Civil Society- State Relations in Turkey: Analysis of Legislative Infrastructure and Institutional Reforms

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Abstract

This paper discusses the way the institutional and legal mechanisms initiated, reformed and practiced regarding the civil society organizations and public sector relations in Turkey and assess their compatibility to the international standards and capability to bring out an affirmative action to enlarge and strengthen the enabling environment for civil society and improve the accountability and transparency of the public institutions. To do that, it particularly focuses on the way in which the civil society- public sector relations are constructed both in legal documents and institutional structures by citing particular attempts and examples of cooperation between public institutions and CSOs. The paper has three major parts: the first part gives a very brief review on international standards on civil society- public sector cooperation, particularly relying on the *Code of Good Practice on Civil Participation* prepared during the Conference of INGOs of the Council of Europe. The second part focuses on the enabling environment for civil society and state cooperation in Turkey by outlining the legislative infrastructure and the institutional mechanisms both at local and central levels. Finally, at the end, the problems civil society organizations are facing in practice is analyzed by elaborating the major problems and obstacles reported in civil society needs assessment reports prepared by the cooperation of CSOs and EU support mechanisms in Turkey and the new initiatives to remedy such problems are presented.

Introduction

The concept of civil society as a tonic for democracy has been referred more often in contemporary debates, since the organizations like World Bank, Organization for Economic Cooperation and Development or European Union have been used the concept to emphasize the ideas of accountability and transparency in government activity as part of the concept of governance. Now, the civil society is widely considered as the main actor of Third Way thinking, which involves the partnerships and cooperation between civil society and the state, besides keeping its traditionally attributed role of being a counterpart to the state. However, despite

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the increasing impact and importance of civil society organizations (CSOs) in policy processes, states keep enjoy their privileged position in law making, and establishing the operational framework for the civil society operation still.

In Turkey, since the EU accession period has started in 2005, a fast pace of democratic reforms said to be taking place, particularly in legislative area and institutional structures. This paper argues that, acknowledging their importance and impact in growth and development of civil society, the legal and institutional reforms that have been done in the last decade, mostly as the requirement of EU accession process fall short to bring out an affirmative action to enlarge and strengthen the enabling environment for civil society and improve the accountability and transparency of the public institutions. Hence, the civil society participation in policy processes remains to stay in a limited scope instead of accomplishing its role to ensure legitimacy, accountability and transparency, while effectively improving the state's capacity for good governance. To remedy that this paper asserts that the legal reforms must be also implemented as multifaceted policy actions that have been inclusive at a very early stage in their making, besides providing adequate support for the capacity development of both public institutions and civil society organizations.

This argument is presented in three major parts: The first part will give a short review of the literature and the international standards including European Union law and policies, besides the policies of international institutions working on the issue like WB and OECD. Hence, it will also present the framework for analyzing and assessing civil society- government relations by referring to the *Code of Good Practice on Civil Participation* prepared during the Conference of INGOs of the Council of Europe. The second part will analyze the Turkey case mostly relying on the data gathered within the scope of *Development of Civil Society and Civil Society- Public Sector Dialogue in Turkey* project that is funded by European Union and Turkish Republic, and discuss the pros and cones of Turkey's legal and operational framework for CSO operation within the methodological framework provided in the first section. Finally; in the last section the problem areas and the challenges will be analyzed and the new initiatives and mechanisms will be presented.

1. a. Liberal School, Third Way Approach and Good Governance

The original idea of civil society lies within the school of liberal thought particularly in the works of Ferguson in late 18th century and Tocqueville and Hegel in early 19th century. Their ideas are also articulated by Putnam and Huntington lately in modern societies. (Morison, 2000: 103, Mercer, 2002: 7) According to the liberal view, civil society could be depicted as a web of self-sustaining associations of people that function as a counterpart to the state and limit the

excess of state authoritarianism. In that sense, the state was in charge to provide an accountable government, which came into power through free and fair elections, besides administering the necessary infrastructure composed of both political rights and associational autonomy for the well operation of civil society. Hence, the plural structure of civil society would work as a control against the excessive use of state power, while at the same improving the state's capacity for good governance by assuring the legitimacy, accountability and transparency. (Mercer, 2002: 7) By conveying and assessing the demands and apprehensions of independent groups; civil society was assumed to legitimatize the state authority on rule of law, through its function of serving as a watchdog.

Despite the fact that it has been criticized by a considerable number of scholars, the liberal view also reassured itself during 1990s when the Soviet Union dissolved and the process of democratization had given a start in Eastern Europe. However, the time also has changed since then. By the end of 1990s, with the fast pace of neoliberalism; civil society as a concept has acquired new meanings and attributions and started to be articulated as a third sector, which was proposed as an alternative to the market and the state dichotomy. "While traditional liberalism involves regarding civil society as an independent, self- governing sphere generally resistant to outside interference, the Third Way approach is willing to engage with the concept more closely in efforts to develop an alternative to the market and the state."(Morison, 2000: 103) Although, the Third Way approach is mostly articulated within the discourse of civil society's integration and inclusion in service provision, this stream of thought also necessitates the regeneration of the notion of civility in a form that includes dialogue, cooperation and partnership with the governments to be able to channel the local demand and initiative into the constant re-making of political, social and economic structures of the societies. Thus, the state's responsibility to foster the civil society increases and "requires the development of local public sphere, including the physical public space of streets and parks, and the development of community infrastructure to encourage bottom up decision making and local autonomy." (Morison, 2000: 105) Hence, portraying the Third Sector as the organized part of civil society; the Third Way approach also preserves civil society's advocacy function in protecting the principles of good governance.

Such Third Way thinking has become very popular in the last decade and been used frequently within the development literature's concept of good governance by the international actors like World Bank, United Nations, Organization for Economic Cooperation and Development and European Union. Even though there is no broadly agreed definition of good governance by all these actors; in general, the concept revolves around the application of

principles on legitimacy, accountability and transparency. As stated in the *Governance: The World Bank Experience* report:

> "(…) Good governance is epitomized by predictable, open and enlightened policy making, a bureaucracy imbued with a professional ethos, an executive arm of government accountable for its actions, a strong civil society participation in public affairs and all behaving under the rule of law." (1994: vii)

Besides, the World Bank Report on Governance and Development (1992) also states that participation is not only a good thing on its own, but it is also a matter of efficiency. Therefore, civil society is appreciated through its function in promoting participatory development and its ability to highlight the need for policies that addresses social dislocations. (Mercer, 2004: 9) Similar to this statement, the White Paper on European Governance published by the Commission of European Communities in 2001 also emphasizes the significance of civic engagement and active citizenship through strengthening and further development of civil society. The White Paper asserts that the urgent need to behave under established treaties to ensure good governance is insufficient, but there is also an immediate need to open up policy making to the people's participation directly, to make the processes more inclusive and accountable. According to Zimmer (2004b), there are several reasons for European Union to take an action to foster civil society: First of all, civil society is the only mean that provides avenues for civic participation and facilitates the inclusion of individual citizens into policy making process. In addition, organized civil society is the most efficient tool, compared to both government and the market, in translating the needs and demands of under-represented groups; and finally, it constitutes a buffer to overcome the crises and societal shocks that arise because of political and economic transitions.

Attribution of such a mediator role between the citizens and the states to the civil society organizations (CSOs) in parallel to the changing conception of governance that gathers CSOs into policy processes makes the civil society- government and state cooperation inevitable. Also, it is important to clarify that this paper mostly concerns about the civil society organizations' participation in policy and decision processes due to its limited scope, acknowledging the significance of citizens' participation, and inseparability of two in theoretical realm. Here, what is meant by policy process is not a bare presentation of facts; instead a deliberative process of discussion, argumentation and sometimes persuasion about policies that can be described as the devices to govern the social change. (Najam, 2000: 30) According to Najam, there are two broad findings on the subject: While there is "a striking trend towards increased interaction between non-governmental and governmental entities all over the world", there is also a "lack of conceptual understanding of these relations and the need to refine our

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understanding in this arena". (Najam, 2000: 376) Although various approaches have been developed, focusing on different conceptual frameworks from country specific studies to development of comparative definitions, there is still no single type of conceptual framework for evaluation to assess the CSO-government relationships. The most common frameworks are: (1) Salamon and Annheimer's Social Origins Model (1998) that explains the concept in an organizational embeddedness by focusing on a web of social and political relationships, (2) Adil Najam's Four C Framework (2000) that differentiates ends and means to articulate the relationship. Unfortunately, both models fall short to take the legal environment for CSOs into consideration and presume the existence of well-established democratic state that supports civil society infrastructure and respects the citizens' right to association. Therefore, instead of these academic models of analysis; I will be using the Code of Good Practice on Civil Participation prepared at the request of the Conference of International Non-Governmental Organizations (INGOs) of the Council of Europe in 2008, since I will be analyzing the CSO-government dialogue in Turkey that is a developing country, which is in the EU accession process still.

1. b. The Code of Good Practice on Civic Participation

Before presenting the methodological framework of argumentation, it is important to clarify what this paper means by civil society, civil society organization or policy process to avoid possible misconceptions, since there is a surfeit of definitions. The operational definition for civil society in this article includes a wide variety of associational forms regardless of them holding a legal identity or not, which are partly or fully independent from the government and the state, and not primarily motivated by commercial concerns. (Najam, 2000: 378) Following the same line of argument; what is meant by civil society organization is "a very broad spectrum of organizations that variously referred to as the nonprofit, voluntary, independent, charitable, people's, philanthropic or third sector." (Najam, 2000: 376)

As stated above, the European Commission has published a White Paper on European Governance in 2001 in aim of giving a start to the governance reformation. As part of such reformation process, The Code of Good Practice on Civil Participation has been prepared at the request of the Conference of INGOs of the Council of Europe in 2008 and adopted by the Conference in 2009 as part of the reformation process. The Code aims to contribute to the creating of an enabling environment for civil society operation by defining "a set of general principles, guidelines, tools and mechanisms for civil participation in decision making processes". It is prepared as a result of a consultation process in which the data gathered is based on real experiences from CSOs across the Europe about their experience on the

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interaction with public institutions and authorities; and designed as an inter-active tool and an action- oriented instrument to be used by both CSOs and governmental institutions in assessing their relationship with the other.

According to the Code, there are four main levels of participation in policy processes where the first offers the least participation and the fourth offers the most. They are: Information, Consultation, Dialogue and Partnership. Furthermore, each level inherits a cycle of a political decision making process that is composed of six different steps of Agenda setting, Drafting, Decision, Implementation, Monitoring and Reformulation that require the utilization of different tools according to the level of participation in which they take place. Besides, the Code (2008: 7) also indicates that "to facilitate NGO involvement in the decision-making process requires: favorable legislation; recognition of the vital role fulfilled by NGOs; long term support and resources for a sustainable civil society; and a harmonious and cooperative relationship between government and NGOs."

Partnership	Work group or committee	Co-drafting	Joint decision-making Co-decision making	Strategic partnerships	Work groups or committee	Work groups or committee
Dialogue	Hearings and public forums Citizens' forums and future councils Key government contact	Hearings and Q&A panels Expert seminars Multi-stakeholder committees and advisory bodies	Open plenary or committee sessions	Capacity building seminars Training seminars	Work groups or committee	Seminars and deliberative forums
Consultation	Petitioning Consultation online or other techniques	Hearings and Q&A panels Expert seminars Multi-stakeholder committees and advisory bodies	Open plenary or committee sessions	Events, conferences, forums, seminars	Feedback mechanisms	Conferences or meetings Online consultation
Information	Easy and open information access Research Campaigning and lobbying Website for key documents	Open and free access to policy documents Website for key documents Campaigns and lobbying Web casts Research input	Campaigning and lobbying	Open access to information Website for information access E-mail alerts FAQ Public tendering procedures	Open access to information Evidence gathering Evaluations Research studies	Open access to information
Levels of participation **Steps in the political decision making process**	**Agenda setting**	**Drafting**	**Decision**	**Implementation**	**Monitoring**	**Reformulation**

(CoE, 2008: 17)

The first *Information* level defines access to information as a baseline of all consecutive steps of participation of CSOs into the policy and decision making processes. It foresees only one way interaction from governmental organization to the public in the form of information

provision that includes the provision of public access to open and transparent legislative processes. At the second level, *Consultation*, the form of interaction becomes two ways. It is a form in which the governmental organizations provide NGOs the necessary channels to convey their experience and expertise to the policy development in the form of policy recommendation. *Dialogue* being the third level requires more collaborative action of both parties compared to the first and the second levels. It usually signifies a well -established channels of communication where a collaborative dialogue is built on shared objectives for a specific policy action. Finally, the last and the highest level of participation is offered by the *Partnership*s that indicate a shared responsibility in all six steps of policy making.

2. Case of Turkey

From a legal point of view, the states hold the legislative authority to define the frameworks for operation of any action taking place in the public sphere. Hence, in all constitutional democracies states enjoy a privileged position, since legal regulations inherit a constitutional character determining the rules to adhere to for all public actors including CSOs. However; the unquestionable features of democracy are not limited to rule of law, but "a sine qua non prerequisite for the democracy is the self-limitation of the state" through established mechanisms. (Rymsza and Zimmer, 2004: 109)

The Treaty of Lisbon (2009) amending the *Treaty of European Union* and the *Treaty Establishing the European Community* can be articulated as a ground shaping legal text in establishment of self-limitation on state through fostering of the enabling environment for civil society. The Treaty has been conceptualized within the highlights of three main principles: democratic equality, representative democracy and participatory democracy. (European Economic and Social Committee, 2011) Thus, by the establishment of these three different principles vis a vis each other, it is aimed to constitute a functioning mechanism of self-limitation on state power. While the principle of equality protects citizens' right to equal representation, the representative democracy renders the procedural functioning of the system through free and equal elections. However, for the sustainable and accountable functioning of the democracy neither the elections nor the rule of law that works within the principle of territoriality are sufficient. Thus, Article 12 of Lisbon Treaty indicates the fundamental entailment for the well operation of the participatory democracy that is rooted in a well-functioning civil society in terms of both citizens' and CSO's participation in policy processes.

2. a. Methodology

An extensive project financed by the EU and the Republic of Turkey, the Ministry of EU Affairs being the beneficiary, has been implemented since 2012 by Civil Society Development Centre (STGM), Third Sector Foundation of Turkey (TUSEV) and YADA Foundation consortium. Within the context of this project, based on purposive sampling, TUSEV team 11 focus group meetings were conducted in 7 different cities of Turkey with the participation of representatives from more than at least 200 CSOs to record CSOs experiences and expectations on CSO-Government relations in Turkey. Hence, the analysis in this article is highly dependent on the data gathered within the scope of project mentioned above, besides the needs assessment report conducted by Technical Assistance for Civil Society (TACSO) Turkey, that is a European Union support mechanism.

2. b. Information

Since the regulations pertaining on freedom of association are very extensive, I will provide a very brief explanation of Turkish case to set the background for well-understanding of CSO-Public Sector Dialogue. It is possible to say that the constitutional framing of Freedom of Association stated under the Article 33 of Turkey's Constitution is mostly in line with the international standards and does not ask for a major amendment, even though there is still an urgent need to upgrade the primary and secondary laws operating under it. (Ayata and Karan, 2013: 9) Despite the constitution's compliance with the international standards, the laws operating under the constitution are mostly in breach of it and the international standards and paving a way for the arbitrary interventions. In addition, the only legal forms of CSOs recognized by the state are the foundations and associations and there are both separate laws for each, besides the provisions in numerous laws. Such complex nature of legislation first of all hinders CSOs from being informed about the legislation, constituting a barrier against CSO's access to information on their rights and responsibilities. (Ayata and Karan, 2013: 161) As one can see there are problems pertaining form the CSO- Law, even at the first step of civil participation based on information provision.

The Right to Information is regulated through the Law on Access to Information adapted in 2003. The Law issues that any public institution is obliged to reply citizens' or organizations' request for access to information within 15 working days. The right to information can be limited only if the information requested is (1)requires additional research, inquiry or analysis, (2) is within the scope of state secret, (3) can put the national security in danger, (3) is irrelevant

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to the public, but only concerns the public personnel. (Law) Hence, in practice, very often "public institutions submit their responses with significant delays or refrain from responding all together. Additionally, the official responses given either include irrelevant and insufficient information or point to the lack of relevant data and a need for the public body concerned to carry out further inquiries." (TUSEV, 2013) Moreover, as stated in the Code, in this most basic level of participation, the governmental bodies are in charge to provide up to date and timely information accessible by all in a convenient format regularly. In contrast, according to the TACSO Needs Assessment Report (2013), the recorded case in Turkey is the opposite:

> "The collecting, analyzing, archiving and publicizing of data are not coordinated and not efficient. The data provided may not be found reliable as mostly the methodology and approach is not provided. In addition, the information and data provided is mostly not user friendly, segregated or formulated as appropriate."

2. c. Consultation

Still, there is no substantial institutional structure that would regulate and facilitate a sustainable and regular dialogue between the CSOs and public sector in Turkey. The legislative environment is very limited to provide an overarching framework of methods and tools for continuous dialogue and cooperation, by setting out the rules and the responsibilities for both parties. Accordingly, there is no policy or strategy document provided about government's or governmental institutions' relations with CSOs either. Conceptually, the legislation pertaining to the dialogue between the CSOs and public sector in Turkey can be analyzed in two categories according to the spheres in which they are being implemented: the ones regulating the dialogue in central administrative level and the others applicable to the local administrations.

Beginning with the central level, Article 6 of the *Regulation regarding Procedures and Principles of Preparation of Legislation (2006)* regulates the civil participation in law and policy making processes as follows:

> "Paragraph 2: The opinions of relevant local authorities, universities, trade unions, professional organizations, public institutions and civil society organizations are also sought and utilized regarding the subject of drafts.
>
> Paragraph 3: Drafts which are of interest to public may be posted on the internet or presented to the knowledge of the public through the press or broadcasting before being forwarded to the Prime Ministry. Thus the proposal is made after the views regarding the draft have been assessed."

Although the Regulation mentions about the CSOs participation in law making; it falls short

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to conceptualize the civic participation as a constructive tool of democracy since the process has been designed in a way that is completely dependent on the initiatives and decisions of the governmental institutions. While it obliges that all draft legislation will be forwarded to relevant ministries, public institutions and agencies for their feedbacks; the regulation abstains from mandating the same for the CSOs and the public. (Ayata and Karan, 2014: 94) However, one can still argue that such flexibility is necessary, since there is no one particular type of relationship that will be appropriate in all or most circumstances, because there may be no apparent nexus between the legal forms of the relation to its societal function. (Freise and Pajas, 2004: 131) Therefore, the structure of the regulation that is open to interpretation does not indicate the absence of any good practices of consultation.

A good example can be the process of Constitution Reconciliation that took place between 2011 and 2012. The Government started an initiative to reform the Constitution of the Republic of Turkey in 2011. On October 2011, Constitution Reconciliation Committee is established under the Grand National Assembly, besides a web portal to collect opinion and suggestions of citizens and CSOs. The government played a positive role in promotion of the campaign through an active mass media campaign. At the end,

> "according to a monitoring report, *the Constitution Reconciliation Committee, between 19 October 2011 and 4 May 2012, have consulted 42 political parties, universities and other organizations; 39 vocational/professional organizations and unions; 79 associations, foundations and platforms in their meetings. In the same period, approximately 64000 individuals have provided opinions via the web-site or e-mail, of which 440 of them were civil society organizations"* (TESEV 2012) .As a result, All input provided by individuals or CSOs were transparently published on the web-site until 27 January 2012, when the Commission decided to keep the process confidential and removed the input on the web-site. Unfortunately, an announcement was made by the Government that the Commission was annulled in December 2013. (TACSO, 2014)

As can be seen from the example above, the lack of overarching legal and institutional framework may cause good practices that start the consultation process from the level of agenda setting to end arbitrarily, because the relations between CSOs and the public sector are not institutionalized. Instead they are established through a complete reliance on connections and communications between individuals. "The consultation results show that once and if a dialogue is established between CSOs and public institutions, with lack of legal and institutional framework governing the relations and an institutional memory, processes are affected negatively with the change of the correspondent." (TACSO, 2014) In addition to the pre-condition of feedback mechanisms and follow- up on contributions, the Code also requires "broad and inclusive invitation to all stakeholders" (2008: 20) Nevertheless, the research shows

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that "Public institutions do not regard CSOs as natural and equal parties to policy-making processes. This negative perception reduces the chances of CSOs to invoke their legal rights (however limited) to engage and converse with public institutions in various policy areas. As a result, most CSOs remain excluded from public institutions' decision-making process. Consultative processes include only those CSOs that have similar policy positions with the government/public institutions and hence are considered illegitimate and not pluralistic." (TUSEV, 2013)

2. d. Dialogue

According to the Code, the Dialogue is the third level of participation that incorporates both broad and collaborative functions. Therefore, at this level; both persistent instruments that sustain two way communications to ensure the regular exchange of views and temporary tools that enable mutual interests and shared objectives to be exchanged on specific policy issues are foreseen to be used when necessary. In Turkey, the legislative framework allows for the establishment of such councils and commissions that could works as the tools of Dialogue. At central level, CSOs can participate in policy processes via committees, councils or commission that were established by primary or secondary legislation or cabinet's decision. Besides, they could also be invited to participate in the expertise commissions in Grand Assembly to be a part of law making processes.

> "To give a recent example; while drafting the 10th National Development Plan in 2012 and 2013, a circular by the Prime Minister, published on 5 June 2012, mentioned that as an important element of participatory approach, specialized working commissions would be founded under the coordination of the Ministry of Development in which the public sector, academic circles, private sector and civil society should be represented. Accordingly, 66 specialized commissions and working groups were established to work on macroeconomics, sectorial and regional issues. The 10th National Development Plan mentions that more than 3000 academicians, public servants, and representatives from the private sector and civil society organizations contributed to the works of these commissions. In the preparation stage, more than 7000 individuals contributions were received both at central and local level. In drafting stage, findings of consultations were used." (TACSO, 2014)

Similar commissions can also be founded by local administrations like municipalities. In 2004 through the amendment of the Municipality Law; the municipalities were given the authority to establish "city councils" that was formed by members elected from the Municipal Council and representatives from different CSOs according to their field of activity and competence and without the right to vote. "Yet, this participation will be realized not with the NGOs' initiative but a decision of local government bodies to this end, and will be limited to the meetings of specialized committees that fall within the field of activity and competence of the given

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NGOs." (Ayata and Karan, 2014: 123)

Acknowledging the significance of such permanent and temporary councils and commissions and very good practices like establishment of "adjacent assemblies of women, people with disabilities and youth have served as novel and effective mechanisms to assist the visibility of CSOs and the civilian oversight of public institutions" in enabling CSOs and governmental bodies to form a dialogue, it can still be argued that they are far from holding a constitutive character for a sustainable CSO- government dialogue; since CSO participation again depends on the decision of the public bodies, because of the way they are established legally. (Ayata and Karan, 2014: 123; TUSEV, 2013: 8) Besides, the clause that authorizes the selection of representatives according to the "field of activity and competence" of the CSOs they are working for allows the arbitrary picking of CSOs regarding their supportive or oppositional stance to the policies of the government both at local and central level. (TUSEV, 2013: 6)

2. e. Partnership

Partnership is the last and the highest stage of participation as described by the Code on Civic Participation and it "implies shared responsibilities in all steps of the political decision making process from agenda setting, design, decision and implementation of policy activities." (2008: 23) Partnership as a level of civil participation is conceptualized as a form in which governmental bodies delegate some of their powers to the CSOs, but at the same time continue to respect their independencies.

As also stated by the TACSO Needs Assessment Report (2014), partnership is the least common form of participation in Turkey. It is mostly seen at the local municipality level where the municipalities develop close ties on their own initiatives with the local CSOs. One such example is the Nilufer Municipality in Bursa, where neighborhood councils were established. The representatives in the councils are chosen by free and fair elections that have been done annually at each neighborhood. Each council chose a representative to be represented at the City Council and deliver their concerns and demands to the Municipal Council in this way. Hence, through the establishment of clear parameters and channels for participation the partnership is sustained. (Nilufer Belediyesi, 2014)

2.f. Overview

As it is mentioned above the changing nature of the concept of governance and the increasing emphasis on good governance draws more CSOs into decision making and policy

processes as partners or stakeholders particularly at the local level. (Najam, 2000: 381) Hence, CSOs are more often cited with their positive impact on democratic development due to several major qualifications and roles they serve like ensuring plurality and transmission of local needs and demands into policy and decision making processes, besides working as a mechanism of checks and balances as well . CSOs therefore, said to pluralize and strengthen the operational activity of the governmental bodies by bringing more civic actors in through their autonomous nature from the state. Thus, they assumed to translate the local demand into an influence on public and social policies via their organic bond with the grassroots organizations and assess the state policies compatibility with the citizens' expectations. (Mercer, 2002: 8)

To be able to elaborate on CSO participation in policy process and CSO- public sector relations therefore, it is fundamental to ask questions on the enabling environment for civil society operation to understand if democratic state guarantees the existing of free public space that inherits all forms of CSOs in the beginning. Only in that way, it becomes possible to articulate "the sector from a political point of view" and investigate "whether and how CSOs give citizens a voice for political participation" (Rymsza and Zimmer, 2004: 170) Following the same flow of argument and analyzing the Turkey case, despite the reforms that have been done in the last decade as part of the EU accession process, one can explicitly declare that none of these guarantees for the well operation of civil society that would ensure the well application of principles of good governance are provided in a holistic manner.

"In addition to the lack of sound legislation, public institutions fail to internalize and comply with the principles and voluntary measures laid out in strategy documents on civil society-public sector dialogue. EU accession reforms in this area are regarded by public institutions as imposed and obligatory measures that they are reluctant to abide by" (TUSEV, 2013: 4)

Although several mechanisms for participation exist at both institutional and operational realms; their utilization is mostly depended on the personal initiatives of the high ranked public officials. CSO participation in agenda setting is very rare; when the participation happens it usually takes place at the last levels of the policy process without the measures to ensure transparency and accountability taken, mostly in attempt to fulfill the requirements for policy making declared in strategy documents.
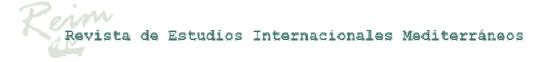
3. Challenges and New Initiatives and Approaches

Moreover, the civil society development is generally fostered by EU in Turkey. In a more holistic approach, European Commission designed the Instrument for the Pre-Accession

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Assistance (IPA) by which EU could support the institutional reforms in the enlargement countries: Iceland, Kosovo, Montenegro, Serbia, and Turkey. (European Commission, 2014) The IPA I was designed to take place between 2007 and 2013 under 5 components: Public Administration and Reform, Rule of Law, Sustainable Economy, People, and finally Agriculture and Rural Development. Within the scope of IPA I, one of the most important projects implemented was the "Strengthening Civil Society Development and Civil Society-Public Sector Cooperation in Turkey" project that was mentioned above. Bringing innovative and complementary solutions for the civil society development, this project aimed to improve the "civil participation in all policy processes at all levels, including a better legal framework for establishing, operating and funding civil society organizations will be more effective. Finally, support will also be provided to the sustainable development of grassroots civil society organizations and established organizations and networks." (European Commission, 2014) Within the Scope of this project a Code of Conduct has been developed after one and a half year long process of consultation with both civil society organizations and public sector representatives. The Conduct is designed to regulate the dialogue between the Public institutions both at the central and local level in a very similar way with the Compact that is adopted in UK. However, despite the official request for implementation sent by the project implementation team, the Conduct did not gain attention from any public institution at the central level and rejected to be implemented.

Similar to IPA I, IPA II is also designed by the EU for the consolidation of the same components in enlargement countries. However, different than IPA I, IPA II process that takes place between 2013 and 2020 has a country strategic focus. Focusing on Turkey, in Turkey's Country Strategy Paper only, civil society has been defined as a sub-sector under the component of Democracy and Governance. (European Commission, 2014) Besides, being complementary to the IPA Processes several civil society schemes and mechanisms like European Instrument for Democracy and Human Rights, Civil Society Facility and Civil Society Dialogue are also made available for the development of civil society in Turkey. All these mechanisms are arranged to develop civil society organizations' capacity through provision of financial support in the forms of grants and funds and improve the civil society- public sector dialogue accordingly.

Before concluding I must indicate that such Third Way approach to the civil society development can be and is argued against by many scholars and activist. As Mercer states such view articulates civil society "only in its relationship to the state: it is not envisaged as a potential democratic sphere in its own right through which alternative visions of democracy might be pursued." (2002: 7) That is why, besides the increasing emphasis on the cogency of participatory processes, the country strategic focuses gain more importance every day in policy

making at EU level as well not to exclude the "unofficial" civil society and to prevent any civil society actor to bear cost for participation.

Conclusion

Since 2004, Turkey has witnessed several legislative and institutional reforms initiated by the European Union for the enhancement of democracy and good governance. Acknowledging the importance of such reforms in creation of enabling environment for civil society operation in Turkey; this paper argued that the reforms has been insufficient for the well establishment and implementation of the principles of good governance that have been highlighted very much lately by international institutions like World Bank. The civil society sector in Turkey is still far from accomplishing the features of the Third Sector both in terms of service provision and democratic participation and consolidation. Therefore; despite the support for the capacity development for civil society organizations and public institutions; there is also an urgent need for the development of country specific strategies to be able to transform the local demand into a policy action and establish sustainable forms of dialogue between CSOs and public sector.

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