organisational and structural aspects of clustering several *issues of legitimacy* have to be take into account

- Formal legal criteria (Registered associations and foundations under present Turkish laws and regulations and defined public sector structures)
- Representativity of the cluster (Civic Participation in CSO activities and degree of Turkish government inclusion)
- Social Accountability (Typology of CSOs able to be sustainable and prevalence of accessible Turkish government plan and budgets)

In relation to the capacity aspects of clustering several *issues of delivery* have to be taken in to account

- Proven Capacity to carry out programmes (Professionalism and Quality Assurance)
- Proven capacity to do advocacy and awareness building
- Public policy impact and Communication

In relation to governance aspects of clustering several *issues of partnership principles* have to be taken in to account

- Independence and autonomy (CSO rights and obligations and Turkish government respect and non-interference)
- Interconnectedness and consistency (Viability of CSO networks and Turkish government strategy and coordination)
- Transparency and impartiality (CSO openness based on code of conduct and Turkish government openness not least in funding and application of good governance principles)

By identifying key issues in relation to CSO, State and their interrelationship, these criteria contain a number of in-built contradictions that reflect the present situation of collaboration between state and civil society. But they also provide a realistic set of principles from which a cluster modelling will have to take its starting point, so realistic steps can be recommended to assure the legal and administrative coherency and streamlining of practises between Government and the civil society organisations.

An overview of the gaps analysis based on the Cluster Criteria Matrix is given in the adjacent table and followed by a detailed analysis of the interrelationship between CSOs and the public sector including the presentation of four representative case studies using the same gaps analysis used to verify the findings.

Gaps Analysis based on Cluster Criteria Matrix

CRITERIA	CSO ISSUES	PUBLIC SECTOR ISSUES	
1. ORGANIZATION			
<i>1.1. Formal legal criteria (Registration)</i>	Easier access to registration of CSOs Bureaucratic aspects still to be overcome The PBSO selection few and not a criteria for partnership relation	Improved legal framework applied Convergence of Associations and modern foundations Open registration process Degree of centralized control still executed Legal inconsistencies in the municipal law	R d B J
<i>1.2. Representativity</i>	Civic Participation in CSO activities low and concentrated in urban areas Legitimacy of representation not defined by CSOs in terms of advocacy and delivery Civil organisation based on local civil society centricity	Government Inclusion practice based on perceptions Understanding flexibility and dynamics according Transitory distortion of functions at the local level Disconnect between state and municipal structures	A le P cl N b D in
<i>1.3. Social Accountability</i>	According to typology of CSO varying degrees of sustainability and number of volunteers No compatibility of strategic approaches as they are missing at both sides Lack of uniform funding practices from the state and clear guidelines for accountability EU grant schemes providing the paradigm for CSOs	Absence of government Strategy and Plan Differentiated approach to CSOs Parallel state organizations without strategic focal point Individual DGs and line ministries provide funding to CSOs based on own rule sets	A pr In d L a
2. CAPACITY			
<i>2.1. Proven Capacity to Carry Programmes</i>	Professionalism and Quality: technical and financial resources not adequate Absence of civil society capacity building resource centres dealing with skills improvement and training. No defined selection criteria available for CSOs No structured links to European CSO or Networks	Proliferation of horizontal structure to deal with cross cutting issues Traditionalism in sector based vertical line-ministerial context Governors' role in CSO coordination of programmes at the regional level Municipal development of civil society organization Several practices developed in the public structures Learning from EU governance	In ac M to T L p F

<p>2.2. <i>Proven Capacity to Advocacy and Awareness Raising</i></p>	<p>Inability to make longer term strategic planning CSO Public opinion making Degree of success in policies on freedom of expression Degree of failure in policies of labour and social policy Incompatibility of HR organisations with state HR commission</p>	<p>Lack of structure of state bodies involving civil society in the research or planning phase No definition of inclusion of the CSOs into the decision making processes Capacity development of public authority staff</p>	<p>L st N d</p>
<p>2.3. <i>Public Policy Impact and Mobilization</i></p>	<p>Absence of policy impact by CSOs in key areas e.g. consumers rights, national budgeting etc. Inability to reach target groups Low media coverage of CSOs except Unions and chambers</p>	<p>Ad hoc approach to public information on Civil society relations Implementation of Right to Information law</p>	<p>N b</p>
<p>3. GOVERNANCE</p>			
<p>3.1. <i>Independence and Autonomy</i></p>	<p>CSO rights and obligations are not defined because of lack of independent co-ordination and training centres in the sector</p> <p>Very little systematic research by the civil sector itself</p> <p>Direct interference in organisation of protests and demonstrations</p>	<p>Respect and non-interference is threatened by increased discretionary powers of government authorities</p> <p>The creation of government study, focal point or charity commission could help create better codes of conduct In the executive of the Ministry of the Interior better control of actions towards CSO initiatives</p>	<p>L st b In fu ac In pr</p>
<p>3.2. <i>Interconnectedness and Consistency</i></p>	<p>Level of connectedness low Viability of CSO existing networks Few formalised umbrellas Flexible collaboration platforms and coalitions Hierarchical CSO structures</p> <p>No clear knowledge of the public sector procedures</p>	<p>Defining state policy needs and how to link with and set up with a grouping of relevant CSOs Lack of inter-ministerial coordination should not be substituted for a focal point at prime Minister's level or with the Governor. The streamlining of procedures should take new momentum with decentralisation</p>	<p>N w In fo N pr</p>

<p>3.3. <i>Transparency and Impartiality</i></p>	<p>CSO openness and code of conduct/ governance principles not implemented Low insight in national and local public budgets. Pervasive mistrust of Government impartiality</p>	<p>Government openness not least in funding based good governance principles should be discussed with civil society involvement. With changed budgetary procedures it is difficult to get an overview of budgetary allocations to civil society</p>	<p>L g L c L p F o</p>
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III. 2. Gaps Analysis: CSO Relations with the state

III.2.1. CSO perceptions on state relations

The role of the State, its weight and place over the civil society has always been a permanent topic in the discussions on the state-society relations in Turkey. However, many CSOs are carefully optimistic about conditions regarding the legal environment for civil society. A majority of respondents to the Civicus survey claim that the *registration process* of CSOs is generally fair, inexpensive, fast, easy and according to the law. Focus groups discussions and other qualitative examples from the survey indicate that continued reforms are needed to lessen bureaucratic procedures³⁴.

CSOs are much less satisfied with the level of government *interference* with their activities. A majority report that government continues to meddle with CSO affairs and activities (36% report these are somewhat common, 33% report that they are quite frequent). Among the most common examples in the survey and focus groups were that CSOs are often prevented from organizing protests and/or boycotts, especially trade unions³⁵.

In addition, laws and regulations continue to express vague language, *increasing the discretionary powers of government authorities*. Although CSOs continue to highlight the positive political will to continue improvement in these conditions, they are wary about the current impact and effectiveness of implementation. Many CSOs complained that the state officials are not sensitive in treating/considering CSOs equally. It is frequently noted that especially the deals of the oppositional CSOs, which are not in parallel with the state ideology, are overlooked, postponed or prevented. It is frequently complained that a double standard is applied by the state organs³⁶.

Another related statement expressed is that state and governmental organs related with CSOs do not have a perception of *impartiality*. CSOs of power groups and CSOs which has close relationship with state and especially organizations closer to the current government are acted upon with a positive discrimination. Therefore most of the CSOs do not find the *state* reliable and accordingly communication can not be formed with the state. Despite this fact most of the CSO representatives declared that they prefer a healthier relationship with state. Indeed, they are expecting to be recognized as the legitimate agent in their own field of work without being intervened and interrupted by the state. This is a critical point since the level of trust to the state is perceived as very low among the CSOs in Turkey³⁷.

On the other hand, it should be noted that CSO representatives generally find the collaboration with *local government* easier than with the central organs of state. In some cities some governmental bodies have recognized the importance of the CSOs and are attempting to develop a relationship

³⁴ “CSI in Turkey: Key Findings Report”, p10.

³⁵ *ibid.* 10-14.

³⁶ “Civil Society Organizations: Needs and Constraints”, p.16.

³⁷ *ibid.* 23, 31.

with them. It should also be mentioned that organizations active in some fields such as environment have better relations with the regional and local public authorities.

III.2.2. Policy Impact of CSOs

The civil society organizations have generally failed to become a serious focus or a source of the discussions of the basic social and political problems of Turkey³⁸. Thus CSOs in Turkey have an overall *limited impact on affecting policies*, but are perceived to play a very important and successful role in affecting policies regarding *human rights*, especially with regards to freedom of thought and expression³⁹.

In terms of *labour and social policy* CSO activity and success were perceived to be very limited, mostly related to trade union activity regarding social policy reforms. However, in spite of representing some of the strongest organisational forms in Turkey, the partners in the *social dialogue*⁴⁰, case studies of the Economic and Social Council reform effort and initiatives which aimed to create employment and prevent unregistered employment support the perception of limited success⁴¹.

Also the efforts of the confederation for *disabled* did not yet result in the setting up of a council or any a common ground between state and handicapped organizations.

*Social charity*⁴² organisations functioning at a less structured and more individual organisation basis have been best known for providing initiatives to inform/empower citizens about their civic rights, consumer rights, schooling of girl children, consumers' issues such as genetic foods, women's rights and child protection, and the EU process.

The *Alevi Bektashi* Federation did not yet achieve any of their demands for public recognition and religious freedoms. The well-known absence of a *multi-ethnic* council in Turkey is part of this picture.

The more informal CSO environmental platforms, women's groups' platform, the 'Democracy Platform', youth platforms, and various union federations/confederations have provided a fertile ground for the development of civil dialogue. The examples given by the regional *environment* organisation platforms in halting potential environmental destruction and by the *women organisations*' capacity in lobbying for women rights regional and local levels point at a considerable future potential.

However, although CSOs are seen to be very active in *building community capacity*, the tolerance of the authorities is mainly just until the borders of the system. The case studies on the Society

³⁸ *ibid.* 39.

³⁹ "CSI in Turkey: Key Findings Report", p.8.

⁴⁰ See annex VII for definition.

⁴¹ "CSI in Turkey: Key Findings Report", October 2005, TUSEV, p.16

⁴² For typology description, see Annex III

Centres and the Foundations for Social Assistance and Child Care used in the cluster analysis below contain the same set of problems.

Issues of *national budgeting* are going to be increasingly important for CSOs in the near future. Although activity in the national budgeting process is limited, CSOs have been successful in impacting specific part of the national budget, for example, environmental and education related line items.

The areas of promoting environmental sustainability and democracy, holding the state and private sector accountable, building community capacity, and informing and educating citizens are thus areas to observe in the future strengthening civil society on public policy.

The general result of the YaDa research shows that the civil organizations fail to reach their target groups and the rest of the society. However, this does not seem to be just a technical problem but goes beyond it. For instance, even if they reach their members and volunteers, most CSOs could not transform and orient their target groups in the way they desired. Any concrete research, method, or measure for learning and testing regularly the needs and expectations of the target groups and the public opinion is hard to find. However, as an exceptional case the advocacy oriented organizations seem to make a considerable change or better a progress in the minds of their members and the public⁴³.

According to recent case studies⁴⁴ the deficiencies in impacting public policy can be ascribed to the following factors:

- CSOs are increasingly attempting to be active, but there are still very few organizations with this *awareness and objective*; daily, narrow and short term policies seem prior to long term purpose and result oriented strategic planning⁴⁵ engendering lack of citizen respect and trust of CSOs.
- CSOs suffer from lack of skills and *capacity* to launch and pursue successful campaigns, especially in terms of influencing and informing public opinion; the most frequent explanations are inadequacy of presentation and public relations activities, insufficient communicative channels and mechanisms, and underdeveloped required tools for communicating messages of their target groups.
- CSOs are ineffective in *organizing coalitions* for joint advocacy initiatives, which weakens their ability to be effective, due to hierarchical organizational structure of CSOs and lack of interactive mechanisms to get the information out.
- The State has rarely provided CSOs with *the space or the opportunity* to influence policy and as such, even successful attempts and campaigns have rarely had any impact to holding authorities accountable; this is also linked to the weak capability in using external tools such as local and nation wide media.

⁴³ *ibid.* 24.

⁴⁴ YaDa case studies for “Civil Society Organizations: Needs and Constraints” October 2005

⁴⁵ “Civil Society Organizations: Needs and Constraints”, 11.

III.3. Gaps Analysis: State Relations with the CSO

III.3.1 Organisation of state relations

A major shift in state *budgetary procedures* took place after 2003 in regard to civil society financing. Until then the Ministry of Finance was directly involved in the allocation of funds to non-state organisations. But according to the state planning the ministry of Finance no longer provides detailed guidelines for budget allocation and to non-governmental entities. Within the general budget provisions made, it is therefore left to the decision in the individual general directorates and line ministries not only how to develop capacity with civil society organisations but also the extent and the way funding can take place.

One curious exception to this procedure is the organisation of the Foundations for Social Risk and Poverty Mitigation under the DG for Social Assistance and Solidarity set up in agreement with the World Bank, where a predefined percentage of income tax revenue and traffic fines are directly allocated to the DG responsible.

Normally the Parliamentary budgetary commission does not deal with the direct beneficiary issues in the budgetary process, except in the case of requests for extra budgetary measures outside the framework of the ordinary state budget.

Under these conditions of change *several practises have developed* in terms of government relations and funding to civil society. Most of such relations have been based on concrete thematic campaigns and sector interventions *without deeper reflection on the criteria for civil society capacity or policy impact* but rather been seen more broadly as increasing the public policy delivery. In some instances where cross-sector interventions are demanded there seem to be no selection criteria established. An example is the Foundations for Social Risk and Mitigation of Poverty, which are very well organised in terms of internal procedures of execution and local initiatives, and ideally under the leadership of the governor upon instruction from the DG for Social Assistance and Solidarity are set up to include civil society organisations and other civil groups. Instead of selecting CSOs according to their proven capacity to deliver or carry out advocacy, thus increasing the public policy impact, the selection is done without consideration of commonly based objective criteria⁴⁶. This also seems to be the case when studying initiatives under some regional CSO Platforms created upon the initiative of the Governor.

The problem is of course to a certain extent also due to the dispersed and disorganised nature of civil society itself. Civil servant express difficulty in defining the supply side of civil society as defined capacities are lacking⁴⁷. In the case of the Foundations for Social Risk and Mitigation of Poverty the DG for Social Assistance and Solidarity has now set up an inter active web-site inviting the CSOs to participate actively in improving the procedures and delivery of assistance⁴⁸.

⁴⁶ Interview with the General Directorate of Social Assistance and Solidarity, January 2006.

⁴⁷ Interviews with the Social Risk Mitigation Project and the General Directorate of Social Assistance and Solidarity, January 2006.

⁴⁸ The DG has identified a selected number of 40 organisations and invited for interactive dialogue

With absence of stated criteria the state approach to civil society is characterised by *Ad Hoc rules and regulations*, if any. This invites for a risk of inconsistency and perception by civil organisations of manipulation. Such inconsistency even leads to serious *contradictory rule sets*. An example given is that while the Foundations for Risk and Mitigation of Poverty can choose to work with any relevant association and foundation in a given municipality, the new Municipal Law in article 75 states that in order for a municipality to work with a Non-governmental organisation it has to be a public interest organisation. With only 720 defined Public Benefit Status Organisations (PBSO) in Turkey this constitutes a severe limitation for the scope of the municipalities to create social partnerships with civil society organisations. That the government practise for selecting PBSOs makes such a provision even more obsolete can be seen in the analysis made in the next sub-chapter below.

The need for some set of guidelines in the public sector could be an argument for defining a focal point for *Inter-ministerial co-ordination*. In the short run one of the existing bodies involved in the EU accession programming could be contemplated but in the longer run as the government strategy is developed in programmatic sense based on national development priorities an inter-ministerial co-ordination mechanism and a broadly composed commission could be foreseen.

III.3.2. State Communication approach and division of labour with CSOs

An integral part of the need of defining guidelines for partnership relations with civil society is the development of a government understanding of how to communicate with civil society organisations and create a climate of mutual trust for awareness building about the issues of public policy. Until now the overall limited impact of CSOs' on affecting policies as analysed above in Chapter III.2.2. has been used as an argument for lack of pro-active public administration communication policies. But recognizing the potential advocacy role and community capacity of the civil society organisations in the reform process, the government would need to define its communication strategy beyond the borders of the public system.

The problem with the many of the initiatives referred to in this report is that they tend to be *state directed initiatives*. This way of approaching the civil sector is permeating most of the public sector even at the regional and local level. The local platforms in Izmir and Antalya are thus chaired by the Governors' wives and at the municipal level the Municipal leadership has set up their own CSOs that fundraises and are expected to be applying for EU funding⁴⁹. In this way the very public institutions are competing with civil society organisations for funding. There is a marked tendency particularly in the fields of social care, health and education as well as broader poverty mitigating initiatives for the public authorities to consider the CSOs mostly as charitable organisations, while overlooking the advocacy side and the potential for partnerships in delivery of professional services.

This leads to two behavioural habits as highlighted by the CSOs above:

- An often subjective choice is made of organisations to work without a perception of impartiality leading to *intransparent governance* by the public entity.

⁴⁹ Interviews with Antalya-Kepez and Muratpaşa municipalities, December 2005.

- Lack of confidence has been established in parts of the public civil service towards CSOs that are perceived to politicise or criticise present policies and their impact thus leading to contradictory controls and even interference *questioning the autonomy* of civil society organisation.

It is of course simpler for most central and local public entities to work with organisations that are strictly complimentary to the policy set for implementation or economic-based CSOs, e.g. chambers of commerce and business councils, where it is preferable and simpler to engage them in dialogue. But it is not necessarily here that the most challenging tasks facing the government policy lie. Many Turkish CSOs express the desire to work together with the State on law reforms and development of more transparent frameworks and code of conducts based on transparent criteria respecting their independence⁵⁰.

III.4. Gaps Analysis: Public Benefit Status Organizations (PBSOs) in Turkey

One way to overcome the issue of present lack of consistent governance criteria in the government could be to *define the most eligible CSOs organisations* by giving them a preferred status in the public interest as Public Benefit Status Organisations, including tax exemption provisions, as is the case in most European countries. For an overview of a typical European classification and a detailed analysis of PBSOs in Turkey, see [Annex VI](#).

The option for Public Benefit Status is provided for in the Laws on Citizens' Associations and Foundations where the criteria for establishing Public Benefit Status Organizations (PBSO) are related to specific areas of activities enumerated, but in rather general terms "in the subjects of health, social aid, education, scientific research and development, culture and environment protection and forestry"⁵¹.

The problem with this approach in the present Turkish context is that the PBSO concept has been rendered ineffective for the civil movement in Turkey by restricting the numbers of Organisations that has received such status totalling only 695 (including 221 foundations⁵²) and by rendering tax exemption for government interest and organisational motivated reasons. In the following analysis, are used on 474 PBSOs (Associations)⁵³ where criteria could be classified and clarified.

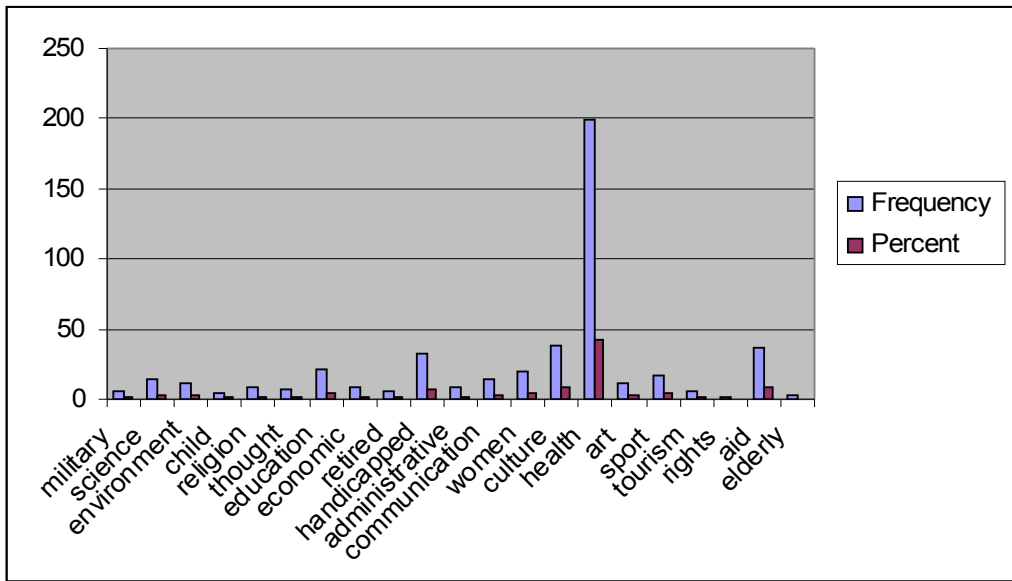
According to *areas of specialisation or sector* health organizations (42 %) are the most frequent followed by culture (8 %) and aid organizations (7.8 %). In other words, major civil society fields are virtually excluded from Public Benefit Status, which appears as one of the most problematic aspect of the term itself.

⁵⁰ Such suggestions are made both in the YaDa (2005) and Tusev (2005) reports.

⁵¹ Ministry of Finance General Communiqué of Corporation Tax, serial No.83 02092003

⁵² These are named Foundations recognized as tax exempted of which 60 are family foundations

⁵³ Indeed, legally, there are no Public Benefit Status Organizations, but Public Benefit Status Associations in Turkey.

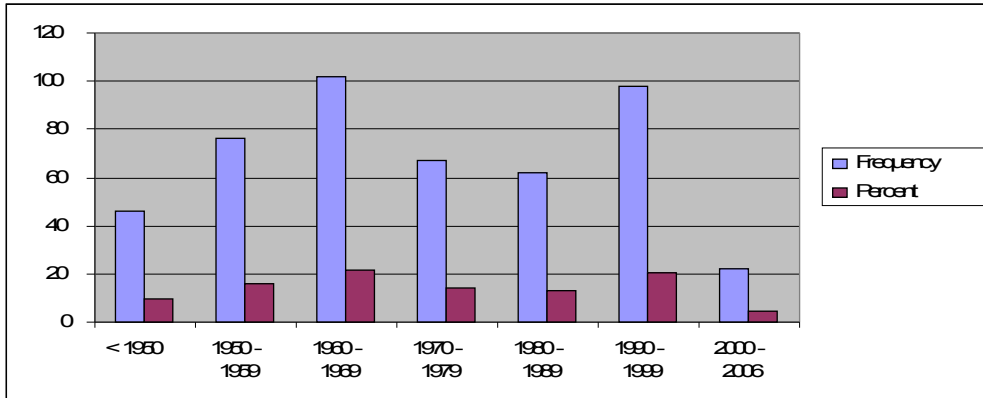


To understand the nature of organisations they have been classified according to their purpose revealing a direct correlation between closeness to state interest of the organisations and holding of the Public Benefit Organisation Status



Field-specialized organisations are founded by either specialists or professionals such as biologists, doctors, social scientists and environmental engineers often related directly to public services. This also applies to health warrior organisations e.g. combating cancer, tuberculosis and AIDS. Instrumentally used organisations are founded by public or private institutions in order to perform some of the functions of that institution through instrumentally using the civil society, e.g. education or health care services. At the other end of the scale there are only few environmental, policy oriented or advocacy based organisations included in the PBOS.

The table below illustrates that there is a considerable correspondence between the frequency of granting of public benefit status and political developments.



Thus there are two crucial periods in the 1960s and 1990s both pointing to a considerable increase in frequency. A brief sketch of the periods where considerable decrease in frequency is recorded, disclose that there is an inverse relation between social and political turmoil and approval of public benefit status. However, a detailed cross-tabulation analysis as given in Annex VI shows that approval of public benefit status increases unevenly and concentrates on particular typologies of CSOs (in 1960s instrumentally used organizations with percentage of 31,4; in 1990s field specialized organizations with percentage of 39,80). Another striking period is the post-2000 period, in which the biggest decrease in frequency is noted. This is probably because Turkey's EU accession process and a series liberalization reforms in legislation decreased the importance of public benefit status.

The conclusion from this analysis is therefore that it is *necessary to overstep the distinction* of Public Benefit Status Organisations, as much harm has already been done to this concept in terms of lack of sector or field coverage, government dependency, and degree of political influence. In view of the present literal halt to approving new PBSOs and the on going reform process and EU approximation, it would be better rather to *define a set of general criteria for clustering* of all relevant Civil Society Organisations, be they associations, foundations or chambers, independent of their present PBSO status.

IV. CASE STUDIES

IV.1. Choice of representative Case Studies

By employing case studies of present practices in Turkey it is the aim not only to verify the gaps analysis but also designing a next step approach rather than setting up an ideal but inapplicable framework for clusters. The selection of case studies was made to cover the key impact levels and cluster typologies. For definitions see Annex II.

	Impact level	Sectoral and cross-sectoral	Geographical
Human Rights Advisory Board	Global	Sectoral	National
Society Centre for Social Care and Child Protection	Regional	Cross-Sectoral	Regional State administration area
Social Risk and Poverty Mitigation Foundations	Local (municipal)	Cross-Sectoral	Local State administration area
Municipalities	Local	Cross-Sectoral	Municipal collaboration schemes

IV.2. Developing Cluster Models: The Case Studies

In the following is first presented the four case studies using the Cluster Criteria Matrix in order to infer a set of general conclusions on interrelationship issues between state and civil society.

IV.2.1. Case Study 1: Society Centres under the General Directorate of Social Services and Child Protection Agency

Society Centres under the Directorate of Social Services and Child Protection Agency (SHÇEK) are organizations designed to address social problems of selected localities. Especially rapidly modernizing urban areas are taken as focal points. Participation of municipalities and CSOs in the foundation and in the planning and execution of the activities of Society Centres is presupposed by regulation of the centres. Typically society centres deal with a large number of social care and social integration aspects. Courses on prenatal and post natal care, home economics, literacy and reading and women rights and entitlements are central parts of centre activities as well as counselling of different groups at risk. The centres typically also have special programmes for children and youth and organises social networks in the local communities for the promotion of social integration.

Society centres are interesting because mostly they are formed through a protocol between normally at least three parties. According to Article 7 of the “Regulation of Society Centres” the society centres shall carry out their activities in collaboration with local governments, public authorities, universities and CSOs.⁵⁴

For example for the Ankara Şafaktepe Society Centre, a three-party protocol between SHÇEK, the Mamak Municipality and Union of Turkish Women has been signed. The same formula is used for the Antalya Şafak Society Centre between SHÇEK, the Antalya Rotary Club, and Kepez Municipality.

Thus the centres can be taken as illustrative examples giving the basic insights to the nature of the dialogue between Turkish state and civil society and its shortcomings. With the presence of municipalities as local partners the case becomes more complex as the municipal structures sometimes work in parallel with the local social service state structures.

The need for examining the case of society centres as a model in the context of the decentralisation process is an urgent issue.

Analysing the legal and institutional framework of society centres it can be concluded that civil and local counterparts play a secondary role in formation and execution of society centres. In this sense, although the regulation and mentality of this specific form of organisation gives a considerable role to civil society, the centres remain state dominated institutions. This is most clearly seen in the management structures and the actual planning of activities. Partners are normally only involved in accepting the annual plans and in providing concrete inputs such as physical infrastructure and volunteer trainers.

⁵⁴ “Sosyal Hizmetler ve Çocuk Esirgeme Kurumuna Bağlı Toplum Merkezleri Yönetmeliği” (Regulation Directorate of Social Services and Child Protection Agency Society Centers), Official Gazette, 11.07.2001, No: 24106.

Cluster Table for Society Centres

CRITERIA

CSO

PUBLIC

INTERRELATION

1.ORGANIZATION

1.1. Registered CSOs

(Law and Regulation)

Registered CSOs can take part in protocol partnership

Unregistered and informal networks can contribute activities of society centres.

No PBO status is required for cooperation unlike the provision made for municipalities

Procedures relating to establishment, duties and functioning of society centres (by Regulation)

Centralized decision making in selection of CSOs and formation of protocols

There is no clear legal framework for protocol formation

In legal terms society centres embraces important potential for giving considerable place to formal and informal civil society networks.

Absence of PBO prerequisite also enhances this point.

1.2. Representativity

(Civic Participation and Government

Inclusion)

Volunteers and members of CSOs

Low level of civil participation as a general feature of CSOs in Turkey

Government officials are responsible for daily management

Eagerness to include CSOs performing functions in a particular field (i.e. charity)

The eagerness of the government officials can be detected as a potential. But limited understanding of civil society by the government officials and low level of civil participation stands as a v

1.3. Social Accountability (Typology of CSO and Government Strategy and Plan)

Mainly charity organizations with low level of social accountability

Absence of a viable plan and strategy regarding CSOs' target group

Ad-hoc and one-dimensional (anti-social) schedules

Absence of a comprehensive plan.

Ad-hoc problem oriented schedules

Absence of a viable plan and strategy for both sides entraps social service to limited and one-dimensional issues (i.e. mostly education).

Low level of accountability prevents CSOs to handle social problems in its full complexity.

2. CAPACITY

<p>2.1. Proven Capacity to Carry Programmes (Professionalism and Quality)</p>			
<p>Professional service through CSOs and voluntary individual participation (i.e. education and pedagogy) Financial support given through charity activities</p>			
<p>Professional service through government staff (mainly social service specialist and psychologist) Both sectors focus their energies on education and charity issues but not on developing a multi-disciplinary point of view.</p>			
<p>2.2. Proven Capacity to Advocacy and Awareness Raising</p>			
<p>Consciousness and awareness raising on specific narrow issues (i.e. awareness building in terms of enhancing social integration and modernization) Neglect of advocacy issues Absence of criteria regarding capacity to advocacy and awareness raising Neglect of advocacy issues in consciousness and awareness raising prevents CSOs from becoming an influential force.</p>			

2.3. Public Policy Impact and Mobilization

Ad-hoc interventions and fixations rather than policy formulations and taking part in decision making procedures
Self image of CSOs tends to exclude the idea of partaking in public policy formulations
No defined explicit criterion for public policy impact
Implicitly, a complementary (not partnership) role is attributed to civil society
For both sectors perception of civil society is weak.
Civil society is seen as complementary to the state not as an effective agent of public policy-making procedures

3. GOVERNANCE

3.1. *Independence and Autonomy*

Organisational independency is respected

No GONGO phenomenon

Self-incorporation of CSOs to official sphere

But the limited definition of civil society action can be considered as a threat to autonomy of CSOs

A contradictory understanding of autonomy and independency

CSOs are considered as independent and autonomous as long as they fulfil the mission ascribed upon them

It can be argued that no GONGO phenomenon is observed; but the limited activity sphere of society centres is an implicit constraint upon CSOs.

The voluntary incorporation of some CSOs to state ideology is another threat to independency

No code of conduct between state and CSOs

3.2. *Interconnectedness and Consistency*

Absence of connectedness between local CSOs

Absence of a strategy in order to link with and set up with a grouping of relevant CSOs

Absence of networking activities and communication channels to relate various regional experiences.

3.3. *Transparency and Impartiality*

Lack of information about governmental budgetary and administrative procedures.

No financial transparency both at local and regional levels

No defined criteria in selection of protocol CSOs; risk of subjective interventions

Financial ambiguity and lack of criterions are basic threats against establishing a transparent relationship and acquiring impartiality

A transparent financial structure must be constituted

Advisory Board under the Prime Ministers Office

The Human Rights Advisory Board is an institution designed for enhancing human rights in Turkey through collaboration of Government officials, high level public experts, prominent intellectuals and scholars specialized on the issue of human rights, opinion leaders, and representatives from civil society organizations.

Formed in 2003 as an advisory board under the Prime Ministry, the basic objectives of the Human Rights Advisory Board is defined by its Regulation as enhancing human rights by giving an advisory and consultancy service through effecting executive and legislative processes.⁵⁵

According to Article 4 of “Regulation on the Principles and Procedures relating to the Establishment, Duties and Functioning of Human Rights Advisory Board”⁵⁶ the Board comprises the below stated persons and representatives of institutions:

- a) A representative in the status of at least a deputy general director or head of an individual department from the Prime Ministry, Ministry of Justice, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Finance, Ministry of National Education, Ministry of Health, Ministry of Labour and Social Security, Ministry of Culture and Tourism, Ministry of Environment and Forestry and Gendarmerie General Command, Department of Religious Affairs, Secretariat General for the European Union, Security general Directorate, General Directorate of Institution for Social Services and Child Protection, General Directorate for Women’s Status and Problems and Department for Handicapped Affairs,
- b) A representative from the Human Rights Centre of Public Administration Institute for Turkey and the Middle East,
- c) A representative from Forensic Medicine Institute,
- d) A representative from the civil servant and workers confederations, whose members are more than a hundred thousand,
- e) A representative from TESK (Turkish Tradesmen and Craftsmen Confederation), Turkish Confederation of Handicapped Persons and TISK (Turkish Confederation of Employer Associations),
- f) A representative from the Turkish Union of Bar Associations,
- g) A representative from the bar associations of seven provinces, which have a human rights unit and are, determined by the Supreme Board,
- h) A representative from TOBB (Turkish Union of Chambers and Commodity Exchanges) and TZOB (Turkish Union of Chambers of Agriculture)
- i) A representative from Turkish Medical Association,
- j) A representative from the Turkish Chambers of Engineers and Architects,
- k) A representative from the Turkish Union of Journalists and Press Council,
- l) Two representatives from the Advisory Board for Citizens Residing Abroad,
- m) A representative from the NGOs, which are operating in the area of human rights and are, determined by the Supreme Board,
- n) Ten university lecturers who have works in the area of human rights,
- o) Two of the Turkish experts who have previously worked in international courts,
- p) Five researchers or writers who have works in the area of human rights,

⁵⁵ “İnsan Hakları Danışma Kurulunun Kuruluş, Görev ve İşleyişi ile ilgili Usul ve Esaslar Hakkında Yönetmelik” (Regulation on the Principles and Procedures relating to the Establishment, Duties and Functioning of Human Rights Advisory Board), Official Gazette, 23.11.2003, no. 25298

⁵⁶ Official Gazette 15.8.2001, no. 24494

The representatives stated in sub-paragraphs (a-m) shall be designated by their respective institutions, whereas the representatives stated in sub-paragraphs (n, o and p) shall be designated by the Supreme Board.

The history of the institution indicates that government officials' perception of civil counterparts is limited to the idea of loyalty to state and its interests. This creates an environment in which independent and autonomous organizations or individuals have not been able to function within its framework. In addition the independency and autonomy of civil counterparts which have remained take part in Advisory Board can be questioned.

The problem of autonomy has two crucial dimensions: ideological and legal/structural. The first one points to state officials' negative attitude towards autonomous advocacy oriented civil society organizations and individuals (e.g. academics or journalists) with a critical perspective. The second problem is related with the legal and institutional structure of the Advisory Board, which makes the establishment of the Board clearly open to manipulation.

Ayhan Bilge, the head of one of the biggest and most influential human rights organizations in Turkey, and Mazlum-Der, who was a former member of the advisory board but later resigned in 2005, complain that there are no objective criterions in selection process to the Board: "there is no defined criteria about which civil society organizations or journalist or academics will be selected for the Board."⁵⁷ For Bilge even some names and organizations, which neglect and reject the idea of human rights have their seats in the Board.

Civil society and public authorities must come together for examining human rights issues. They must investigate these problems together and try to find a common ground to tackle with them and must develop a common language. However, leaving aside the question of being an autonomous organization, the Advisory Board could not even agree to establish an joint attitude regarding basic human rights issues.⁵⁸

As an illustrating example, on 24th of April 2005, 6 civil society organizations resigned from their seats in Advisory Board.⁵⁹ The press release of these CSOs serves us a powerful critique of HRAB. In their press release these 6 organizations blamed HRAB as an insincere attempt. For them, the government officials did not take the views and demands of civil counterparts into consideration in institutional processes.⁶⁰

⁵⁷ "Conversation with Ayhan Bilge", *Yeni Asya*, daily newspaper, 04/03/2005

⁵⁸ Ibid.

⁵⁹ TİHV-Türkiye İnsan Hakları Vakfı; TTB-Türk Tabipler Birliği; Adli Tıp Uzmanları Derneği; Türkiye İnsan Hakları Kurumu Vakfı; PSAKD-Pir Sultan Abdal Kültür Derneği Genel Merkezi and Türkiye Ortadoğu Amme İdaresi Enstitüsü

⁶⁰ *Radikal*, daily newspaper, 25/03/2005

The GONGO phenomenon seems to be one of the most important drawbacks of the Advisory Board. In this sense *cooperation* with civil society is replaced by *incorporation* for the public part. Rather than enhancing human rights in Turkey, the Advisory Board seems to be used as a tool for governmental legitimacy and civil members within this scheme mostly seen as tools for this aim.

Thus, the public part of HRAB does not see the civil members as respectable and independent counterparts. Even these counterparts are seen as a potential threat, meaning that government does not hesitate to take action against the civil members of the Advisory Board in case of conflict.

The legal and institutional design of the advisory boards is also problematic. The legal framework concentrates the power in the hands of “Human Rights Supreme Board” which is composed of under-secretaries of Prime Ministry, Ministries of Justice, Interior, External Affairs, Education, Health and Labour and Social Security.⁶¹

According to the Regulation, the Supreme Board has the authority to select individual members (ten university lecturers who have works in the area of human rights; two of the Turkish experts who have previously worked in international courts; five researchers or writers who have works in the area of human rights) and monitor and evaluate their works (**Article 5-h**). Particularly this provision makes HRAB vulnerable to partisan selection. There are no preventive measures taken against partisan appointments.

⁶¹ Article 4 of “Regulation on the Principles and Procedures relating to the Establishment, Duties and Functioning of Human Rights Supreme Board”, Official Gazette, 15/8/2001.

Cluster Table for Human Rights Advisory Board

CRITERIA	CSO	PUBLIC	INTERRELATION
1.ORGANIZATION			
1.1.Registered CSOs (Law and Regulation)	Registered CSO plus individual participation (academics, opinion leaders like journalists and researchers) Absence of criteria on which CSO will participate into partnership	Procedures relating to establishment, duties and functioning of HRAB (by Regulation) Procedures relating to establishment, duties and functioning of Human Rights Supreme Board (by Regulation) Strict definition of government and state participants Absence of clear criteria in selection of CSOs participating in partnership	Concentration of power in Supreme Board in selection of CSOs and individuals participating HRAB through Article 4-m: “One representative from each CSOs which are selected by Supreme Board and performing function in human rights field” and the part of Article four which declares that individual members are selected by Supreme Board. Domination of state in legal terms Redefinition of regulatory instruments for defining capable civil society organisations
1.2. Representativity (Civic Participation and Government Inclusion)	In rhetoric CSOs with high level of representative power are selected; in practice these organizations cannot find a viable environment to perform their functions Exclusion of crucial human rights organizations with high level of civil participation (like IHD- Human Rights Association) Inclusion of some CSOs which are irrelevant with human rights issues and in some cases inclusion of CSOs which conflict with the idea of human rights	Hesitation to include civil society Government’s prejudice towards CSOs with high level of representative power	Although many organizations have high level of civil participation; in any conflictual situation these organizations are forced out by the state counterpart

<p>1.3. Social Accountability (Typology of CSO and Government Strategy and Plan)</p>	<p>Two typologies: advocacy CSOs/individuals devoted to case of human rights and democratization and GONGOs and militant individuals incorporated into government strategy</p>	<p>Government strategy designed for domesticating human rights CSOs and gaining legitimacy</p>	<p>Governments manipulative strategy and the weight of “militarized civil society” find their reflections in every action of the HRAB</p>
<p>2. CAPACITY</p>			
<p>2.1. Proven Capacity to Carry Programmes (Professionalism and Quality)</p>	<p>Advisory supply through bringing human rights violations in various spheres</p>	<p>Absence of clear criteria regarding proven capacity to carry programmes</p>	<p>A complete mismatch between the supply and demands of state and civil society counterparts. State does not supply a democratic environment and demand full loyalty; civil society demands autonomy and a democratic framework and reject submission to state authority</p>
<p>2.2. Proven Capacity to Advocacy and Awareness Raising</p>	<p>Consciousness and awareness raising on human rights issues</p> <p>Partisan and sectoral understanding of consciousness raising (adherence to human rights of particular groups rather than human rights for all)</p>	<p>Consciousness and awareness raising on specific fields which do not conflict with state interests</p>	<p>The partisan attitude of both sectors regarding the issues of human rights</p>
<p>2.3. Public Policy Impact and Mobilization</p>	<p>Underlined intention of human rights CSOs to take place in legislative and executive processes</p>	<p>No role given to CSOs and individual members in policy making</p>	<p>State’s exclusionary and tutelary attitude rules out public policy impact and mobilization</p>

3. GOVERNANCE			
3.1. <i>Independence and Autonomy</i>	GONGO phenomenon	Suspicious attitude towards autonomous human rights organizations and individuals Criminalization of independent and critical actors in the field	State's perception of HRAB and its general strategy rules out the existence of critical and independent organizations A unilateral code of conduct imposed by the state upon CSOs
3.2. <i>Interconnectedness and Consistency</i>	Level of connectedness is low Isolationist and sectoral attitude of human rights CSOs as an obstacle to interconnectedness Absence of networking activities and communication channels between CSOs	Absence of s definition of state policy needs and a strategy to link with and set up with a grouping of relevant CSOs	Incoherent set of guidelines and protocols for social partnerships
3.3. <i>Transparency and Impartiality</i>	Low level of information about governmental budgetary procedures Deep mistrust towards government's impartiality	Subjective and partisan criterion at work in selection of CSOs and individual members Absence of financial transparency and even a well defined financial structure	Absence of financial structures, lack of selection criterions and vulnerability are basic threats against establishing a transparent relationship and acquiring impartiality

IV.2.3. Case Study 3: Municipalities

There is no single type of model for Municipality and Civil society cooperation, but various models. According to the field research findings and other known experiences three forms of local-civil dialogue can be detected as the general tendency:

- Municipality gives service to CSOs by providing office facilities and staff
- Municipality gives logistic support to CSOs
- Municipality establishes its own “CSO” through various means (e.g. CSOs formed by mayor’s relatives, group of officials within the municipality or by close partners of municipality).

The interest of the municipality for such cooperation is to provide grants for solving issues outside the expertise of the municipality and to establish client-related networks serving to enhance the influence of the municipality.

According to Article 75-c of Law on Municipalities⁶² the local authorities may financially supply civil society organizations as soon as they have PBSO status. In practice neither local authorities nor members of the civil society organizations has any information about this rule. In many cases, shared interests are enough for establishing co-operation. This only confirms the need to establish clear criteria for social partnerships between Municipalities and CSOs.

The level of autonomy of CSOs within the relationship is mostly case specific. In the two first forms of local-civil dialogue independence and autonomy is not to be taken as given. Even independent CSOs are in a vulnerable position due to their financial and material dependence to local authorities. In cases where supply side and demand sides could not be arranged in a mutually balanced manner the situation tends to deteriorate.

In the third form of local-civil dialogue noted above, the organic nature of the relationship between the local authority and CSO leaves no room for independence and autonomy.

⁶² “Belediye Kanunu”, Official Gazette, 13.07.2005, no.25874

Cluster Table for Municipalities

CRITERIA	CSO	PUBLIC	INTERRELATION
1.ORGANIZATION			
1.1.Registered CSOs (Law and Regulation)	Registered CSOs. Article 75 of Municipal Law Authorities: PBSO status is required for a financial relation between municipality and CSOs	Legal inconsistencies in municipal law Absence of clear criteria in selection of CSOs participating in partnership	Although PBSO status is crucial in legal terms, in practice neither municipalities nor CSOs are informed about this rule. Inconsistency between legal code and practice PBSO status must be disregarded
1.2. Representativity (Civic Participation and Government Inclusion)	Low level of representativity as a general feature of CSOs in Turkey	Absence of criteria regarding the representative power of CSOs	Although a considerable eagerness to cooperation the fields of cooperation is limited.
1.3. Social Accountability (Typology of CSO and Government Strategy and Plan)	CSOs which are professionalized in project management and have access to funds. Limited social accountability/elitist and professional outlook. CSOs which are directly founded by the municipality (instrumental)	Financial and client-related motives behind the strategy	Basic motives behind municipalities' cooperation and basic features of CSOs creates an environment in which pragmatic considerations are dominant
2. CAPACITY			
2.1. Proven Capacity to Carry Programmes (Professionalism and Quality)	Profession and relatively detailed division of labour in terms of project management.	No division of labour within the municipality part.	The absence of any division of labour for municipality's part makes the relation unstable and unplanned. Again the pragmatic nature of the relationship is far from creating a collective process

<p>2.2. Proven Capacity to Advocacy and Awareness Raising</p>	<p>Consciousness and awareness raising on limited issues (e.g. environmental protection and spatial preservation). Absence of advocacy issues</p>	<p>Municipality's propaganda Focus on grassroots</p>	<p>The partisan attitude of the municipality directed towards either grassroots or material income.</p>
<p>2.3. Public Policy Impact and Mobilization</p>	<p>No intention of CSOs in participating into policy-making processes. Narrow scope of activities and naïve self-image</p>	<p>No role given to independent CSOs and individual members in policy making</p>	<p>Pragmatic attitude of the municipality and technicist attitude of the CSOs gives no place to public policy impact</p>
<p>3. GOVERNANCE</p>			
<p>3.1. Independence and Autonomy</p>	<p>Municipally Organized CSO phenomenon</p>	<p>Suspicious attitude towards autonomous organizations Material and mental superiority of the municipality in relation</p>	<p>Municipally Organized CSO phenomenon and material superiority of the municipality; together with the naïve self image of the CSOs creates as relation of dependency In Municipally Organized CSOs, independency is ruled out in the beginning</p>
<p>3.2. Interconnectedness and Consistency</p>	<p>Low level of connectedness with tendency to work with individual organisations, exceptions can be found with organisations for disabled and women</p>	<p>Absence of networks between municipalities</p>	<p>Absence of channels of communication between CSOs and municipalities. Ad-hoc and personal networks rather than structured channels for dialogue</p>
<p>3.3. Transparency and Impartiality</p>	<p>In Municipally Organized CSO case impartiality is ruled out</p>	<p>Financial ambiguity Personal and partisan motives in selecting project and partners Article 75-c</p>	<p>Absence of financial structures, lack of selection criterions and partisan considerations are basic threats against establishing a transparent relationship and acquiring impartiality</p>

IV.2.4. Case Study 4: Social Assistances and Solidarity Foundations (SASF)/Social Risk Mitigation Project (SRMP)

Social Assistances and Solidarity Foundations

According to the Turkish Constitution, social policies towards overcoming imbalances in income distribution and supporting poor households are extremely important in terms of strengthening social solidarity and maintaining social welfare. To this aim, the Social Solidarity Fund was established in 1986, with the Law No: 3294.⁶³

In order to achieve the enforcement of this law, the General Directorate of Social Assistance and Solidarity (SYDGM) was founded according to the law numbered 5263 and dated 09.12.2004.⁶⁴

The Social Solidarity Fund, the most explicit establishment of the Social State principle as stated in the Constitution with the Law no. 2, performs all the social responsibilities of the State, regarding the needy and vulnerable citizens who are not under a social security protection.

The vision of the Fund is thus to establish social policies conducive to the implementation of education, health and other social assistance effectively and fight against poverty through implementation of these policies.

The main goals of the Fund, as stated in the relevant Law No: 3294 are:

1. to provide social assistance to the needy and vulnerable citizens, along with other individuals accepted to Turkey for any reason,
2. to ensure fair income distribution taking additional measures for social justice, and
3. to promote social solidarity.

According to the 7th item of the Law numbered 3294, Social Assistance and Solidarity Funds were established in accordance with the clauses of the Turkish Code of Civil Law in each province and sub-province with an aim to distribute the amount gathered in the Fund to needy citizens in kind and cash around the country, and to make studies adequate with the purpose of this Law. Funds are audited by Ministry of Internal Affairs administratively; General Directorate of Funds financially.

⁶³ “Sosyal Yardımlaşma ve Dayanışmayı Teşvik Kanunu”, Official Gazette, 14.06.1986, no.19134.

⁶⁴ “Sosyal Yardımlaşma ve Dayanışma Genel Müdürlüğü Teşkilat ve Görevleri Hakkında Kanun” Official Gazete, 09.12.2004, no.25665.

931 Social Assistance and Solidarity Funds at present keep working in 81 provinces and 850 sub-provinces.

For each activity period the following are chosen to the Board of Trustees:

- One mukhtar member is to be chosen with absolute majority among those to participate to the meeting upon the invitation of governor of province
- Two representatives are to be chosen among the executives of non-governmental organizations established in the province and acting in accordance with the aims stated in the Law numbered 3294.
- Two people are to be chosen by the General Assembly of Province among charitable people take part in the

In case of the absence of a non-Governmental Organization acting in accordance with the purposes stated in the Law numbered 3294 in the province, a third person to be chosen among the charitable people by the General Assembly of Province takes part in the board of trustees.

The Boards of Trustees of Sub-provinces at the chairmanship of local governors consist apart from these elected members from the General Assembly of Mayors, District Revenue Officers, Director of National Education, Sub provincial Chief Officer of Health Ministry, if there is Sub-provincial Director of Agriculture and Sub provincial Mufti.

The Board of Trustees of the Fund is the decision-making body of the Funds. In provinces and sub-provinces, all assistance programs are entered into force upon the resolutions of the boards of trustees. Provincial Boards of Trustees, in the chairmanship of the Provincial governors consist of Mayor, Director of Security, Defterdar, Provincial Director of National Education, Provincial Director of Health, Provincial Director of Social Services, Provincial Mufti. Sub-provincial Boards of Trustees, in the chairmanship of local governors consist of Mayors, Sub provincial Director of Security, District Revenue Officers, Sub provincial Director of National Education, Sub provincial Director of Health, Sub provincial Mufti and three reputable citizens chosen by the Governor among charitable citizens for each activity period.

Social Risk Mitigation Project

Social Risk Mitigation Project Loan Agreement that was put into effect and signed between Turkish Republic Government and World Bank in 14 September 2001 and published on Official Gazette in 28 November 2001 aimed to contribute to the mitigation of poverty in Turkey, in the short and long term. The project consists of 4 related fundamental components, which are:

- ✓ Mitigation of the impacts of the economic crisis on the vulnerable population (Rapid Grant Component)
- ✓ Increase in the capacity of the state institutions providing service and assistance for the poor (Institutional Development Component)

- ✓ Establishment of a social assistance system concerning the poorest 6% of the population in order to improve fundamental health and education services (Conditional Cash Transfer Component)
- ✓ Increase in the opportunities of income generating and employment for the poor (Local Initiatives Component)

Cluster for SAFS and SRMP

CRITERIA	CSO	PUBLIC	INTERRELATION
1.ORGANIZATION			
1.1.Registered CSOs (Law and Regulation)	Registered CSOs and selected individuals Absence of selection criteria for CSO which will participate into partnership	Well defined legal framework for formal CSO participation	Formation and constitution is under the control of the state Need for generating clearly defined criteria regarding the issue of participation into partnerships
1.2. Representativity (Civic Participation and Government Inclusion)	Absence of criteria risk the election of CSOs with limited or no level of representativity or the most readily available CSO for the local authorities like the Red Crescent	A definition of the state part with clear majority influence Mayors, District Revenue Officers, Director of National Education, Sub provincial Chief Officer of Health Ministry, if there is Sub-provincial Director of Agriculture and Sub provincial Mufti.	CSOs function not as an equal participant but rather as a supplementary element without agreed criteria for representation
1.3. Social Accountability (Typology of CSO and Government Strategy and Plan)	Risk of focusing mostly on the charitable type of CSOs when sometimes more advocacy oriented CSOs would be needed in dealing with poverty aspects CSOs and individuals as extension of the state	<i>Inclusion/incorporation</i> of CSOs and individual members to governments social security program Reproduction of legitimacy of the state Enumerated and interesting procedures for reporting and accountability	Diversified set of interventions ranging from micro economic support to ad hoc social support schemes to people at risk Some risk of comprehensive plan not materialising Paradigms developed for accountability that could be useful for setting up local social partnerships

2. CAPACITY			
<p>2.1. Proven Capacity to Carry Programmes (Professionalism and Quality)</p>	<p>Closeness to officials and state with several examples of CSOs carrying out activities either in their own capacity (Local Initiatives Component) or within a set of public sector directed poverty alleviation initiatives (Rapid Grants component)</p>	<p>Procedures for established for CSO execution and support</p> <p>Considerable level of official professionalism</p>	<p>A programme basically carried out by the state entities but with interesting examples of civil society partnerships at the local level</p> <p>Very detailed set of procedural manuals worked out that could function as inspiration for real Partnership models</p>
<p>2.2. Proven Capacity to Advocacy and Awareness Raising</p>	<p>Low emphasis on advocacy and awareness building is a reason for concern</p> <p>Absence of any CSO strategy regarding the issues of advocacy and awareness building</p>	<p>No defined criteria for CSO participation regarding the capacity to advocacy and awareness raising</p> <p>Awareness building made by case exemplification .</p> <p>New initiative by Directorate to create interactive website inviting CSOs to express their opinion</p>	<p>A partnership model in which no criteria seems to be developed to CSOs in terms of capacity to advocacy and awareness building</p> <p>Ad hoc approach to awareness building</p> <p>Innovative attempt from government to develop state-civil dialogue through informal structure in the from of interactive web-site</p>
<p>2.3. Public Policy Impact and Mobilization</p>	<p>No clear intention of CSOs in measuring their policy impact</p>	<p>No explicit role given to independent CSOs in measuring policy impact. Evaluation of programme impact is made but not made available yet.</p>	<p>The state approach leaves little room for measuring the CSO role in public policy impact and actual CSO participation in programme policy-making processes</p>

3. GOVERNANCE			
3.1. <i>Independence and Autonomy</i>	In spite of well defined role in the structure the lack of criteria has led to expediency thus inadvertently has induced a GONGO phenomenon	Lack of awareness of role of autonomous organizations at central level But very clear procedures giving GSOs access to conduct autonomous projects	While the legal framework leaves room for independent and autonomous relationship the practical procedures do not and should be reviewed
3.2. <i>Interconnectedness and Consistency</i>	No level of connectedness among NGOs established at national or local level in relation to the Funds	State network driven programme But recent attempts to create interactive dialogue with participating CSOs is encouraging	Absence of formalised channels of communication between CSOs and state bodies Informal communication channels developed and growing potentially introducing established cannels of communication
3.3. <i>Transparency and Impartiality</i>	No general way to approaching relevant NGO based on defined criteria but rather information by involvement	The Foundations have considerable amount of funds, with clearly defined financial structure and procedures but lack of directives in accessing relevant CSOs	The combination of clear financial structures and lack of selection criteria has created ambiguity in establishing a transparent relationship and acquiring impartiality in selection .

IV.2.5. Conclusions on State civil society interrelationships from the case studies

From the four case studies above a number of clear conclusions can be reached on how to deal with the key interrelationship issues between state and civil society as identified in the criteria analysis.

1.1. Formal legal criteria (Registration):

- ✓ The rigidity of legal and regulatory frameworks excludes various types of civil society initiatives and organizations (e.g. platforms, initiatives etc.) demanding
 - Documentation of common practices of networking and streamlining of legal frameworks for the formation of clustering, including different forms of partnership agreements ,
 - Dynamic and flexible legal and administrative approach according to sector and typology of CSOs.
- ✓ Public Benefit Status Organisation issue constitutes a crucial ambiguity in the sense that it creates inconsistency between legal framework and actual practice:
 - PBSO practice must be eliminated in order to *establish a broad and representative and independent civil society participation in a partnership relation.*
 - However, the cases underline that temporarily disregarding the PBSO concept must be followed up by a *clearly defined legal and regulatory framework, which must clarify the eligibility of organizations* that will be participate in cluster cooperation.

1.2. Representativity and Legitimacy

- ✓ Absence of criteria for representation and legitimacy of CSOs creating subjective inclusion of CSO by public authorities if not being dealt with through
 - Concrete indicators for membership, target groups and proven ability. In the case of the Human Rights Advisory Board, a high level of representative power of CSO can be seen as a threat against the authority of the public authorities in a given field of cooperation:
- ✓ A narrow understanding of legitimacy for the public part, e.g. the exclusionary distinction made between charitable (or similar) CSOs and political CSOs can be overcome
 - By creating operational environments which include in partnership relations all relevant CSOs dealing with delivery, advocacy, and awareness building
- ✓ Considering the present relative disconnect between state and municipal structures and realising the local civil society centrality it is
 - Crucial to involve CSOs decentralization process at the municipal level

1.3. Social Accountability

- ✓ Absence of a coherent public strategy and lack CSO demands leading to the prevalence of ad hoc rules and regulations regarding programme selection and funding should be remedied by

- Jointly developing coherent guidelines for public selection of priority areas and funding mechanisms
- ✓ Incompatibility of strategic approaches and the development of parallel state organizations without strategic focal point has created a need for
 - Consistency in legal provisions and in defining participation of civil society partner organisations
- ✓ Lack of uniform funding practices from the state and clear guidelines for accountability where individual DGs and line ministries provide funding to CSOs based on own rule sets demands
 - Standard financial and administrative procedures must be implemented based on EU experience
- ✓ Lack of open monitoring mechanisms is creating problems of lack of accountability demanding
 - new structures which will enable joint supervision of the state's monitoring practices (especially urgent for the human rights case)
 - criteria and structures which will enable the monitoring of the partnership programmes

2.1. Proven Capacity to Carry Programmes

- ✓ Mostly the partnerships are constituted and directed by the state; a unilateral process is at work;
 - The state should take into the consideration the advice of civil society in setting up clusters based on supply and demand
- ✓ Technical and financial resources in civil society not adequate and proliferation of horizontal structures in the state structures to deal with cross cutting issues leads to ad hoc partnerships needing to
 - Create more systematic cooperation partnerships based on supply and demand analysis
- ✓ State incorporation, rather than cooperation or partnership, is at work; CSOs are seen as complementary to the public, as an extension of public authority;
 - underlining need to discuss and research the threat of state corporatism
- ✓ Absence of capacity considerations needs defining of the capacities needed to establish partnerships based on
 - professional partnerships through human resource development
- ✓ Lack of structured links to European CSO and inaccessibility of networks learning from EU governance point at
 - Participation in preparation and implementation of Turkish CSOs and local authorities in EU Twinning arrangements and in EU CSO Partnerships

2.2. Proven Capacity to Advocacy and Awareness Building

- ✓ Absence or very limited existence of advocacy concerns and limited conception of awareness building (e.g. education, social coherence)
 - setting up strategy for awareness building and advocacy with Government at high level to understand the nature of state civil relationship
 - Learning from experience steps to be taken to find procedures for inclusion in government decision making (committees, task forces, commissions and hearing processes) and on joint monitoring (particularly in the HR field)

2.3. Public Policy Impact and Mobilization

- ✓ Low level of mobilization to reach target groups and an ad hoc approach to public information on civil society relations creates a need to
 - define public communication strategy beyond the borders of the public system
- ✓ Low level of public policy impact should
 - generate practices aiming at effecting policy-making processes rather than solely dealing with problem solving issues (adhering to joint practices concentrated on developing strategies for eliminating poverty and/or gender discrimination rather than solely adhering to charity practices)

3.1. Independence and Autonomy

- ✓ Lack of independent co-ordination and training centres and of CSO research and examples of state interference combined with the GONGO phenomenon makes the issues of independence crucial in terms of
 - stronger capacity building in civil society and state but from different vantage points based on a agreed principles
 - Increased knowledge base on the function and role of civil society in public administration
 - Public monitoring of the practices and joint reporting

3.2. Interconnectedness and Consistency

- ✓ The weakness of civil societal networks and the existence of a dispersed public structure
 - The interconnectedness is a process of approximation to be dealt with in the concrete situation to avoid public sector domination
- ✓ Unclear knowledge of the public sector procedures of the CSOs and lack of focal governmental focal point has created a need for

- developing a set of guidelines and protocols to be developed for social partnerships and clusters
- generating standard financial and administrative procedures and criteria

3.3. Transparency and Impartiality

- ✓ The mutual lack of defined principles for good governance has set the stage for
 - developing transparent criteria and procedures for government support to CSOs
 - developing codes of conduct or social compacts
- ✓ Low insight in national and local public budgets by the CSOs combined with changed budgetary procedures in the public sector has led to a call for
 - Increased openness to civil insight in the public budget
- ✓ The problem of impartiality especially in terms of implementing legislation and executing law based on objective criteria demands an
 - Inclusion of CSOs into the process of legislation and execution

V. MODEL CLUSTERING

V.1. Model Clustering

Based on the observations made from the gap analysis of state and civil society relations and the verifications drawn from the case studies a generic model containing the elements of a *cluster model for Turkey* can be derived.

This model contains 31 conditions to be followed within the set of 9 criteria defined for a cluster to function to its full potential. Depending on the nature of the cluster - in terms of typology, impact level, and size - *not all elements need necessarily to be fulfilled for implementing a useful cluster*. On the other hand the elements constitute a holistic picture of a cluster structure given the present conditions prevailing in the state and civil sector in Turkey.

It also provides an entry point to see *in which sectors existing or embryonic CSO networks and government institutions can best be combined and developed* based on the conditions to be fulfilled.

From an EU point of view it is important to calibrate expectations on possible developments for the short and the long term. A presumption that the mere creation of public-private partnership, social partnerships and transfer of funds in the short run will engender efficient mechanisms for civil society delivery (including outsourcing, social service delivery etc) and a balanced advocacy role of civil society vis-à-vis the state is not realistic. Rather it must be foreseen that a mutual process of gradual parallel building of trust, capacity and institutions in civil society and in the government will be necessary for the achievement of such expectations over a longer time horizon.

As the EU Accession Process not only by the CSOs⁶⁵ but also by many government officials⁶⁶ is perceived to be the most dynamic element in the development of the civil sphere in Turkey an analysis of the EU role s given in Annex V. The annex contains a description of the division of tasks of governmental institutions in relation to the EU Programming and a set of recommendations for the future EU strategy in relation to state ad civil society relations in Turkey.

⁶⁵ See YaDa report, “Civil Society Organizations: Needs and Constraints”.

⁶⁶ Interviews with the public authorities.

Model cluster based on structured interrelationships between Civil Society Organisations and State

Model Criteria	Structured interrelationships between Civil Society Organisations and State
<p><i>1.1. Formal legal criteria (Registration)</i></p>	<p>Formal legal registration and status of cluster participants: defined CSOs and defined state entities</p> <p>Common practises of networking and streamlining of legal frameworks for clustering according to degree of formality, including umbrellas, association of associations, partnership agreements, and co-operation agreements.</p> <p>Open procedures based on recognised legal or regulatory instruments for defining capable civil society organisations in state partnerships at present disregarding the distinction of Public Benefit Status Organizations</p>
<p><i>1.2. Representativity</i></p>	<p>Defined criteria for representation and legitimacy of CSOs based on formulated in joint agreement</p> <p>Memorandum of understanding regarding mutual obligations towards target groups based on typology of organisation</p> <p>Division of labour in operational activities defined between the public authority and civil society</p> <p>Standard municipal agreement used assuring open accountability and involvement in the decentralization process</p>
<p><i>1.3. Social Accountability</i></p>	<p>Standards rules and regulations regarding programme selection and funding agreed upon at national and municipal level</p> <p>Joint body set up for supervision of state monitoring practises in the cluster area, including the use of baseline indicators</p> <p>Full mutual accountability in relation to target groups and stakeholders</p> <p>Standard financial and administrative procedures implemented based on EU experience</p>

<p><i>2.1. Proven Capacity to Carry Programmes</i></p>	<p>Joint body set up for supervision of state monitoring practises in the cluster area, including the use of baseline indicators</p> <p>Supply and demand analysis used to clarify a balance between state policy initiatives and civil society delivery of products and services</p> <p>Clear guidelines set up for civil society incorporation in State policy implementation</p> <p>Developing CSO and Public authority capacities needed to establish professional partnerships through human resource development</p> <p>Participation in preparation and implementation of Turkish CSOs and local authorities in EU Twinning arrangements and in EU CSO Partnerships</p>
<p><i>2.2. Proven Capacity to Advocacy and Awareness Raising</i></p>	<p>Joint strategy for awareness building and advocacy highlighting the mutual benefit (supply and demand) of state-civil relationship</p> <p>Procedures established for inclusion of cluster participants in government decision making (committees, task forces, commissions and hearing processes) and on joint monitoring (particularly in the HR field)</p>
<p><i>2.3. Public Policy Impact and Mobilization</i></p>	<p>Communication strategy setup beyond the borders of the public system in joint agreement</p> <p>Joint monitoring, evaluation and quality assessment of cluster policy impact based on baseline indicators</p>
<p><i>3.1. Independence and Autonomy</i></p>	<p>Training programmes of civil society activists and state officials from different vantage points based on a agreed principles</p> <p>Defined documentation and joint reporting of cluster activities, including lessons learned on the function and role of civil society in public administration</p>

<p><i>3.2. Interconnectedness and Consistency</i></p>	<p>Setting up of a process of approximation for the step-by-step development of cluster tasks to be dealt with defined milestones in the concrete situation based on mutual agreement</p> <p>Common set of guidelines and protocols to be developed for social partnerships and clusters</p> <p>Adherence to agreed standard financial and administrative procedures and criteria</p>
<p><i>3.3. Transparency and Impartiality</i></p>	<p>Transparent criteria and procedures established for governmental support to the NGOs</p> <p>Code of conduct or social compact adopted containing agreed principles for mutual cooperation</p> <p>Practise of public authority openness to civil insight in the public budget</p> <p>Access of CSOs into the process of legislation and public administrative practises</p>

V.2. Supply and demand considerations in setting up Clusters

Before using the cluster model for suggesting structured collaboration areas between public sector and civil society a number of *supply and demand considerations needs to be taken into account*. The nature of the relationship between CSOs and public sector is characterised by the supply and demand to and from the CSOs as well as to and from the state entity, whether it is in programme delivery, advocacy or awareness building. As the nature of supply and demand relationship is two directional and mutual one, CSOs not only demand funds, logistics, recognition and legitimacy etc. from the public sector but also supply information, expertise, know-how, mediation and services to the public sector.

The supply-demand relationship varies according to the *typologies of CSOs and the public authority counterpart structure*. Following the mapping and gaps analysis of this study, the typologies of CSOs, impact levels and relationships are the key factors of supply and demand based modelling. Despite the existence of other types of CSOs the most prevailing participants in social and/or political life of country are the mutual interest based, advocacy oriented, self-organized, field specialized, and charity motivated CSOS. These types differentiate in terms of their supply to and demand from the public sector, see adjacent table below.

The nature of the relationship between the state and CSO *varies according to the local, regional or national levels and the type of CSO*. These varieties determine the position and content of the supply and demand relationship. Unless this fact is taken into account the nature of the supply and demand relationship will be defective.

CSOs play a strategic role in collaboration with public sector as the different supply and demand patterns reflect the *CSO typologies as real mediators between public sector and society*.

Based on the initial mapping of Turkish CSOs the following *representative sector examples* at different impact levels demonstrate the use of the supply and demand relationship for defining the contents and relevance of clustering:

Mutual interest and benefit based organizations: Trade unions and chambers

Trade Unions and chambers demand from the public sector at the national impact level legitimisation of the demands and policies for advocacy, policy impact to better the conditions of their members' interests, and improvement of the rights and standards of their members. The trade-off for the public sector is that it is supplied with a mediation mechanism in key areas of the economy and a level of self-regulation through social dialogue. The independency exercised particularly by the Turkish trade unions thus maintaining a critical distance from the apparatus of state based on a secular and pro-European approach, while maintaining a functional relationship with key ministries, reduces the level of controls by the state. The limited success in reaching a joint effort in employment creation and prevention of unregistered employment lies in an insufficient trade-off between improvement of members' interests by the state and provision of stronger self-regulation by the mutual interest organisations. A further strength of the trade unions and economic and employers' federations lies in particular in their extensive local representation. Thus, an additional trade-off at the regional level is the demand for easy registration of unions and chambers with the office of the Governor while supplying local authorities a mechanism for protection and monitoring of the member groups at the local level.

Advocacy oriented organizations: National Human Rights CSOs

Advocacy oriented human rights organizations demand from the public sector at the national impact level funds for implementing their projects; awareness raising in terms of reaching a larger public for their campaigns, and legitimisation of the demands and policies for advocacy, and improvement of the rights of the target groups, whose rights they represent. The trade-off for the public sector is that it is supplied with participation in decision making processes in terms of implementing the policies, and with monitoring of human rights violations in specific areas in order to avoid unnecessary bad practices of state itself. In the case of the Human Rights Advisory Council the perception of unfulfilled legitimacy of independent and autonomous organizations under the state directed council resulting in separation, can only be solved by revisiting the mutual supply and supply and demand interest. For instance a starting point could be taken in identifying rights of selected specific target groups agreed upon and the monitoring that could be supplied by the Human Rights Organisations⁶⁷.

Self-organized organizations: CSOs for the disabled

Organisations of the Disabled at local impact level demand direct financial support and equipment (aids), logistics (office), vehicles, and water supply, as well as services (social and health) and training. The trade-off for the public sector is that it should be supplied with information on needs to be considered in the city planning and with expertise on schooling and employment of disabled people as well as awareness building in the community on socialisation. This trade-off process has already started as some municipalities have created departments in charge of handicapped affairs. The difficulties of bringing local self-organisation experience on to the national legislative process and to concrete agreements with national authorities on a supply and demand basis, could be one of the reasons why a national Council has not yet been established in spite of the creation of a national federation of the disabled.

Field specialised organisations: Environmental CSOs

Environmental organisations at the regional impact level demand from the public sector logistics, infrastructural services and lobby and awareness building of society stakeholders on environmental issues. The trade-off for the public sector is provision of know-how, professional services and training, as well as advocacy and expertise in specific fields. The regional platform like Aegean Regional Platform and Common Secretariat of Eastern Mediterranean Environment Association thus provided in sensibilising in the case of

Charity Organizations: Social care CSOs

CSOs fulfilling some *social charity* functions demand legitimacy and mostly financial support from the public sector, while supplying collaboration and community partnership with citizens in carrying out activities such as education campaigns, rescuing activities, health scans, child care or fertility studies, etc. The case study of Society Centres for Social Services and Child Protection clearly demonstrate how such organisation are being espoused and supported by the authorities, media and the people, but mostly on a less structured and more individual organisation basis, and as

⁶⁷ Interview with Experts at Ankara University, January 2006.

is the case in this case study mostly in a supplementary delivery role to governmental programmes. Some types of organisations are difficult to classify in only one category as their generic definition covers several typologies. In such cases it is crucial to look at the specific purpose of each organisation. Thus the generic terms *women organisations* can be classified as self-organisations (women and children), charity organisations (social protection) , as well as advocacy rights oriented organisations(women rights). But this does not lessen the importance of using the motivational classification when using the supply demand analysis to determine the mutual interest in creating social partnerships and clusters.

The key issue in this analysis has been to demonstrate the interest of the Turkish public authorities in maximising the efficiency of public policy through the supply and demand relationships by encouraging clustering, and the interest of the Turkish CSOs in creating legitimacy and policy influence through the supply and demand relationship.

Supply and Demand Relations in Setting up Clusters

Relationship		CSO - Public Sector		
Impact Level		Local	Regional	National
T Y P O L O G Y	Self Organized	Information, expertise	Information, expertise	Information, expertise
		Logistics, aids, service	Logistics, aids, funds.	Aids, funds, visibility
	Charity Motivated	Collaboration, partnership	Collaboration.	Collaboration.
		Logistics	Logistics, visibility.	Visibility, support
	Field-specialized	Know-how, services (trainings), expertise	Know-how, services (trainings), expertise	Know-how, services (trainings), expertise
		Logistics, funds	Logistics, funds.	Funds, visibility
	Advocacy Oriented	Participation, protection, monitoring of the target group	Participation, mediation, protection, monitoring of	Participation, mediation, protection monitoring of
		Logistics, funds, legitimacy	Funds, Awareness raising, legitimacy	Funds, Awareness raising, legitimacy and
	Mutual interest based	Mediation and self-regulation	Mediation and self-	Mediation and self-
		Policy impact, protection monitoring of the target group	Policy impact, protection monitoring of the target group	Policy impact, advocacy and improvements of rights

V.3. Suggestions to start up Clusters in Turkey

The mapping and gaps analysis provided a picture of the present structures in civil society and government from which to develop clusters at different impact levels. From the civil society sectors where already a potential is present, the table below has been worked out to suggest where to start up cluster modelling in Turkey with defined public sector counterparts. To facilitate the formation of such clusters have been indicated the key cluster criteria elements to be in place for each of the clusters suggested as well as a supply and demand analysis between CSOs and public sector institutions. Some suggestions have also been made on where to start up.

The problem involved in starting with the comparative strength of CSO structures is of course that the chosen platform or network does not necessarily reflect the areas where government would like to see a stronger CSO partnership. On the other hand when comparing with the present sectors of government collaboration, the list of Ministries, directorates, regional and local authorities, and municipalities involved in the suggested clusters to start up is quite exhaustive.

Another of the problems to be solved is to *find a way for the public sector to recognize CSO platforms and networks as legal entities with out having to resort to strictly formal federation or association of associations structures*. One of the best ways for CSOs to function in accordance with their missions is to be in cooperation relationship not only with the CSOs from their own sector area but from other areas as well. Such forms of cooperation will not only serve to building capacity and awareness of CSOs but also be a good practice for cooperating with public sector. Platforms and networks of CSOs should have the opportunity of negotiating with their public sector counterparts in regards to the decision making and policy implementation processes. Recognition of CSOs should depend on defined criteria which are not limited to number of members, PBSO status, or closeness to public structures, but rather on the capacity and capability of CSOs and/or umbrella structures in terms of ability to participate in a fruitful supply and demand relationship with the public sector.

As regards the impact levels, the currently ongoing reform process of the administrative and political structure of Turkey, which aims achieving decentralization, provides many available opportunities for CSOs to participate in this process *not only in terms of solely advising but rather becoming an integral part of decision making*. As the decentralization process is expected to transfer the responsibility of social policy making in service areas such as health and education and implementation mission on shoulders of local governments, it is crucial to pave the way for legal, structural, and organizational channels allowing for this participation in the decision and policy making processes as well as the implementation based on eligibility and functionality criteria for CSOs in public sector collaboration.

Cluster Development in Turkey: Starting from present structures.

Impact level	CSO Sector or cross-sector platforms	Public Sector institutions	Key cluster criteria elements to be in place	Trade-off between CSO and GO to be respected
National	Trade union Federations (TURK-IS, DISK HAK-İŞ, Kamu-Sen, KESK, Memur-Sen) and Economic Chambers (TOBB, TÜSİAD, MUSIAD)	State Planning Organization Ministry of Labour and Social Security Ministry of Trade and Industry, and individual links with different line ministries according to their field of competence	1. Full mutual accountability in relation to target groups and stakeholders 2. Supply and demand analysis	<u>CSO Demand</u> : legitimisation of the demands and policies for advocacy, policy impact to better the conditions of their members' interests, and improvement of the rights and standards of their members <u>The trade-off</u> for the public sector is that it is supplied with a mediation mechanism in key areas of the economy and a level of self-regulation through social dialogue. <u>Starting point</u> could be trade-off between improvement of members' interests by the state and provision of stronger self-regulation by the mutual interest organisations

<p>Human Rights Organisations (5 biggest HR organizations)</p>	<p>Human Rights Advisory Board Under Directorate for Human Rights under the Prime Ministers Office</p> <p>Ministry of Justice Ministry of the Interior</p> <p>Links with different line ministries according to their field of competence</p>	<p>1. Defined criteria for representation and legitimacy of CSOs based on formulated in joint agreement</p> <p>2. Setting up of a process of approximation</p>	<p><u>CSO Demand</u>: Funds for implementing their projects; awareness raising in terms of reaching a larger public for their campaigns, and legitimisation of the demands and policies for advocacy, and improvement of the rights of the target groups, whose rights they represent</p> <p><u>The trade-off</u> for the public sector is that it is supplied with participation in decision making processes in terms of implementing the policies, and with monitoring of human rights violations in specific areas in order to avoid unnecessary bad practices of state itself.</p> <p><u>Starting point</u> could be taken in identifying rights of selected specific target groups agreed upon and the monitoring that could be supplied by the Human Rights Organisations</p>
<p>Federation of Disabled (6 member federations)</p>	<p>General Directorate of Social Service and Child Protection Agency Ministry of Health</p> <p>links with different line ministries according to their field of competence</p>	<p>1. Joint body set up for supervision of state monitoring practises in the cluster area, including the use of</p>	<p><u>CSO Demand</u>: direct financial support and equipment (aids), logistics (office), vehicles, and water supply, as well as services (social and health) and training.</p> <p><u>The trade-off</u> for the public sector is that it should be supplied with information on needs to be considered in the city planning and with expertise on schooling and employment of disabled people as well as awareness building in the community on socialisation.</p> <p><u>Starting point</u> could be bringing local self-organisation experience on to the national legislative process</p>

	<p>Ethnic organisations like the Alevi Bektashi Federation</p>	<p>Prime Minister's Department for Religious Affairs Ministry of the Interior Ministry of Culture</p>	<p>1. Defined criteria for representation and legitimacy of CSOs based on formulated in joint agreement</p>	<p><u>CSO Demand</u> awareness raising in terms of reaching a larger public for their identity issues, and legitimisation of the demands and policies for exercise of their culture, and improvement of specific rights <u>The trade-off</u> for the public sector is that it will have communication with a group providing tolerance, social integration and respect for good governance <u>Starting point</u> dialogue established with the majority and other ethnic groups within a governmental context</p>
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	<p>Women Organisations (Advocacy) (8 March Women Platform and regional women platforms)</p>	<p>The State Ministry for Family and Women Status Links with different line ministries according to their field of competence</p>	<p>1. Joint body set up for supervision of state monitoring practises in the cluster area, including the use of baseline indicators 2. Access of CSOs into the process of legislation and public administrative practises 3. Procedures established for inclusion of cluster participants in government decision making (committees, task</p>	<p><u>CSO Demand</u>: Funds for implementing their projects; awareness raising in terms of reaching a larger public for their campaigns, and legitimisation of the demands and policies for advocacy, and improvement of women rights <u>The trade-off</u> for the public sector is that it is supplied with participation in decision making processes in terms of implementing the policies, and with monitoring of women rights issues in specific areas in order to avoid unnecessary discriminatory practices of state itself. <u>Starting point</u> could be taken in identifying specific women rights issues agreed upon and the monitoring that could be supplied by the women organisations</p>
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<p>Regional</p>	<p>Environmental organisations, e.g. Aegean Regional Platform and o Eastern Mediterranean Environment Associations as well as Black Sea based organisations</p>	<p>The Ministry of Environment and Forestry Links with different line ministries according to their field of competence</p> <p>Governors</p>	<p>1. Developing CSO and Public authority capacities needed to establish professional partnerships through human resource development</p> <p>2. Training programmes of civil society activists and state officials from different vantage points based on agreed principles</p> <p>3. Joint strategy for awareness building</p>	<p><u>CSO Demand</u>: logistics, infrastructural services and lobby and awareness building of society stakeholders on environmental issues. <u>The trade-off</u> for the public sector is provision of know-how, professional services and training, as well as advocacy and expertise in specific fields. <u>Starting point</u> the regional structures could be taken in identifying a number of regional issues presently dealt with in regard to nuclear power, mining, spatial planning and building of dams</p>
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Local	Social care CSOs, including women and children organisations	Society Centres for Social Services and Child Protection Under General Directorate of Social Service and Child Protection Agency Municipalities	1. Standards rules and regulations regarding programme selection and funding agreed	<u>*CSO Demand:</u> legitimacy and mostly financial support from the public sector <u>The trade-off</u> for the public sector is supplying collaboration and community partnership with citizens in carrying out activities such as education campaigns, rescuing activities, health scans, child care or fertility studies, etc. <u>Starting point</u> could be redefining supplementary delivery role to governmental programmes based on standardisation of present Memorandum of Understanding
	Charitable organisations for social assistance and poverty alleviation	Social Assurances and Solidarity Foundations Under General Directorate of Social Assistance and Solidarity Municipalities	1. Defined criteria for representation and legitimacy of CSOs based on formulated in joint agreements	<u>CSO Demand:</u> legitimacy and mostly financial support from the public sector <u>The trade-off</u> for the public sector is supplying collaboration and community partnership with citizens in carrying out activities such as education campaigns, rescuing activities, health scans, child care or fertility studies, etc. <u>Starting point</u> could be redefining supplementary delivery role to governmental programmes and enhancing the planned interactive networking.
	Local Democracy platforms and Agenda 21 platforms	Municipalities Ministry of the Interior Union of Municipalities	1. Common practices of networking and streamlining of legal framework	<u>CSO Demand:</u> to be heard and involved on issues of decision making and policy planning and be supported in local policy execution <u>The trade-off</u> for the public sector is having collaboration and community partnership with citizens in carrying out activities under Agenda 21 and local democracy <u>Starting point</u> : the process of decentralisation and the model of municipal councils under agenda 21

	<p>Cross-cutting local platforms, e.g. Izmir and Antalya platforms</p>	<p>Governor's Office and cluster of larger city municipalities</p>	<p>1. Full mutual accountability in relation to target groups and stakeholders 2. Common set of guidelines and protocols to be developed for social partnerships and clusters 3. Transparent criteria and procedures established for governmental support to the NGOs</p>	<p><u>CSO Demand:</u> to be heard and involved on issues of decision making and be supported in local policy execution <u>The trade-off</u> for the public sector is having collaboration and community partnership with citizens in carrying out activities under particularly in major cities <u>Starting point :</u> Develop clear statutes setting up common procedures for all participating CSOs</p>
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CHAPTER VI: CONCLUSIONS AND RECOMMENDATIONS FOR DEVELOPING CLUSTERS BETWEEN STATE AND CIVIL SOCIETY

1. Ideally a *programmatic approach* should be implemented to setting up a Government Strategy in relation to civil society development implying an assessment of the tasks to be met based a prioritisation of the policy areas defined in accordance with national development plans and a subsequent adjustment of the regulatory frameworks where necessary. This cluster analysis, however, is building on existing structures and practises already in place, and develops models for how to further cluster relevant ministries or group of ministries and relevant sector or issue networks of CSOs in different areas of policy intervention already defined in the present government policy. But by using such a *structural approach*, it is hoped that the suggestions for *reforming the actual practice of developing formal channels and procedures to improve and increase CSO participation in planning and policy development*, will form an integral basis of the future overall Government Strategy.

2. In spite of some good examples, such as union, disabled, ethnic, women, environment, and human rights platforms, the inter-connectedness the Turkish civil society is characterised by varying degrees of formalisation of CSO inter-relationships. CSO partnerships must therefore be seen as dynamic and flexible with *strong variations in communication, dialogue and partnership networking* among CSOs in Turkey, as well as between Turkish CSOs and international CSOs. In comparison to most European experience the traditional role of strong national CSOs also forming the backbone of local outreach is less evident in Turkey. The models based on *local civil society centrality* therefore have much merit in the Turkish situation. This is actually mainly how the state approaches civil society participation in the social field.

3. There are already a several *individual cooperation schemes on an ad hoc basis* established between civil society organisations and certain Ministries and directorates, although *relationships between the state and civil society remain limited*, especially with regards to dialogue and financial support. The problem with most of the cooperation initiatives is that they tend to be *state directed initiatives*. This way of approaching the civil sector is permeating most of the public sector even at the regional and local level. It is a fair estimate that the government organisation is basically still functioning through the *central control* of the central ministries and the Office of the Prime Minister. The government representation through the Governors at the regional level and the local government structures is still by far the dominating element at the local level in terms of health, education, labour, social care, and economic development. This often leads to the paradox that similar initiatives involving civil society organisations are separately organised by the local government offices and by the municipality, running in parallel without any contact to each other but rather in competition. This state of affairs could be considered as *transitory distortions* until the decentralisation process is fully underway.

The main issue as to the *parallel organisations* dealing with civil society is the want of a single governmental *strategic focal point* regarding civil society development in Turkey.

4. The setting up of *criteria for cluster development* according to issues of legitimacy, delivery, and partnership principles was extracted from the initial mapping of civil society and state relations.

- Formal legal criteria (Registered associations and foundations under present laws and regulations and defined public sector structures)
- Representativity (Civic Participation in CSO activities and degree of government inclusion)
- Social Accountability (Typology of CSOs able to be sustainable and prevalence of accessible government plan and budgets)
- Proven Capacity to carry out programmes (Technical and financial resources and increasingly diversified public structures)
- Proven capacity to do advocacy and awareness building (CSO strategies and public opinion, and public research, planning, decision making processes)
- Public policy impact and Communication (CSO target groups and media coverage and public information approach)
 - Independence and autonomy (CSO rights and obligations and government respect and non-interference)
 - Interconnectedness and consistency (Viability of CSO networks and government strategy and coordination)
 - Transparency and impartiality (CSO openness based on code of conduct and government openness not least in funding and application of good governance principles)

6. A *Cluster Criteria Matrix* Analysing the gaps in relation to CSO, Public sector, and their interrelationship, contains a number of *in-built contradictions* that reflect the present situation of collaboration between state and civil society. But they also provide a *realistic set of principles* from which a cluster modelling will have to take its starting point, so realistic steps can be recommended to assure the legal and administrative coherency and streamlining of practises between Government and the civil society organisations.

7. Among the key perceptions among Turkish CSOs as to relations with the public sector are worries about government *interference* with their activities, increasing *discretionary powers* of government authorities, and lack of government *impartiality*. On the other hand *registration process* of CSOs is seen as generally fair and according to the law. CSOs in Turkey are seen to have an overall *limited impact on affecting policies*, but are perceived to play a very important and successful role in affecting policies regarding human rights. One of the problems to be resolved is to *find a way for the public sector to recognize CSO platforms and networks as legal entities without having to resort to strictly formal federation or association of associations structures*.

8. *Several practises have developed* in terms of government relations and funding to civil society. Most of such relations have been based on concrete thematic campaigns and sector interventions *without deeper reflection on the criteria for civil society capacity or policy impact* but rather been seen more broadly as increasing the public policy delivery. In some instances where cross-sector interventions are demanded there seem to be no selection criteria established. With absence of stated criteria the state approach to civil society is characterised by *ad hoc rules and regulations*, if any. This invites for a risk of inconsistency and perception by civil organisations of manipulation. Such inconsistency even leads to serious *contradictory rule sets*. The need for some set of guidelines in the public sector could be an argument for defining a focal point for *Inter-ministerial co-ordination*.

9. To create governance partnership criteria the government could *define the most eligible CSOs organisations* by giving them a preferred status in the public interest such, as Public Benefit Status Organisations. In the present Turkish context the PBSO concept has been rendered ineffective for the civil movement in Turkey by severely restricting the numbers and types of organisations according to government interest. In view of the present literal halt to approving new PBSOs and the on going reform process and EU approximation, it would be much better rather to *define a set of general criteria for clustering* of relevant governmental entities and Civil Society Organisations, be they associations, foundations or chambers, *based on well defined frameworks or codes of conduct*.

10. *Representative case studies* were organised along the agreed cluster criteria matrix system so as to verify the gaps analysis and be able to develop a *set of consistent conclusions* for setting up the elements in a cluster model. The *elements defined to form and sustain a cluster* are set up in a *cluster model*.

- Formal legal registration and status of cluster participants with defined CSOs and defined state entities
- Common practises of networking and streamlining of legal frameworks for clustering according to degree of formality, including umbrellas, association of associations, partnership agreements, and co-operation agreements.
- Open procedures based on recognised legal or regulatory instruments for defining capable civil society organisations in state partnerships at present disregarding the distinction of Public Benefit Status Organizations
- Defined criteria for representation and legitimacy of CSOs based on formulated in joint agreement
- Memorandum of understanding regarding mutual obligations towards target groups based on typology of organisation
- Division of labour in operational activities defined between the public authority and civil society
- Standard municipal agreement used assuring open accountability and involvement in the decentralization process
- Standards rules and regulations regarding programme selection and funding agreed upon at national and municipal level
- Joint body set up for supervision of state monitoring practises in the cluster area, including the use of baseline indicators
- Full mutual accountability in relation to target groups and stakeholders
- Standard financial and administrative procedures implemented based on EU experience
- Cooperation partnerships developed based on supply and demand analysis according to CSO typologies to create synergy in delivery
- Supply and demand analysis used to clarify a balance between state policy initiatives and civil society delivery of products and services
- Clear guidelines set up for civil society incorporation in State policy implementation
- Developing CSO and Public authority capacities needed to establish professional partnerships through human resource development
- Joint strategy for awareness building and advocacy highlighting the mutual benefit (supply and demand) of state-civil relationship
- Procedures established for inclusion of cluster participants in government decision making (committees, task forces, commissions and hearing processes) and on joint monitoring (particularly in the HR field)
- Participation in preparation and implementation of Turkish CSOs and local authorities in EU Twinning arrangements and in EU CSO Partnerships
- Communication strategy setup beyond the borders of the public system in joint agreement
- Joint monitoring, evaluation and quality assessment of cluster policy impact based on baseline indicators
- Training programmes of civil society activists and state officials from different vantage points based on a agreed principles
- Defined documentation and joint reporting of cluster activities, including lessons learned on the function and role of civil society in public administration
- Setting up of a process of approximation for the step-by-step development of cluster tasks to be dealt with defined milestones in the concrete situation based on mutual agreement
- Common set of guidelines and protocols to be developed for social partnerships and clusters
- Adherence to agreed standard financial and administrative procedures and criteria
- Transparent criteria and procedures established for governmental support to the NGOs
- Code of conduct or social compact adopted containing agreed principles for mutual cooperation
- Practise of public authority openness to civil insight in the public budget
- Access of CSOs into the process of legislation and public administrative practises

14. Determination of the collaboration areas between public sector and civil society requires a *supply-demand consideration*. The nature of the relationship between CSOs and public sector is characterised by the supply and demand to and from the CSOs as well as to and from the state entity, whether it is in programme delivery, advocacy or awareness building.

The supply-demand relationship varies according to the *typologies of CSOs and the public authority counterpart structure*. The nature of the relationship between the state and CSO *varies according to the local, regional or national levels and the type of CSO*. These varieties determine the position and content of the supply and demand relationship, as analysed through representative examples.

15. The mapping and gaps analysis provided a picture of the present structures in civil society and government from which to develop clusters at different impact levels. From the civil society sectors where already a potential is present, was made a set of suggestion where to *start up cluster modelling in Turkey with defined public sector counterparts in the following areas: social dialogue, human rights, care for disabled, women rights, ethnicity, environment, social care, social assistance and poverty alleviation, and local platforms*. To facilitate the formation of such clusters have been indicated the key cluster criteria elements to be in place for each of the clusters suggested as well as a supply and demand analysis between CSOs and public sector institutions.

16. In developing meaningful and sustainable social partnerships it is important to *calibrate EU expectations* on possible developments for the short and the long term. A presumption that the mere creation of social partnerships and transfer of funds in the short run will engender efficient mechanisms for civil society delivery (including outsourcing, social service delivery etc) and a balanced advocacy role of civil society vis-à-vis the state, is not realistic. Rather it must be foreseen that a *mutual process of gradual parallel building of trust, capacity and institutions in civil society and in the government* will be necessary for the achievement of such expectations over a longer time horizon.

- The first step to be considered would be to introduce a *concept of parallelism in the balanced evolution of the institution building of state structures and civil society structures*. At present key government structures are receiving institution building support, while civil society support mostly takes the form of grant support. There is an urgent need for setting up a *programme for a system of support centres for developing stronger legitimacy, capacity, delivery, professionalism and partnership ability in Civil Society Organisations*
- The second consideration could be the creation of an mechanism for future EU state civil society relations, which should be placed among the *governmental institutions defined in relation to the EU Programming* in order to bring about a *government civil society focus* and a balanced system of parallel funding of both state and civil society capacity funding to clustering and social partnership schemes.
- The third consideration would be to bring about *joint programmes involving both State and civil society* actors enhancing the transfer of know-how through international twinning, Turkish and European CSO network matching programmes, and joint State-Civil Society institution building programmes, e.g. Charities Commission in the UK or the Polish Civil Society Development Programme.

Finally as far as the *development of sustainable and consistent cluster structures* EU's role seems to consist of providing *continued technical expertise* to meet the requirements set out in the cluster model criteria and elements. An initial *development fund for supporting well-designed clusters in*

key strategic sectors of Turkish development must at this juncture be seen as probably one of the most important EU initiatives in bringing about an open civic dialogue between state and civil society in Turkey.

ANNEX 1: Programmatic Approach to Clustering Civil society and State in Turkey.

Key areas of importance for the relations of the Turkish Government to civil society development could thus be organised under the following four headings

- Administrative reform, decentralisation and European integration
- Economic , environmental and health development
- Cultural identity and education reform, including multiethnic tolerance
- Social cohesion and human security.

The inter-linkages of policy areas, where a stronger participatory role for civil society and its organisations should be foreseen, are illustrated in the figure below⁶⁸.

⁶⁸ UNDP Change Management Methodology 1996

Classical examples of policy implementation with civil society participation within such an analytical framework are

- Implementation mechanisms of new laws involving civil society
- Development of Social Partnerships under decentralisation
- Good governance measures for increased delivery capacity of CSOs
- EU integration measures
- Implementation of poverty alleviation strategies
- Promotion of women in economic life
- Professional standards and networking
- Modern social dialogue through labour market and farmers' associations
- Environmental protection campaigns
- Primary and preventive health issues
- Social care and benefits for the poor and destitute
- Programmes for protection of vulnerable and marginalised groups
- Child development support and child-care provision
- Youth activation programmes
- Building and sustaining of a stable middle class and family structure
- Diverse set of cultural and sports initiatives
- Cultural diversification and open media debate
- Education reform comprising parents and student participation, modern curriculum reform, and student-centred and didactic teaching
- Increased status of vocational work
- Integrated education practice based on multi-ethnic tolerance

ANNEX II: DEFINITIONS AND METHODOLOGY

A. DEFINITIONS

A.1. State- Civil Society Cluster Definition

“A cluster is a thematically or geographically proximate group of interconnected civil society organisations and associated public institutions in a particular field or sector, linked by commonalities and complementarities.”⁶⁹

This broad definition enables a cluster to be broader than just one sector, i.e. also cross-sectoral. A broad cluster captures *important linkages and spillovers of know-how between sectors*, which are

⁶⁹ Porter1998 (adjusted).

fundamental to openness, productivity and innovation. The geographical scope of a cluster ranges from a single municipality or city over a region to the national level. It can even be extended to encompass regions of neighbouring countries.

Clusters vary in size, depth, and level of aggregation *across sectors and geographical localisation*. The boundaries of a cluster change over time as new civil society organisations, sectors, and public institutions change. Government legislation also contributes to the change of a cluster as new laws and regulatory changes create new demands on the clusters.

A cluster formation can have *different of degrees of formality* i.e. ranging from formal umbrella structures based on agreed protocols or agreement between the involved governmental and civil society, to more loose platforms for exchange of information and co-ordination or to just having established interactive web sites web-sites.⁷⁰

The *motivation for entering into a cluster* by a civil society organisation can be directly inferred from the matrix on organisational typologies presented in Chapter II. The reasons for entering into a more formalised cluster arrangement can be to deal with an external threat or promote a common interest.

A.2. Cluster Typologies

Networking of CSOs and Public entities in a cluster can be distinguished according to the following typologies:

- Sectoral or cross-sectoral, typically dealing with a specialised field e.g. in health and social care, or in a broader societal or complex issue, e.g. poverty involving intervention several sectors and e.g. AIDS involving both prophylactic and curative multi-sectoral interventions
- Geographical defined areas of intervention due to nature of issue or the mere fact of administrative and organisational expediency (regional, district, sub-district, municipal)
- Crosscutting based on task/case management, typically involving specialisations where the vertical or horizontal organisational structures of the Public sector and the CSOs have to be cut across, e.g. fight against drug abuse and trafficking or dealing with the combating of terrorism.
- Crosscutting based cross-sectoral nature of issue, such as multi pronged intervention in relation to a natural disaster or the combating of the bird flue disease.

A. 3. Impact levels

The impact levels normally follow the administrative configuration dealing with national, regional and municipal level taking into consideration the complexities in the Turkish administrative system analysed in Chapter II.2.2 above.

⁷⁰ The inter active web-sites of teachers in Bulgaria actually led to more policy reform in teaching methodologies than any formal legal arrangements.

In comparison to most European experience the traditional role of strong national CSOs also forming the backbone of local outreach is less evident in Turkey. The models based on *local civil society centrality* therefore have much merit in the Turkish situation. This was actually mainly how the state approached civil society participation in the social field. The relative weakness of the national structures has led to an alibi dilemma of civil society independence, where some national social organisations and key foundations are involved to *justify government policy*. On the other hand there are organisations like the human rights organisations that pull the other way maintaining a critical attitude to their role in working with governmental policies. The risk from both sides is of course that if the civil dialogue is not maintained and clusters are not able to function that *parallel state organisations develop* as has already been the case or that or law reforms are solidifying the state structures.

The cluster typologies are illustrated in the figure below. It is important to notice the nature conjunction of the typologies and impact levels.

Impact Level	National	Regional	Local
Cluster Typology			
Geographical Clusters			
Sector and Cross-sector Clusters			
Cross-cutting Clusters			

B. METHODOLOGY

B.1. Criteria

The definition of clear criteria for a cluster analysis and for developing models for how the interaction of the civic dialogue function, has been identified as the crucial missing link in the present conduct of government policy.

In the structural analysis made in Chapter above the characteristics of the Civil Society Organisations and the State and their interrelationship were elaborated according to

- *Issues of legitimacy* in relation to the organisational and structural aspects of clustering
- *Issues of delivery* in relation to the capacity aspects of clustering, including programming, advocacy, and awareness building
- *Issues of partnership principles* in relation to governance aspects of clustering

Under each of these headings have been suggested a number of criteria developed from the problem analysis made that are considered crucial from both a civil society and a state stakeholder view point.

In relation to the organisational and structural aspects of clustering several *issues of legitimacy* have to be taken into account

- Formal legal criteria (Registered associations and foundations under present laws and regulations and defined public sector structures)
- Representativity of the cluster (Civic Participation in CSO activities and degree of government inclusion)
- Social Accountability (Typology of CSOs able to be sustainable and prevalence of accessible government plan and budgets)

In relation to the capacity aspects of clustering several *issues of delivery* have to be taken into account

- Proven Capacity to carry out programmes (Professionalism and Quality Assurance)
- Proven capacity to do advocacy and awareness building
- Public policy impact and Communication

In relation to governance aspects of clustering several *issues of partnership principles* have to be taken into account

- Independence and autonomy (CSO rights and obligations and government respect and non-interference)
- Interconnectedness and consistency (Viability of CSO networks and government strategy and coordination)
- Transparency and impartiality (CSO openness based on code of conduct and government openness not least in funding and application of good governance principles)

By listing key issues in relation to CSO, State and their interrelationship, these criteria contain a number of in-built contradictions that reflect the present situation of collaboration between state and civil society. But they also provide a realistic set of principles from which a cluster modelling will have to take its starting point, so realistic steps can be recommended to assure the legal and administrative coherency and streamlining of practises between Government and the civil society organisations.

B.2. Data Collection

The overall *difficulties in accessing data* and in particular quantitative data made it necessary to utilise qualitative research techniques. Challenges of collecting quantitative data within this study were thus met mainly through in-depth case studies and verification through questionnaires e.g. to the Local Authorities.

B.3. Comparative experience

In selecting what can be learned from international experience two approaches have been used. One approach has been to compare results from research in the broader European and International context as carried out by UNDP, Civicus, and John Hopkins etc. The other has been to look at similar models of good practise particularly in the context of EU programming and partnership projects.

B.4. Research methodology

Given the time limitations, the research was mostly based on qualitative research techniques. Apart from structural limitations, it is also asserted that qualitative techniques were to serve most appropriate outcomes for developing cluster models for developing civil society-public dialogue in Turkey.

Case studies were detected as the most fitting methodology for achieving the goals defined by the project. The research team, departing from the cluster typologies which are defined above (in III.3), detected four cases in order to understand and comprehend the current state (and future possibilities also) of the relationship between civil society and public in Turkey. Four case studies are as follows:

- Society Centres (General Directorate of Social Services and Child Protection Agency-SHÇEK) – Antalya and Ankara
- Prime Ministry Human Rights Advisory Boards
- Municipalities – Muğla, Samsun-Gazi and İstanbul-Beyoğlu
- Social Assistances and Solidarity Foundations/Social Risk Mitigation Project.

For each case study the research team has carried out desk studies and field research.

Desk Study: the basic objective of the desk study was to draw out the legal, constitutional, political and social framework of the cases. The desk study was composed of the following steps:

- i. Analysis of former studies on the subject matter
- ii. Analysis of the legal framework (laws, by-laws and regulations) in order to have information about the legal statues of the organizations and further elaborate legal issues with the interviewees through the field research
- iii. Media analysis (basically newspaper research regarding the political and social state of the organizations the research team dealing with)
- iv. Preparation of in-depth interviews
- v. Analytical and statistical analysis of PBSOs in Turkey (see above)

Field Research: The basic tool used throughout the field research was in-depth interviews. The research team carried out interviews both at central and local level depending on the case.

List of interviewees (no names are given; only the institutions are listed)

Central level Ministry of Finance (One officer) The Head of Department of Associations

The Head of Department of Local Authorities
Vice-Head of Department of Foundations
Law Expert of Department of Foundations
Social Assistances and Solidarity Foundations (four officers)
General Coordinator of Social Risk Mitigation Project
The Head of General Directorate of Society Centres

Local Level

Society Centres

Representatives from
Ankara-Şafaktepe Society Centre and civil society counterpart (Rotary Club)
Antalya-Habibler Society Centre's civil society counterpart (ÇYDD)

Municipalities

Representatives from
Samsun-Gazi Municipality
Ankara-Altındağ Municipality
Antalya-Kepez Municipality
Antalya-Muratpaşa Municipality
İstanbul-Beyoğlu Municipality and Civil Society Counterpart

Human Rights Advisory Board

Scholar having expertise on human rights issues in Turkey

There were two basic motives behind this choice: the need to further our information ('actual' information indeed) about the cases and to outline the basic mentality of interviewees regarding the problem of civil society-public dialogue. "How do the civil society and public counterparts appropriate and interpellate the role of state and civil society within their discursive universe?" was the main question sought throughout the interviews.

An outline of the interviews can be given as such

- i. Information about the organization (political, legal and institutional framework of the organization)
- ii. Information about the cooperation (registration issues and political, legal and institutional framework of the cooperation)
- iii. Needs and constraints regarding the problem of cooperation
- iv. Capacity issues; expectations of the counterparts
- v. Counterparts' appropriation of the role of the public and civil society in cooperation
- vi. Problems of autonomy and independence
- vii. Fiscal issues and the problem of transparency
- viii. Future prospects

In addition a set of questionnaires on civil society and public dialogue were transmitted to selected local authorities for later use in the awareness building part of the EU programme.

ANNEX III: Description of Civil society sector in Turkey and Typologies of CSOs

The civil sphere of Turkey is not homogenous. It is composed of organizations differing in their size, aims, target groups, activities, political stances and profile of their members.

In spite of an approximately 80.000 registered associations, some 3000 new non-state foundations (registered after 1920), and several hundred unions and chambers (including vocational and professional associations), each regulated under separate legal frameworks, the level of depth and breadth of *civic participation* in Turkey is significantly low with only 7.8% member of CSOs measured against the Turkish population number reported to be a member of a CSO⁷¹. Membership to civil

⁷¹ The figure is based on membership and therefore allowing for one person being member of more than one CSO

society organizations (CSOs) is limited, and especially so for disadvantaged groups such as women, rural populations, and the poor.

According to estimates in the latest data from the Interior Ministry in 2003⁷² 90% of the CSOs are concentrated in major urban areas⁷³. Although the distribution is uneven, CSOs (foundations and associations) do exist in all 81 provinces. The Eastern Anatolian and South Eastern Anatolian regions have the least amount of foundations and associations whereas the western part of the country has more.

The *level of institutionalization* increases as an organization gets geographically closer to centres. The highest level of institutionalization in peripheral cities is observed in the branches of central organizations such as the branches of Human Rights Association. However it should be noted here that these are not intentionally and strategically becoming institutionalized but rather by the force of their headquarters⁷⁴.

Demands, needs and expectations of the organizations are varying according to *typology of organization* as developed in the matrix below⁷⁵.

⁷² Interview with Department of Associations. December 2005

⁷³ Tusev

⁷⁴ “Civil Society Organizations: Needs And Constraints”, 39.

⁷⁵ *ibid.* 37.

Type

Founder Profile

Mission

Functionality

Samples

Self-Organizations

Beneficiaries

(target group)

Advocacy and improvement of rights of target group

Socialization

Activity Organization

Lobby

Advocacy

Awareness Raising

Women and children

Culture

Ethnic

Handicapped

Charity Organizations

Philanthropists

Help activities for sufferers of a particular problem

Donations

Financial support

Charity activities

Education

Women

Poverty

Social care

Health

Specialised Organizations

Specialized people and/or professionals of a particular field

Protection and improvement of the field determined

Professional Activities

Lobby

Advocacy

Environment

Professional associations

Students

Common Interest and Advocacy oriented aims, ideas or sensitivities.

Intellectuals and educators,

Defending rights and standards of quality of life

Awareness Raising

Public policy Activities

Lobby

Advocacy

Human Rights

Environment

Education

Religion

Youth

Mutual interest and benefit based organizations

Workers, farmers

employers, industrialists and professionals

Protection of rights and standards of their members

Interest representation

Lobby

Advocacy

Standards

Public policy Activities

Workers unions

farmers

employers unions,

industrial federations

professional Societies

CSOs in the *first group* are highly concentrated on the rights of the group they belong to and they expect mostly political support from the society and group solidarity from their membership. This group also deals with the general problems of the disadvantaged groups and expects economical and social support from the state and civil society. The *second group* of CSOs is preoccupied with the insufficiency of volunteers, expecting sensitivity and support from the potential volunteers. The *third group* CSOs is mostly focused on the problems in the field of their own profession, therefore, their expectation is having an impact on their field of work such as the vocational rights of the doctors, workers, teachers or the problems of the small entrepreneurs. But a broader type of organization within this category is the environmentalist case. The interest and expectations of the *fourth group* are ranging from the

associations dealing with problems of rights and standards in society to ideological groups. In the *fifth group* the Mutual interest and benefit organizations are characterized by the safeguarding of their members' interests and thus hold a special legitimacy through the members they represent not least vis-avis government.

CSOs experience hardships with regards to obtaining *financial support* from sources including grants, private sector and the government. Only 18% of the Turkish population contributes to charity, and 87% of these donors prefer to give to individuals rather than CSOs⁷⁶. According to rough estimates, approximately .09% of annual income (per family) is allocated to some form of assistance or donation. Assuming on average about 12.5 million families in Turkey, this amounts to about 600 million EUR.

Volunteering is equally limited to 1.5% of the Turkish population reporting involvement in voluntary activity. Considering the general lack of professional staff in the organisations and the dependency on qualified volunteers this figure is very low.

When asked about the level of adequacy of infrastructure respondents claim that their technical (30%) and financial *capacity* (48%) is not adequate in achieving their defined goals. However, focus group discussions were more pessimistic with an overwhelming tone of insufficiency of resources to realize specific projects and make a true impact.

⁷⁶ Philanthropy in Turkey Study by TUSEV. One reason for this individually directed charity is its community based character and certain skepticism against CSOs and state directed charity organizations

ANNEX IV: Description of Government Sector in Turkey

The *government change process* undertaken through administrative and legal reforms is bringing radical changes to the traditional relations between state and civil society through increased institutional capacity of the state to develop dialogue and trust between the sectors. The set up of the EUSG, the creation of the DoA as well as the modernisation of the General Directorate of Foundations (GDF) of the Prime Minister's Office all demonstrate the determination of Turkey to include voluntary and non-governmental organisations to civic and social life. The Government policy of working in cooperation with CSOs sends an important signal to all parts of the state administration. Combined with the initiated process of decentralisation, this allows for the introduction of new and more diversified forms of partnerships and interactions between the public sector and civil society. Thus important modifications of the overall still centralised vertical state model with existing parallel structures have been introduced.

The *consistency of the legal framework* as to Government/Civil society relations and the ongoing reform process has generally improved with the recent amendments and suggestions to amendments of the pertinent laws. Based on the provisions of the Civil Code, the Law on associations and ensuing regulations were modernised and a similar modernisation of the Law on Foundations and ensuing regulations is presently underway. The details of these amendments are described in the parallel legal study to this cluster analysis.⁷⁷ With the modernisation these laws a certain of *convergence* has taken place, leaving the de facto difference between an association and a foundation lesser. Thus the difference in legal protection seems to be insignificant except for membership criteria. Both forms of organisation can form internal commercial activity.

In terms of *representativity*, however, there still exists a perceived difference among government officials lending a higher degree of inclusiveness to a chamber or a foundation not least due to the social and historical status. The founding process of foundations is seen as making this organisation form less prone to political influence.

No amendments have yet been introduced to the Laws on Unions, Chambers (vocational and commercial) and Cooperatives. As a *specific feature* these types of organisations have their own regulatory framework (public law or public service functions) often inducing a more structured relationship to government. Several of these organisations, in particular the professional organisations, have obligatory membership.

⁷⁷ Interviews with the Department of Associations and General Directorate of Foundations (December 2005).

In relation to the legal framework of *decentralisation process* the Laws on municipalities and urban municipalities as well as Special Administrative Units now contain provisions for collaboration between municipalities and Non Governmental organisations.

However, overall it is a fair estimate that the government organisation is basically still functioning through the *central control* of the central ministries and the Office of the Prime Minister. The government representation through the Governors at the regional level and the local government structures (at district and sub-district level) is still by far the dominating element at the local level in terms of health, education, labour, social care, and economic development. This often leads to the paradox that similar initiatives involving civil society organisations are separately organised by the local government offices and by the municipality, running in parallel without any contact to each other but rather in competition. This state of affairs could be considered as *transitory distortions* until the decentralisation process is fully underway.

The organisation of state policy towards civil society organisations is basically anchored in the Department of Associations (DoA) and the Directorate General for Foundations (DGF) in terms of registering and monitoring of the associations and foundations. The Trade union law is now controlled by the Ministry of Labour and Social Security, while individual unions are linked with different line ministries according to their field of competence. Also the Chambers (Professional associations and chambers of commerce) are in a similar way linked to the relevant ministries in question. But it is at the regional level that the Unions and chambers register with the office of the Governor.

These separations stem mainly from history. The Ministry of the Interior police traditionally has been monitoring the associations and the Prime Minister's office GDF is having the overhang of administering and asset managing about 40.000 old foundations without descendants next to the modern foundations. Each of the two structures operates with local units, DoA with 81 local provincial directorates and DGF with a similar number of local units.

The main issue as to this *parallel organisation* is the want of a single governmental *strategic focal point* regarding civil society development in Turkey. The absence of a programmatically based strategic approach to a high extent leaves the extent and practise of Civil society inclusion up to the individual responsible directorates and ministries without an even set of rules as to social accountability to be encountered by partner civil society organisations.

The response to such *new crosscutting issues* facing government has in the most recent years been the formation of a series of horizontal General Directorates directly under the Prime Minister. Next to the EUSG and the State Planning Organisation are now found DGs such as, the DG for Social Assistance and Solidarity, the General Directorate of Social Services and Child Protection Agency, and the DG on Protection of Women's Status. Each of these General Directorates already has programmes directly related to Civil Society Organisations within their field of specialisation. They also have an elaborate local structure, the General Directorate of Social Assistance and Solidarity having 831 local Foundations⁷⁸, and the General Directorate of Social Services and Child Protection Agency having 63 Society Centres⁷⁹.

⁷⁸ Foundations for Social Risk and Poverty Mitigation

⁷⁹ Society Centres for Social Services and Child Protection

These General Directorates function side by side with the *traditional vertically structured* line ministries as executive bodies (social and health, health, education, environment), each with their local structures covering the whole country on a regional and district level. Within each line ministry there are windows of partnership collaboration or financing with Civil Society.

Two ministries in particular hold *horizontal cross-cutting functions*. The Ministry of Finance have horizontal Departments that cut across the ministerial structures and the Ministry of the Interior works on a horizontal basis through the Local Government Department responsible for tying up relations with different line ministries and the municipalities in the decentralisation process now embarked upon. The department has already been instrumental in promoting the Agenda 21 activities involving civil society in 38 municipalities and is ready to further detail regulations on municipal/civil society partnerships when needed⁸⁰.

In terms of relations to civil society a pivotal point of collaboration in the state structure is the *state governors at the regional level*. Not only do the Governors play a role in policy execution e.g. registering trade unions, chairing the Foundations for Social Risk and Poverty Mitigation, but in several instances the Governor institution is the instrumental force in convening regional civil society platforms as indicated above⁸¹. This pattern of behaviour is in many ways replicated at the *municipal level* - in particular in the bigger urban municipalities - although generally disconnected with the state structures⁸².

⁸⁰ Interview with the Dept of Local Authorities (December 2005).

⁸¹ “Civil Society Organizations: Needs and Constraints”, 30.

⁸² Especially see the case studies on municipalities below.

ANNEX V: The EU Accession process and government institutions related to EU programming

It is worth noting that the *EU Accession Process* seems to be the most dynamic element in the development of civil sphere in Turkey⁸³. It does not just stem from the political expectations created by the Accession Process in taming the Turkish state in the way to democracy, civil liberties and human rights and in including the CSOs into the decision making processes both in the local and national level, but also derive from the direct financial grants of the EU. Therefore, another source of expectation from the EU Accession process is the increase of financial supports which would be distributed to the CSOs. Almost all of the civil organizations seem to be aware of this information.

As the EU Accession Process not only by the CSOs⁸⁴ but also by many government officials⁸⁵ is perceived to be the most dynamic element in the development of the civil sphere in Turkey, the following description is given as to the *division of tasks of governmental institutions in relation to the EU Programming*.

Government Agency	EU related function
EUSG	Design of EU programmes
Directorate of EU and FA in the Ministry of Finance	Planning, distribution of EU funds
CFCU	EU Programme administrator
State Planning Organisation	Monitor of EU funds Administrator of Horizontal EU Programmes
DoA and GDF	Regulator of national, EU-based and international CSOs

In terms of programme execution of future EU funded programmes for civil society development, it will be crucial within this setup to define a Government civil society focus and a balanced system

⁸³ “Civil Society Organizations: Needs and Constraints”, 32.

⁸⁴ See YaDa report, “Civil Society Organizations: Needs and Constraints”.

⁸⁵ Interviews with the public authorities.

of parallel funding of both state and civil society capacity that can be organised without encountering potential conflictual roles in any of the involved government agencies.

Recommendations for the design of the future structure of state-civil society relations under the EU programming.

Recognising the *dynamic role of EU in the accession phase* approximation to the European system of democratic values, including the value of voluntary and civil society organisations to civic and social life and the present reform process bringing radical changes to the traditional relations between state and civil society through increased institutional capacity to develop dialogue and trust between the sectors, it is a crucial that the *EU support under these conditions of change aims to strike a balance in the relationship between state and civil society*.

- The first step to be considered would be to introduce a *concept of parallelism in the evolution of the institution building of state structures and civil society structures*. Right now there seem to be a tendency to channel EU support related to institution building mostly to government institutions. At present key government structures are receiving institution building support, while civil society support mostly takes the form of grant support. From the cluster analysis the urgent need for setting up a *programme for a system of support centres for developing stronger legitimacy, capacity, delivery, professionalism and partnership ability in Civil society Organisations* was of the uppermost priority as an investment in a future open society in Turkey. Such models were applied by the European Union in all of the past and present enlargement countries during the last fifteen years.
- The second consideration could be the creation of an mechanism for future EU state civil society relations, which should be placed among the *governmental institutions defined in relation to the EU Programming* in order to bring about a *government civil society focus* and a balanced system of parallel funding of both state and civil society capacity funding to clustering and social partnership schemes. Such a body could be the EUSG under the Prime Minister's Office, separated from the regulatory bodies. At the same time a consultative body involving civil society and an inter-departmental and inter-ministerial coordination point could be foreseen in such a structure.
- The third consideration would be to bring about *joint programmes involving both State and civil society* actors enhancing the transfer of know-how through international twinning, Turkish and European CSO network matching programmes, and joint State-Civil Society institution building programmes, e.g. Charities Commission in the UK or the Polish Civil Society Development Programme.
- Finally as far as the *development of sustainable and consistent cluster structures* EU's role seems to consist of providing *continued technical expertise* to meet the requirements set out in the cluster model criteria and elements. An initial *development fund for supporting well-designed clusters in key strategic sectors of Turkish development* must at this juncture be seen as probably one of the most important EU initiatives in bringing about an open civic dialogue between state and civil society in Turkey.

ANNEX VI: Detailed Analysis of Public Benefit Status Organizations (PBSOs) in Turkey

One way to overcome the issue of present lack of consistent governance criteria in the government could be to *define the most eligible CSOs organisations* by giving them a preferred status in the public interest as Public Benefit Status Organisations, including tax exemption provisions.

For more enumerated categorisation of Public Benefit Status Organisations (PBSO) based on best examples from European laws and regulations, see box above⁸⁶.

A Public Benefit Status Organization (PBSO) is a kind of organization that through its activities supports or promotes the public benefit in one or more of the following areas:

Help and protection of the physically or mentally handicapped persons;

Humanitarian aid and goals, refugee aiding;

Civil and human rights, elimination of all types of discrimination ;

Consumers protection;

Health system, health promotion and medical care;

Arts;

Culture;

Science;

Non-professional sports;

Democracy promotion;

Environment protection;

Education and training;

Poverty elimination

Preservation of cultural and historical monuments;

Protection of children, youths and marginalized persons;

Care and protection of animals;

Social solidarity and cohesion;

Social or economic development;

Social Welfare system

Religion

Humanitarian disaster relief

Other activities determined by the Commission on PBSOs

⁸⁶ “Comparative report on Public Benefit Law”, Tusev, September 2004, and comparative study by Dialogue Development (2005).

This option is provided for in the Laws on Citizens' Associations and Foundations the criteria for establishing Public Benefit Status Organizations (PBSO) are related to specific areas of activities enumerated, but in rather general terms "in the subjects of health, social aid, education, scientific research and development, culture and environment protection and forestry"⁸⁷.

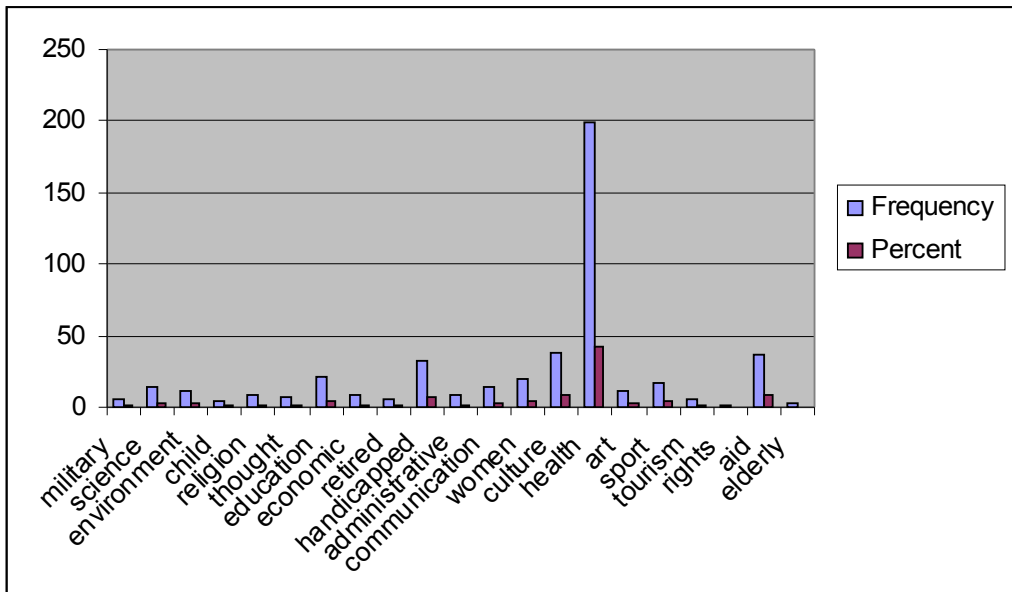
The problem with this approach in the present Turkish context is that the PBSO concept has been rendered ineffective for the civil movement in Turkey by restricting the numbers of Organisations that has received such status totalling 695 (including 221 foundations⁸⁸) and by rendering tax exemption for government interest and organisational motivated reasons. In the following analysis, are used on 474 PBSOs (Associations)⁸⁹ where criteria could be classified and clarified.

According to *field of specialisation* health organizations (42 %) are the most frequent followed by culture (8 %) and aid organizations (7.8 %). In other words, major civil society fields are excluded from Public Benefit Status, which appears as one of the most problematic aspect of the term itself.

⁸⁷ Ministry of Finance General Communiqué of Corporation Tax, serial No.83 02092003

⁸⁸ These are named Foundations recognized as tax exempted of which 60 are family foundations

⁸⁹ Indeed, legally, there are no Public Benefit Status Organizations, but Public Benefit Status Associations in Turkey.



However, in analysing the 474 PBSOs, *field specialisation* does not stand as an adequate analytical tool for the purposes of this study. In this respect, another level of abstraction is necessary in order to comprehend the needs and expectations of these associations together with the relation between them and the public institutions.

In general, the determining element of this specific clustering is detected as *dominant purpose of the association*. Accordingly, while trying to conceive the purpose of the association, was not simply taken into consideration the official purposes written in the official documents, or the motivations and rationale of the founders. Rather, while keeping those in mind, the focus concentrated on the current projects and activities of the associations together with the discourses of the bearers of the values of associations. While conducting such a clustering in respect to the purposes of the associations, the fields of the associations had significant value for an appropriate analysis. Nevertheless, one should be precautious about the fact that two organizations performing activities in the same field can fall into completely different clusters. Accordingly, for the sake of clarification, taking the field of 'handicapped', the self-organized handicapped associations and handicapped centred charity associations should be distinctively conceptualized due to the fact that the purposes of these two kinds of associations are completely different. Such a phenomenon is especially evident in the sense that the way the former conceives the needs and expectations of the handicapped people and the way it utilizes the concept of civil society radically differs from the latter. As a result of this analysis 474 public benefit associations were placed under one of the twelve clusters which can be listed as self-organized, charity-motivated, field-specialized,

adv
pro
hea

This classification clearly shows the *direct correlation between closeness to state and holding of the Public Benefit Status*.

In order to explain this, is given a specification of the nature of the classification

1. **Field-specialized:** Such kind of associations is founded and/or attained by either specialists or professionals who are interested in a related issue with his/her own field/profession such as biologists, doctors, social scientists and environmental engineers. The field-specialized associations aim to provide an arena in which the specialists/professionals share their knowledge and experience and participate in projects related with their field/profession.
2. **Health Warriors:** Those associations are founded in order to struggle with a disease that started to be frequent in the society to the degree that it starts to threaten the health of the public. The associations founded for combating against cancer, tuberculoses and AIDS are such kind of associations. Those kinds of associations are generally founded by a special law and work in collaboration with the state.
3. **Instrumentally-used:** Such kind of associations is founded by public or private institutions in order to perform some of the functions of that institution through instrumentally using the civil society. The associations that are founded in order to construct and/or run universities, hospitals, mosques or to perform some of the services such as education or health care belong to this cluster.
4. **Charity-motivated:** Such kind of associations is founded and/or attained by philanthropists and generally operates in the fields of education, handicapped and health. Most of these associations are founded and/or attained by philanthropists who do not suffer from the problems that their targeted group suffers. The main purpose of these associations is to provide temporal aid to people who suffer from a particular problem. In this respect, the charity-motivated associations can be distinguished into two: goods providers and service providers. The good providers distribute goods or/and monetary aid to their target group whereas the service providers deliver a particular service, such as education, to their target group.

5. **Vulnerables' protection motivated:** The dominant purpose of these kinds of associations is to protect their target group against further damage. The target group of such kind of associations consists of vulnerable groups such as those suffered from a particular disease, or the disadvantage of age. In this respect, even if they do not suffer from the same problem that their target group suffers, they are generally founded and/or attained by those whose relatives suffer from the same problem. The distinguishing feature of this cluster from the advocacy is that it does not aim to structurally change the conditions of disadvantaged or vulnerable groups but simply aims to improve the life quality of individuals.

6. **Communitarian:** Such kind of associations are founded and attained by the people who share the same ethnic and/or geographical background. In terms of their purpose, what distinguishes those from socialization-oriented and self-organized associations is that they do not simply aim at the socialization but rather concern with the enhancement of the solidarity between the people who share the same cultural background. In this respect, they are generally exclusive and communitarian associations. Moreover, unlike self-organized associations they are not organized around a common problem. They, rather, concern with the continuity of their daily life rituals. The associations founded by immigrants who migrate not only from one country to another but also from one province to another such as village and Diaspora associations, are classified under this cluster.

7. **Socialization-oriented:** The associations classified under this cluster are founded and attained by the people who share a common background such as education, occupation or social environment. The main purpose of such associations is to provide an environment for the socialization of such kind of people. The associations, that are founded or attained with such a rationale by the graduates of the same university, retired people or professionals of the same occupation and the wives of the men who work in the same occupation, are classified as socialization-oriented associations.

8. **Self-organized:** By self-organization we mean those associations that are founded and/or attained directly by the target group of the organization. To put it differently, the intersection between the member profile and the target group of such kind of organizations is crucial in order to clarify the difference of this cluster from the others -especially from the advocacy-oriented organizations. The dominant purpose of such kind of associations can be defined as the socialization of a group who suffers from the same problems and/or the betterment of their life quality. The associations of minorities, handicapped, and some of the women are clustered as self-organized associations.

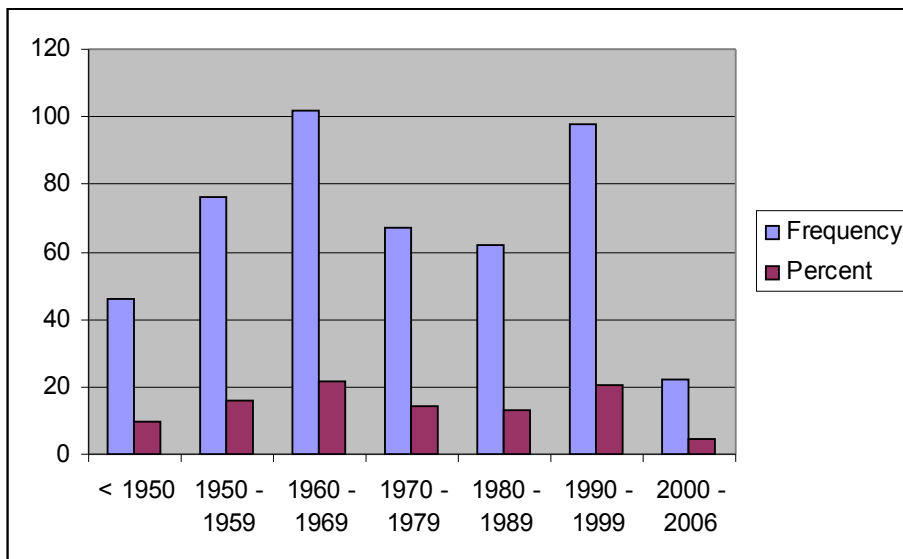
9. **Leisure-time activity centred:** Such kind of associations are founded and/or attained by the people who like to perform the same kind of activity in their leisure time. In this respect, the purpose of these associations can be defined as the socializations of the amateurs of a certain kind of activity such as art or sport.

10. **Built environment protective:** The main purpose of these associations can be defined as the protection and/or betterment of the conditions of a particular kind of built environment or local neighbourhood. In this respect, at the centre of the activities of these associations lie particular spaces created by people. The associations that aim to enhance the

betterment of a province and the protection of historical monuments or museums are classified under this cluster.

11. Policy-oriented: Such kind of associations mainly aims to develop policies on a particular issue. In this respect, they do not have a specific target group but rather a policy arena on which they develop policies in order to supplement or spread a particular ideology. The political research and political action associations are the best examples of this cluster.

12. Advocacy-oriented: The advocacy-oriented associations can be conceptualized as those who define their mission as the advocacy of the rights of the target groups. In this respect, while most of the self-organized organizations can be perceived as belonging to this cluster, what distinguishes the two is the difference in member profile. As we mentioned above, the intersection between the member profile and the target group of the self-organized associations is the defining element of it, whereas in the case of advocacy-oriented associations such an intersection is not the case. The advocacy-oriented associations mainly aim to the betterment of the conditions and defending the rights of a target group for the sake of that group rather than for the sake of themselves. The human rights associations and some of the women associations are clustered as advocacy-oriented associations.



Another concern of the PBSO analysis is whether there exist a relation between approval of the public benefit status and political developments; in other words, is it possible to assume that the *granting of public benefit status is sensitive to political developments*, or political influence. The table above illustrates that there is a considerable correspondence between the frequency of approval of public benefit status and political developments. Thus there are two crucial periods both point to a considerable increase in frequency 1960s and 1990s. After a brief sketch of the periods where considerable decrease in frequency is recorded, it can conclude that there is an inverse relation between social and political turmoil and approval of public benefit status.

However, a detailed analysis of the table below shows us that approval of public benefit status increases unevenly and concentrates on particular typology of CSOs (in 1960s instrumentally used organizations with percentage of 31,4; in 1990s field specialized organizations with percentage of 39,80). Another striking period is the post-2000 period, in which the biggest decrease in frequency is noted. This is probably because of Turkey's EU accession process and a series liberalization which decreased the importance of public benefit status.

The conclusion from the cross-tabulation underscores that *certain clusters were directly approved in line with the political changes* in government policy.

The conclusion from this analysis is therefore that it is *necessary to overstep the distinction* of Public Benefit Status Organisations, as much harm has already been done to this concept in terms of lack of sector or field coverage, government dependency, and degree of political influence. In view of the present literal halt to approving new PBSOs and the on going reform process and EU approximation, it would be much better rather to *define a set of general criteria for clustering* of relevant governmental entities and Civil Society Organisations, be they associations, foundations or chambers, *based on well defined frameworks or codes of conduct*.

STATISTICAL ANNEX OF PUBLIC BENEFIT STATUS ORGANISATIONS IN TURKEY

cluster		
Frequency		
Percent		
field-specialized		
101		
21,3		
health warriors		
101		
21,3		
instrumentally used		
83		
17,5		
charity-motivated		
55		
11,6		

vulnerables' protection motivated

33

7

communitarian

19

4

socialization-oriented

17

3,6

selforganized

17

3,6

leisuretime activity-centered

16

3,4

built environment-protective

16

3,4

policy-oriented

10

2,1

advocacy-oriented

6

1,3

Total

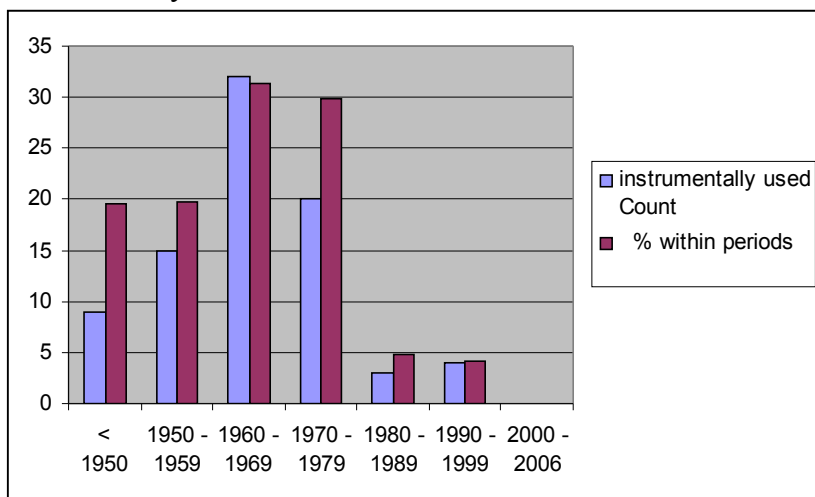
474

100

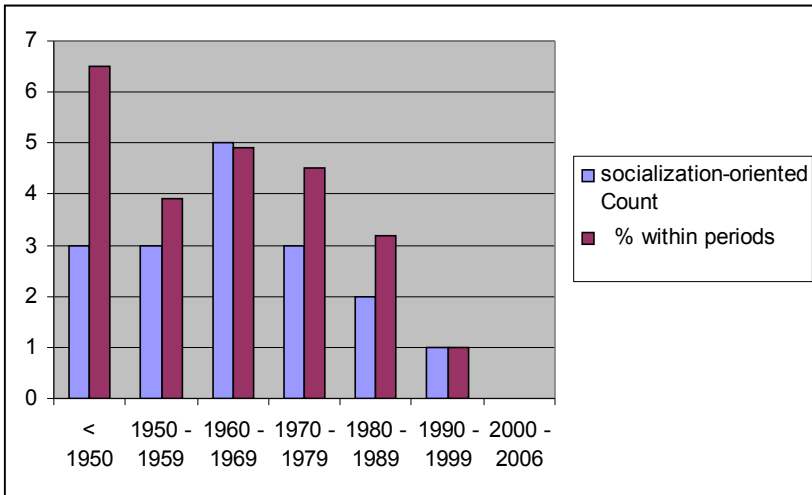
Field	Frequency	Percent
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military	5	1,1
science	14	3
environment	11	2,3
child	4	0,8
religion	9	1,9
thought	7	1,5
education	21	4,4
economic	8	1,7
retired	6	1,3
handicapped	32	6,8
administrative	9	1,9
communication	14	3
women	20	4,2
culture	38	8
health	199	42
art	12	2,5
sport	17	3,6
tourism	6	1,3
rights	2	0,4
aid	37	7,8
elderly	3	0,6
Total	474	100

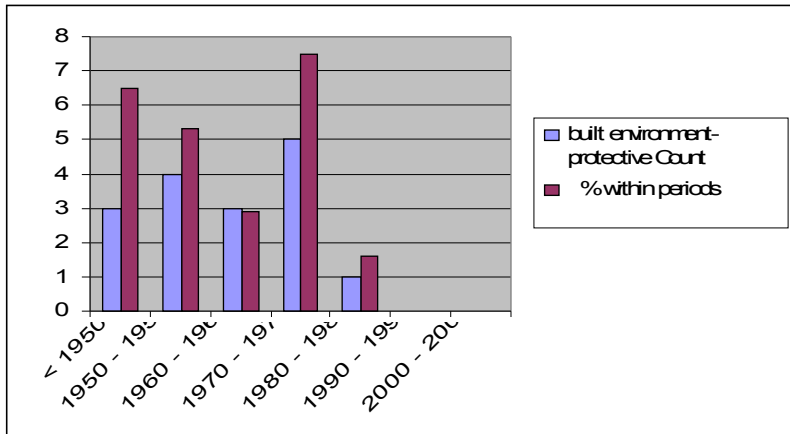
Instrumentally used



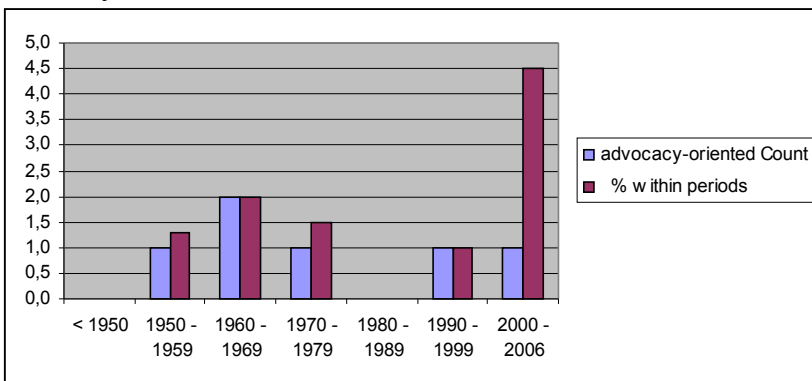
Socialization-oriented



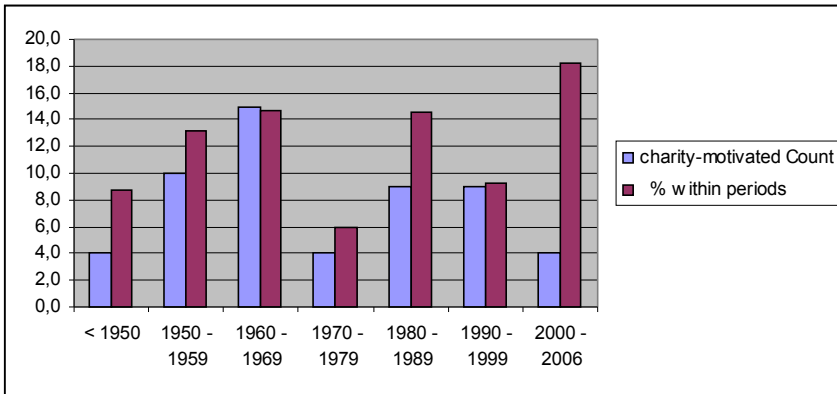
built environment-protective



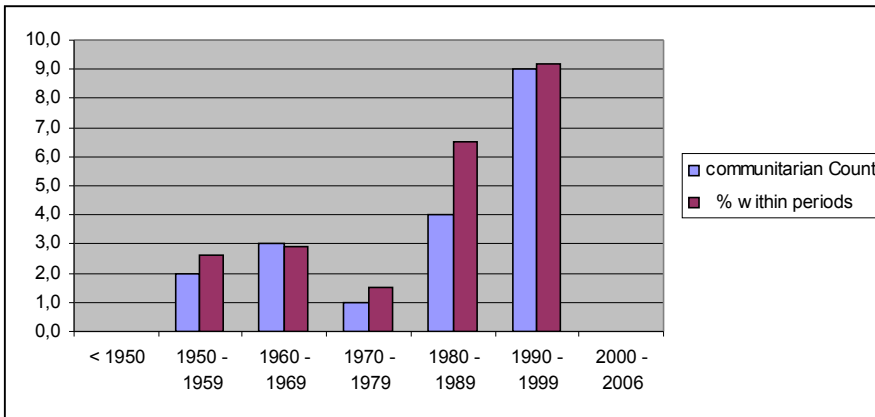
advocacy-oriented



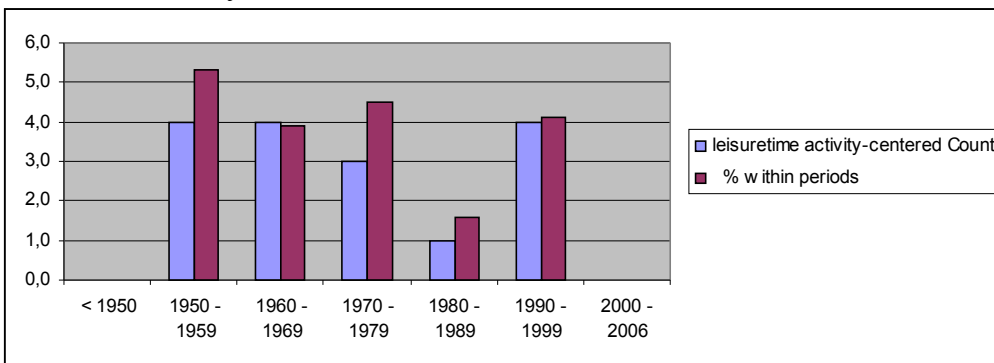
charity-motivated



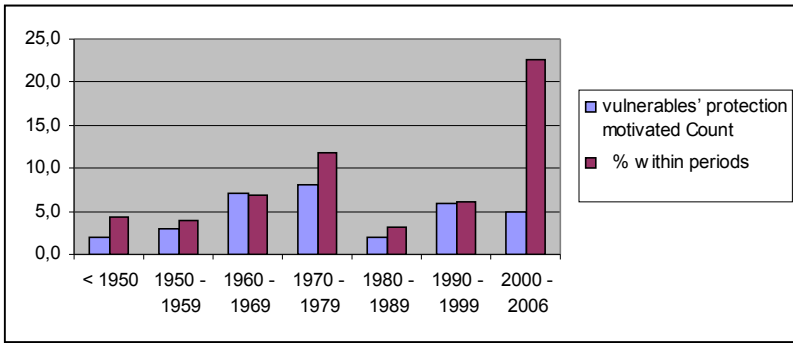
communitarian



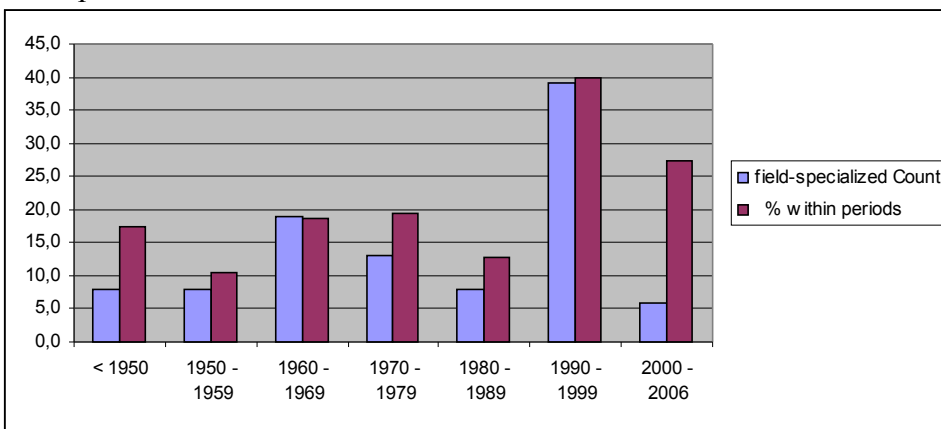
leisuretime activity-centered



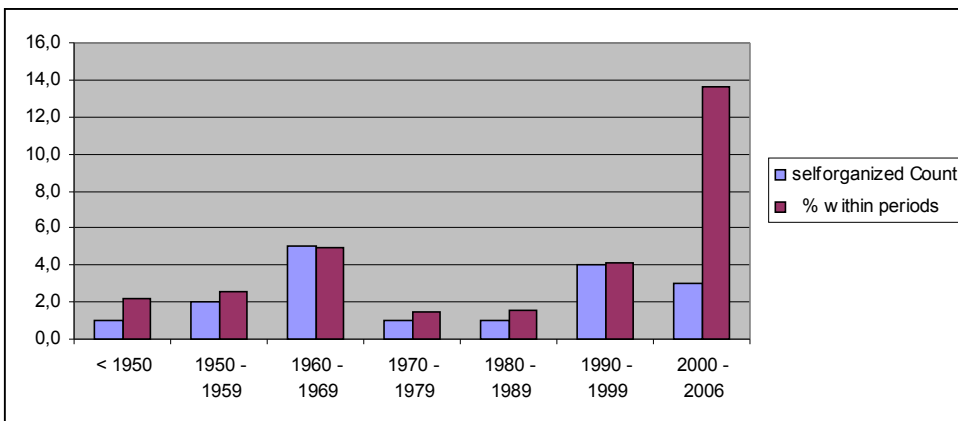
vulnerables' protection motivated



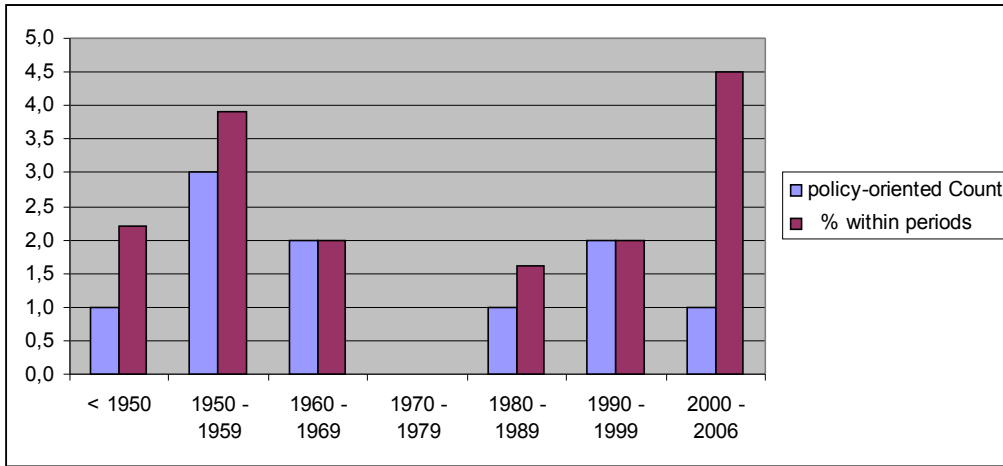
field-specialized



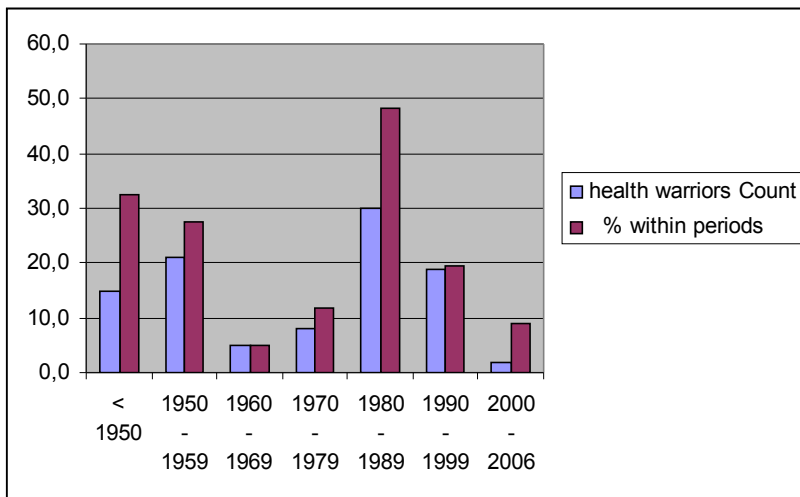
selforganized



policy-oriented



health warriors



field * periods Crosstabulation		Periods							Total
		< 1950	1950 - 1959	1960 - 1969	1970 - 1979	1980 - 1989	1990 - 1999	2000 - 2006	
Military	Count	4	1	0	0	0	0	0	5
	% within periods	8,70%	1,30%	0,00%	0,00%	0,00%	0,00%	0,00%	1,10%
science	Count	2	1	3	2	1	5	0	14
	% within periods	4,30%	1,30%	2,90%	3,00%	1,60%	5,10%	0,00%	3,00%
environment	Count	0	4	3	1	0	2	1	11
	% within periods	0,00%	5,30%	2,90%	1,50%	0,00%	2,00%	4,50%	2,30%
child	Count	0	3	1	0	0	0	0	4
	% within periods	0,00%	3,90%	1,00%	0,00%	0,00%	0,00%	0,00%	0,80%
religion	Count	0	7	2	0	0	0	0	9
	% within periods	0,00%	9,20%	2,00%	0,00%	0,00%	0,00%	0,00%	1,90%
thought	Count	0	3	1	0	1	2	0	7
	% within periods	0,00%	4,30%	1,40%	0,00%	1,40%	2,80%	0,00%	9,80%

ANNEX VII: Definitions of the Dialogue between the Public Sector and Civil Society Organisations

A high level of dialogue and interaction between state and citizen is a fundamental aspect of any democracy. There are numerous avenues for establishing state-citizen relations. Particularly in countries undergoing fundamental reforms, civil society can play a crucial role in mediating state-citizen relations. Respect for human rights and democratic principles are often anchored in constructive interaction and continuous dialogue between a vibrant civil society and well-functioning and transparent state institutions based on the rule of law. Conversely, any change process with the objective to enhance respect for human rights must take its offset in the basis and inter-linkage between these two entities. Further, civil society may in areas where the state has little capacity, play an important role in delivering not only the democratic input, but also the analysis and expertise necessary for effective and legitimate reform.

On the other hand, a well-functioning state is the pendant to civil society *per se*. Promoting civil society without ensuring that the state has the necessary capacity and willingness to enter into dialogue may thus be counter-productive. Dialogue between state and civil society can take place at all levels. Focusing on the Turkish situation, it will obviously be important to include de-concentrated representatives of state in the process of decentralisation. However, in systems where very few powers have been decentralised, it is necessary to realise that real change will only take place by the inclusion of central government.

*Information and analysis
of state activities*

*Demonstrations
Petitions
Voting*

*Information
on State
Activities
Ideas,
Interests
Expertise
Policymaking
Information
on State
Activities*

Interest, Ideas, Support

**Society/
Citizen**

**Civil Society
State**

Figure : Civil Society and State Dialogue

The **civil dialogue** as illustrated in the adjacent figure comprises advocacy, service delivery, and information issues.

CSOs cover an almost bewildering variety of organisational forms and activities, from small informal local initiatives to more formalised structures, from mutual benefit societies to participatory advocacy groups, from grassroots movements to bureaucratic interest organisations. The difficulty of understanding the functions of CSOs stem from the very fact that they function side by side in these forms at very different stages of organisational development. However, they share some common features which point to the specific place of CSOs in the fabric of democratic society, see box.

Firstly, CSOs do not belong to the apparatus of the state. They may seek to exert influence on the formation of public policy, they may be financially supported by the state, but they are legally and organisationally independent from the apparatus of the state.

Secondly, CSOs are to be distinguished from commercial and profit-oriented organisations operating in the market place. Special features of voluntary non-profit organisations are their idealistic mandate and commitment to a cause. CSOs may provide services for their members, also on a commercial basis for example through fees-for services. But they do not act as companies or other business entities, striving for profit in the market.

Thirdly, CSOs are to be conceived as groups of individuals pursuing common interests. Their organisational forms are non-formal in the sense that they are self-imposed (even though the organisational form may be highly hierarchical) and represent non-elected groups of people⁹⁰.

The evolution of the civil dialogue in Turkey in recent times was marked by the coup in 1980 creating a very difficult period for civil dialogue. The warning signal sent by the military in the winter of 1997 on one hand was perceived an encouragement to secular civil society participation while inducing increased government control of fundamentalist movements.

The **social dialogue**, is established between the ‘social partners’, i.e. between organisations representing labour, employers and government. The tri-partite structures and the governmental working groups that participate in the preparation of draft new laws currently form the most important formal forums of social dialogue.

The **associative dialogue** takes place alongside and supplements the social dialogue. Belonging to this group are typically associations and mutual societies that in general contribute to the professional and technical development of the society, often with a close relation to particular ministries and government offices. This category of associations, e.g. advocates, doctors, farmers, architects, teachers, nurses etc., may have an embodied kind of sustainability as they ideally have developed out of the direct interests of the groups they represent or to achieve concrete results with government.

⁹⁰ “Role of NGOs in an Open Society”. Dialogue Development 1993

The role of NGOs in Civil Society

Issue Paper No. 1
Dialogue Development

Introduction

The development of a democratic society is closely related to the emergence and development of an open civil society, the so-called third sector placed between the state and market economy, and the functioning of a special kind of organisations: Non-governmental organisations (NGOs), also called voluntary organisations, civil society organisations, associations and others.

By “civil society” is understood a society integrated through a developed, extended network of horizontal ties and bonds between people and groups of people in different spheres of human activity. Such networks are created more or less spontaneously by people themselves and, ideally, they function independently of government institutions. In any society, some form of civil society exist. It is the role of civil society as a promoter of respect for human rights and democratic values that defines this as "civic society".

By “non-governmental organisations (NGOs)” is understood a broad range of voluntary and non-profit organisational forms and groups working independently of the state. NGOs are organised in the sphere of civil society and some of them work to find solutions to social needs or particular problems in the society, which very often contribute to the development of democracy.

There are, however, grey areas in this definition, for instance organisational forms like political parties and liberation movements, which on the one hand spring up from the civil society and on the other hand may end up taking government responsibility.

That NGOs play a significant role in the democratic process is recognised in the Universal Declaration on Human Rights in article 19 and 20 where the right to freedom of assembly, freedom of expression, and freedom of forming associations, is stipulated, as well as in the Constitution/Bill of Rights in most democratic countries.

It can be said that NGOs perform a dual role in a democratic society. They constitute a precondition for as well as a supplement to, the constitutionally defined political process and formal political bodies of the democratic state.

An elaboration of the definition.

NGOs cover an almost bewildering variety of organisational forms and activities, from small informal local initiatives to more formalised structures, from mutual benefit societies to participatory advocacy groups, from grassroots movements to bureaucratic interest organisations. The difficulty of understanding the functions of NGOs stem from the very fact that they function side by side in these forms at very different stages of organisational development. However, they share some common features which point to the specific place of NGOs in the fabric of democratic society.

Firstly, NGOs do not belong to the apparatus of the state. They may seek to exert influence on the formation of public policy, they may be financially supported by the state, but they are legally and organisationally independent from the apparatus of the state.

Secondly, NGOs are to be distinguished from commercial and profit-oriented organisations operating in the market place. Special features of voluntary non-profit organisations are their idealistic mandate and commitment to a cause. NGOs may provide services for their members, also on a commercial basis for example through fees-for services. But they do not act as companies or other business entities, striving for profit in the market.

Thirdly, NGOs are to be conceived as groups of individuals pursuing common interests. Their organisational forms are non-formal in the sense that they are self-imposed (even though the organisational form may be highly hierarchical) and represent non-elected groups of people. In this sense they often represent a “minority” in the society as opposed to the majority elected by the people to the national parliament. In the process of system change, there is a tendency for a first generation NGO development focusing on the respect for human rights, freedom of media and to a certain extent, a reliance on external NGO models. At a later stage, a second generation NGO development can materialise based on a more indigenous identity reflecting a broader set of relevant problems facing society.

Fourthly, the defining feature of NGOs is the activity more than their common interest. The very activity of members or sympathisers of NGOs acting in the grey zone between the state and market is quite simply their prime resource. This can be said against the legitimate authority of power of the state and the capital accumulated in private companies.

The functions of NGOs in the participatory process for change

A key function of NGOs is their role in the articulation of the demands of citizens through active participation and consciousness raising.

Firstly, it is through NGOs that wants and needs of citizens are articulated and thereby transformed into political demands which in turn are fuelled into the political process. General consciousness-raising will often be a precondition for the articulation of demands for minority groups in the society but also the awareness of the majority population of the rights of oppressed groups. Generating policy options may occur across much of the range of public policy: Education, environmental protection, access to legal services, social welfare, protection of refugees and job creation, to name but a few.

Secondly, it is often assumed in democratic theory that the right to join and form organisations is utilised so as to facilitate the formation of organisations that compete against each other. In this sense NGOs play an important role in encouraging diversity and the growth of different opinions. This diversity can be seen as a specific quality of democratic life. But the very fact, that there are multiple, competing organisations also facilitates the integration of groups in civil society and into the country's political process. Another effect is that governments in responding to the pressure from all these diverse and mutually competing NGOs can achieve a higher level of political equality among their citizens.

Thirdly, NGOs function as agents of political socialisation. Through the activities in NGOs individuals are trained in their role as Homo Politicos. On the one hand, this ensures that the recruitment of people with organisational and some degree of political experience to the political parties. On the other hand, this recruitment may weaken NGOs in times of major political change through the siphoning off of talent. It means that one of the most important challenges facing NGOs in such periods will be to develop new ranks of leadership to replace those drawn away to other pursuits.

Fourthly, NGOs working under repressive regimes often reflect the undemocratic tendencies in their structure. In a period of transition to democracy, it is of paramount importance that the structure of NGOs are changed from a vertical character into a more horizontal character in order to respond to the demands of the community and to be trustworthy in areas such as transparency of decision-making and public accountability. These standards can also serve as examples for governments at various levels subsequently to follow. In post-conflict situations, where the public authorities and private enterprises are rebuilding government and market, NGOs play a crucial role in building trust and confidence through their ability to reflect mutual interests of citizens across dividing lines formed by the conflict.

Fifthly, NGOs assume the role of being an early warning mechanism. For most NGOs an international network is crucial for their functioning, in supplying information on new developments internationally and as a platform for exchange of ideas and strategies. Experience shows clearly that in order for a network to be powerful, it should develop from the bottom up - i.e. develop from the expressed needs of the participants.

Sixthly, international networks of NGOs are important for disseminating information about undemocratic tendencies of repression in given states. They can also give protection against repression from the state since international reactions can be expected if NGOs are not be able to work freely within the framework of the state.

Seventhly, NGOs function as a buffer against the state. Just as fundamental human rights are meant to protect individuals from accidental infringement by the state, NGOs de facto perform a protective function. Partly because public policies are often implemented through networks of NGOs, partly because the social acceptance or legitimacy of state policies to a certain extent depends on NGOs. Moreover, there is always the possibility that public policies may engender the mobilisation of (countervailing) NGOs.

Finally, NGOs also function as a buffer against the market economy. That is to say, the democratic values that find expression through participation in NGOs can have moderating effect on the exigencies of market forces. It is very often underestimated that strong civil society organisations also form the recruitment basis for future entrepreneurs and business leaders.

Prerequisites for the work of NGOs

The relationship between the state and NGOs is a crucial ingredient in democracy, posing the question of who sets the values. The UN Charter, for instance, begins, “We, the peoples...”and not “We, the states...” A dynamic tension between the state and NGOs may often present short-term difficulties, but could act as a source of creative energy in the long term.

Governments show their understanding of the role of NGOs through their policy-making and the legal environment they create for the work of NGOs.

Firstly, the most fundamental legal needs of an open civil society are respect for freedom of association, assembly and speech. These should normally be secured in the constitution or in the Bill of Rights.

Secondly, there is generally a need for a variety of possible legal forms for NGOs. It is undesirable to attempt to force them into a legal straitjacket. It should be easy to form NGOs. There should be no requirement for the registration of NGOs, unless this is related to a functional need. Registration purely for its own sake is an unnecessary and undesirable interference by the state in the NGO sector.

Thirdly, governments should make it possible for NGOs to receive private funds by ensuring tax deductions for donors and tax exemptions for gifts.

Here it should be stressed that this co-operation between governments and NGOs requires a good understanding, and perhaps education, of local and central governments on the nature of NGOs, their needs, and how they can be effective co-operators.

Conversely, the education of NGOs on the methods of government will also be helpful, since the unfamiliarity that exists between the two sectors and the limitations of each sector can be misunderstood and lead to unnecessary distrust.

Finally, as a follow-up to NGO policies transformed into legislation or other concrete results, NGOs should take into account that there is an obligation upon NGOs to assist in informing and creating understanding in the population at large about the motivations and ideas behind the legislation or the policy.

Some Pitfalls for NGOs

However, one should be aware of a number of pitfalls in the perception of NGOs. It is not always the case that the realities of political life fit perfectly with the ideals of democratic theory.

Firstly, there are many obstacles within NGOs themselves. It has been demonstrated that certain interest groups are much more likely than others to get organised. Small, narrow and specific interest

groups get more easily organised and are more effectively involved in the formation of public policy. In contrast, large groups often find it difficult to get organised and to get access to the political system. The absence of strong organisations for the disabled and for minorities may serve as examples.

Secondly, the assertion about multiple, ever competing and mutually countervailing NGOs does not always hold true. Sometimes, a few big and professionalised interest organisations tend to dominate the landscape of NGOs. In extreme situations such organisations may even exercise a monopoly of representation of interests. Networks may also create the situation where decentralisation and pluralism in the NGO sector is substituted by centralisation and conformity.

Thirdly, NGOs at times become integrated into the apparatus of the state, which has led some observers to speak of "corporatist" interest representation. This is a model of interest representation which is quite different from the ideals of democratic pluralism and where it is not possible to speak about NGOs as a buffer against the state.

Fourthly, there is the danger of NGOs being drawn into the market economy and transformed into profit-making organisations. The more they are preoccupied with the selling of services to members and to the public at large, the more likely is the transformation from NGOs into profit-making organisations, if there is no law that counteracts this.

Finally, it should be stressed that NGOs by no means can take over the responsibility of the state to serve its citizens through national programmes in for instance the health and social sector. What NGOs can do is to act as mediators, which push or show the state how to find solutions to a variety of difficult problems in society. This is a point which is particularly important now-a-days in many democracies where there is a strong drive to devolve state responsibilities to private companies and to NGOs.

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