PROJECT FICHE
IMPROVEMENT OF PUBLIC SERVICE AND QUALITY STANDARDS TOWARDS CIVIL SOCIETY ORGANISATIONS

PROJECT NO: TR 0401.03

1 Basic information

1.2. Title: To improve the public service and the quality standards towards civil society organisations

1.1.1 Sector: Public

1.4. Location: Turkey (Ankara)

1.5. Duration: 2 years (multi annual)

2 Objectives

2.1 Overall Objective
The overall objectives are improvement of the public service and the quality standards of the Department of Associations towards civil society organizations (CSOs).

2.2 Project purposes
The project intends to improve the legal, technical, administrative and institutional capacity of the Turkish government in civil society organisations sector. It is divided in five components with following aims:

Component 1: Strengthening the institutional and organizational capacity building of the Department of Associations
The institutional component aim is to assist the Department of Associations (i) to set up mechanisms and procedures of collaboration with CSOs (ii) to monitor and to evaluate the effectiveness of service public reforms toward CSOs at national and local levels (including provinces and districts), (iii) to establish an updated national strategy of public service towards civil society over the territory.

Component 2: Designing of Human Resources policy of the Department of Associations including staffing, roles definition and allocation, and training
The institutional component aim is to assist the Department of Associations (i) to design an administrative, institutional and financial human resources policy addressing CSOs needs (ii) to recruit relevant and permanent staff dealing with CSOs public services needs (iii) to improve the knowledge of the national and local staff on CSOs issues (iv) to improve the public services capacity of the national and local staff towards CSOs.
Component 3: Adjusting the Associations legislation in compliance with the Copenhagen political criteria

The legal component aim is to assist the Department of Associations (i) to revise laws and regulations on associations and remove restrictive provisions (ii) to codify the legislative framework – sorting out and removing unnecessary or contradictory provisions and – (iii) to clarify and simplify the legislative framework towards CSOs (iv) to reduce the actual gaps between the enactment of laws and the implementation on the field including all internal regulation setting up the DoA.

Component 4: Setting up of an information system for the Department of Associations, CSOs and the public.

The equipment component aim is to assist the Department of Associations (i) to increase bureaucracy efficiency and productivity (ii) to improve coordination between the national, provincial and district authorities (iii) to facilitate the transparent information flow and dissemination of a wide range of useful and updated information towards CSOs and the public. This component does not aim to improve just the archiving and information system for the DoA internally.

Component 5: Raising Communication strategy and dissemination of information

The information component aim is to assist the Department of Associations (i) to inform CSOs regarding new legal and institutional reforms on public services-information of basis Public services quality standards- (ii) to promote the nature and the content of public services provided by the national and local authorities (iii) to promote the public awareness of the role of associations amongst Turkish civil society (iii) to re-establish a confidence between authorities and CSOs actors

2.3 Accession Partnership and NPAA priority

At the Helsinki European Council of 10 and 11 December 1999, the EU confirmed Turkey as a candidate State destined to join the Union on the basis of same criteria as applied to other candidate States. Building on the existing European Strategy, Turkey would benefit from a pre-accession strategy to stimulate and support its reforms.

The Copenhagen criteria specify that candidate countries must be able to assume the burden of membership. The first criteria states in particular that ‘‘membership requires that the candidate state has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.’’

As regards to the compliance of Copenhagen criteria, the accession partnership document (i.e. NPAA) accepted by EU on 14 April 2003, underlined under the enhanced political dialogue and political criteria that “Reforms in the field of freedom of associations and peaceful meeting and demonstration rights, abolishment of restrictions with regard to unions and encouragement of development of civil society in accordance with the European Convention on Human Rights (Articles 11, 17 and 18) have the short term and medium term priority “

In the National Program updated on 2003, the political criteria section under the title “Freedom of Association, Peaceful Meeting Rights and Civil Society”, states that: “The Government will continue to support strengthening of civil societies and their
participation to the democratic life. For this purpose, related legislation will be reviewed in terms of compliance with the European Convention on Human Rights, Articles 11, 17 and 18 of the Convention by the literal and spiritual conformity.

In this respect:
- Legislation concerning associations, foundations and meeting and demonstration rights will be reviewed. Provisions in various legislation will be collected into as few laws as possible to provide consistency.
- The legislative and administrative reform concerning associations, foundations, meetings and demonstrations marches will be implemented effectively."

In compliance with this EU acquis, Turkey has already done positive progress to recognise the freedom of expression and the fundamental role plays by CSOs as a critical element to reinforce democracy.

With regard to legislation pertaining to the establishment and regulation of CSOs, constitutional reform package of thirty four amendments to the 1982 Constitution was adopted on 2001. Amongst the introduction of new provisions\(^1\) such as protection of fundamental rights and freedoms, freedom of expression and dissemination of thought, freedom of press and publication, prevention of torture, strengthening a civil authority, gender equality, the freedom of associations and assembly were amended too (art.33).

Beside the constitutional amendments and regarding the freedom of associations, the law of associations (No 2908) has been amended under the fourth reform package and main amendments were made with three Harmonisation Packages (5th, 6th and 7th) in 2002 (Act numbers 4771 and 4778) and 2003 (Act No 4963).

In parallel with these legal amendments, institutional steps have

\(^1\) Chapter two of the Constitution “ Rights and duties of the individuals”.
been initiated. A new department, namely **Department of Associations composed by civil servants** has been established under the Ministry of Interior in August 2003 to perform all tasks related to associations and international relations of foundations. Procedures and activities of associations were entrusted previously by the Directorate general of Security. Due to historically strained relationships between public officials and civil society organisations, this is a first time that Turkish authorities will is to re-establish a confidence and cooperation between CSOs and authorities by the establishment of civil human resources unit dedicated to associations issues. However, this Department of Associations is actually new and needs to be organised to improve the quality of public services and quality standards towards civil society.

In compliance with NPAA, (i.e. Political criteria) this project has been designed to support the Department of Associations. Its aim is to design and implement a public service and quality standards policy with a trust cooperation of associations. Instead to establish a top down approach within the Department needs, **this project focuses on systematic collaboration with CSOs representatives.** It also expects to assess their public services quality standards needs and priorities. This close and permanent collaboration should help the Department of Associations to design, implement and monitor the legal, institutional, organisational and financial improvements of sustainable public services and quality standards policy towards CSOs.

### 2.4 Contribution to the National Development Plan

In its National Development Plan, Turkey has recognised the increasing role of the CSOs under the section of “Civil society organisations”. Beside objectives, principles and policies to support CSOs activities and actors, the National Plan enhances the role of the public authorities. It states that “The central state administration will play a guidance and steering role in developing capacities of CSOs in administration, financial management, and technical fields”. For this purpose, Turkish authorities recognise that legal and institutional arrangements are necessary regarding CSOs. **So far, This project is an opportunity to put the governmental will into practice.**

With regards to the law of associations, amended articles modify general rules and restrictions about associations as follows:

- Associations can now use any languages in their non official correspondence
- Legal entities (in addition to individuals) may become founder or member of associations members of Associations,
- Announcements or distribution of publications are not anymore restricted,
- Transmission of documents related associations activities, publications to the relevant authorities including public prosecutor prior to the distribution has been removed,
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- All decisions taken by the provincial administrative authority regarding confiscation of association, declarations announcements or others publications is now subject to confirmation by a judge within 48 hours. In absence of such confirmation the decision is invalidated.
Bans towards becoming founders or members of associations were eased. There is no more restriction on the establishment of associations by people convicted for certain crimes and those who have previously been members of associations or political party that was closed by a court decision,

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International activities of Turkish associations or foundations are not anymore subject to permission. Turkish associations or foundations can now open branches abroad and join international or foreign bodies.

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It is now permitted for international association to operate and to open branches in Turkey after receiving permission from the Ministry of Interior in consultation with the Ministry of Foreign Affairs.

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The principles governing NGO regulation and administration have evolved. However legal, political and administrative limitations still exist. Beside the current law on associations, improvement is still needed:

- **Legal changes**
  
The legal limitations related to freedoms of associations, peaceful meeting and demonstration rights still remain: (i) associations related political movement and ethincal minority are still forbidden (ii) students associations and thematic areas of work and convicts are still limited (iii) associations meeting are still required permission (iii) foundations and associations are still required to obtain permission to obtain funding from international sources and engage in partnerships …

The law on associations does not tackle all associations issues regarding international standards: (i) framework for public benefit and tax exemptions are extremely restrictive and are not in compliance with public benefit law of international standards (It is estimated that only 650 NGOs have the status of “public benefit”).

The current law on associations and others laws foresee that are relevant for NGOs are extremely problematic due to the fact that there are too many institutions involved in relation to CSOs activities. For example, if a CSOs want to publish something – no matter how limited it is- they are subject to the Press law and have to declare the name of the editor to the press prosecutor.

Moreover these legal provisions are sometimes contradictory. (i) the primarily legislation is not always coherent within the secondary legislation. Regulations are not always coherent with the laws.. (ii) circulars which are not always public are numerous and contradictory.

- **Policy change**
  
As regards to the current law on associations and others laws foresee, public authorities confuse the associations issues. the governmental will is not always put into practise. (i) The prior authorisation system for foreign associations who wants to operate in Turkey are subject to strict limitations and controls

- **Administrative changes**

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2 According to the amendments to the civil code and law on associations
As regards to the current law on associations and others laws foresee, administrative limitations still remains (i) regulatory and audit functions done by officials remain excessive such as the requirement in accordance with a regulation dating 2003 to keep 1st class account books applicable similar to those for private businesses; the requirement for the HQ of an Association to keep all registration of members even if they are members of the branches, the requirement to provide very detailed information on the persons who donate to the Association etc.(ii) CSOs auditing of accounts which requires immense amount of work and is subject to audits by the Mulkiye, Maliye on an ad-hoc basis (not during regular account terms that the Maliye usually applies to other entities) (iii) disparity between the law and the internal regulation of DoA as its procedures still require authorization to be obtained prior to any publication or insists on the presence of its observatory to verify that associations assemblies are held “within the rules“.

These type of difficulties created by the wide range of laws and numerous of institutions involved in CSOs activities, justify a urgent codification of laws as well as urgent administrative and political reforms related associations.
3 Description

3.1 Background and justification

The improvement of public services and quality standards towards CSOs (Foundations and Associations) is directly linked with the governmental will to reinforce accountability and transparency of public authorities in compliance with this EU *acquis*. **Turkish authorities have already realised legal and institutional positive steps to recognise the fundamental role of CSOs as a critical element to reinforce democracy.** As regards to the freedom of expression, the Constitution (art 33) and the Law on associations have been amended and institutional steps have been initiated.

With regards to these reforms in compliance with EU “acquis”, **the number of CSOs has constantly grown over the ten past years.** According the MoI statistics, it appears that there is 167732 associations registered. Amongst all of them, around 81928 associations are active. Foundations are not included in these figures. Turkish legal system defined two kinds of civil society organisations (CSOs), Associations and Foundations which are under the authority of two institutional bodies. Nevertheless all CSOs (foundations+ associations) have undertaken many initiatives to reinforce their own capacity building on administrative, legal and financial skills. Some of them were supported by international donors. **These CSOs progress have created a new set of needs.** CSOs recognises the need to benefit for more public services support, better public standard quality management skills, more enabling environment on behalf of public authorities. So far, a profound institutional reform involving public service on behalf of public officials is expected by both EC accession process and CSOs.

Beside positive reforms progress, legal and institutional limitations still exist. They are a serious area of concerns requiring further reforms to be put into practice. Indeed, synthesis of general assessments realised by several CSOs on Public sector, revealed:

- The actual un-institutionalised framework does not facilitate a rapid progress of the implementation of reforms³,
- The weight and slowness of bureaucracy and regulatory procedures - especially with regards to reporting oversight activities remains cumbersome and costly to NGOs. It therefore requires further streamlining⁴,
- The lack or weakness of public mechanisms and procedures between the national, provincial and district level is obvious. It engenders significant regional disparities and does not facilitate harmonisation of the public service in treatment of CSOs,
- The fact that appointed DoA staff is temporarily affected hinders the implementation of reforms over the territory,
- The too low professionalism of appointed staff without basic knowledge and experience of the CSOs issues causes divergent practices and poor concern in serving them. It further reinforces regional disparities about the treatment of CSOs.

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³ Associations in practice face problems to cooperate (including to receipt funds) with foreign associations and international bodies,

⁴ Cases of prosecution against association and particularly on Human Rights associations continue to occur. Even if the majority of cases resulted in acquittals, it is estimated that there are 500 cases pending against Human Rights defenders.
The lack of dissemination of institutional and legal information creates significant difficulties on behalf NGOs to track new regulatory requirements. In parallel, monetary sanctions for mistakes are severe and do not provide fair warning.

The legal limitations still remain according international standards. The lack of clear and coherent legal package without unnecessary or abusive provisions is present situation. Significant and severe contradictions between application of laws (circulars, regulations) and actual laws for associations and foundations can be observed.

At present, Public authorities have undertaken limited initiatives to catch up with development in CSOs sector. Nevertheless, public authorities are more and more aware of the needs of public services. So far, two institutional bodies have been created to reach CSOs needs:

- The Human Rights Presidency has been established under the authority of Prime minister since 2001.
- A regulatory Department of Associations has been established in the MoI since August 2003 to be responsible for all duties of associations and international relations of foundations which were executed previously by the Directorate of security forces.

The Department of Associations tasks are (i) to execute all acts and operations related to associations in Turkey according the law on associations (ii) to carry out all foreign activities about associations and international relations of foundations (iii) to audit associations including all legal and administrative acts and activities (iv) to plan and carry out training programs at the national and local level, (iv) to coordinate cooperation between the Department of Associations and the provincial and district departments, (v) to plan budget for the department.

At the provincial level all actions and procedures are carried out by provincial directorate of Associations under the body of governors. At the district level, all actions are carried out by the bureau of association under the body of sub-governors. In summary, it means that all acts and documentation have to be transferred to security unit to civil unit at the provincial level. Moreover it means that the Department of Associations has to define and to train a human resources policy throughout the territory. In this context of institutional reforms, the proposed project is particularly relevant because this is a first time that a civil unit is responsible for CSOs. This is also the first time that it intends to increase the quantity and quality of human resources dealing within associations issues.

However, DoA duty must evolve from an institutional regulator to a service provider. First, DoA as an any administrative department as to be accountable and transparent to the public. It means that it has to provide services to NGOs for facilitation of their work. Second, it means that it has to provide relevant, efficient and effectiveness publics services according CSOs services needs. Becoming familiar with the full context of the civil society growth (activities, needs, impact of associations), it has to organise its capacity at all level (role and responsibilities), to deliver and measure the effectiveness of public services with appropriate mechanisms and procedures and to increase the public

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5 On 2002, two projects proposals were submitted to EC: One from the Ministry of Interior (MoI) and the other one by the Union Chamber and Commodity Exchanges. None of them were accepted.

6 The Human Rights presidency composed by representatives of CSOs and public authorities, has been set up to monitor human rights reform at the national and local level. At the provincial levels, 81 Human Right Committee have been established.

7 The transfer of this documentation is on process. On March 2004, nearly 40 provinces over 81 have transferred all acts and documentation related associations from security unit to civil unit

8 60 provincial directors over 81 provinces have already been appointed.
capacity by the recruitment of relevant staff with CSOs experiences backgrounds. In this regard the current staffing policy is weak and wrong and needs immediate and in depth adjustment to prioritize qualities such as productivity, transparency, fairness and confidence.

Thus, the actual financial, institutional and administrative capacity of the Department of Association is still very limited: (i) the repartition of national and local organisational tasks on public service and quality standards are not strictly established yet (ii) at the national level, the majority of department staff are still temporarily appointed. At the local level, the lack of staff remains serious concerns (iii) there is no public human resources who have knowledge and experience of CSOs issues. In this context, the Department of Associations current intention to extend its staff until 1500 (75 per cent appointed to data entry)

According these findings and regarding the growing development of the CSOs with the permanent progressive reforms in Turkey, it is time for public authorities to develop a formal and sustainable statement of commitment with CSO agreement. Public authorities are composed by the DoA and relevant Ministries who have indirect links with CSOs. As regards to the lack of CSOs platforms, the proposed project will support the identification and the participation of CSOs concrete panels of advisory board, working groups in order to create civil society watchdogs that will monitor and evaluate the services of the DoA. Moreover, special attention must be put to reduce the regional disparities.

3.2 Linked activities

In Turkey, most of the activities related to CSOs have been realised by assisting organisations through projects and finances and in a limited manner through strengthening their capacity building. The few activities that are targeting public sector focus on adjustment of laws, the role of public authorities, etc… A continuous attention should be paid to identify and follow up all projects related CSOs/Public Sector in order to created an efficiency of all stakeholders efforts. Permanent exchanges of information and coordination of stakeholders is recommended during the implementation of this project, to avoid duplication. A special attention should be put to promote the complementarity and the coherence of all projects related the improvement of public sector/CSOs relationships. These projects are listed below.

EU projects:
EU (Phare) strengthening “Civil society development programme” initiated by EU is designed to support Civil society organisations (CSOs) to become effective and active in contributing to the development of the country and the maturing of democratic process. This programme includes two main components “Turkey Greece Civic Dialogue and local Civic Initiatives” which focus on activities as “The women initiatives for Peace” (WINPEACE), “The European Student Organisation” (AEGEE), European Centre for Common Ground and cooperation with media….The component on local civic initiatives established for a period of two years (2002-2004) mainly focuses on Turkish CSOs capacity building (i.e., project cycle management) and establishment of networking culture among CSOs. The full scale of the activities carried out by the NGO Support Team for networking, capacity building is also very important to give them opportunities to acts

9 The Department of Associations is currently composed by 45 civil servant. 18 over the total staff are definitely appointed (12 of them are auditors).
10 75% of CSOs are located in Istanbul and represent 90% of CSOs funds
as European NGOs who can apply on European call for proposals, who can receive more European funds and who can set up partnerships with international NGOs.

EU “European Human rights democracy initiatives” (EIDHR) focuses on Human Rights projects propose by Turkish CSOs through “call of proposals”. Bilateral and International donors’ organisations projects:

“Freedom of association within the EU harmonisation reform process” project is funded by the British Council for one year period (2003-2004). This project objective, jointly implemented by British Council and “Helsinki Citizen Assembly”, is to improve the dialog between CSOs and public authorities on freedom of associations issues. Through workshops activities with Turkish CSOs, it intends to identify main problems encountered by associations with the related legislation and proposed solutions. The originality of this project is to put progressively all stakeholders together(including public administration, governmental and local officials, relevant ministries representatives, MP) together to exchanges opinions. This progressive approach aims is to consolidate a consensus on legal issues.

“MATRA programme” in Turkey is funded by Netherlands since Helsinki European Council on 1999 which confirmed Turkey as official EU member state candidate. This programme concentrates on support to the transition towards the reinforcement of good governance, democratic citizenship and civic society. To implement Matra programme, several instruments have been developed: “Matra Small-Scale Embassy Projects Programme” (KAP) support the establishment of small NGOs dealing with areas of legislation, good governance, environment, information, education and media. Matra Projects Programme as “twinning” supports cooperation between Turkish NGOs and Dutch NGOs.

“A Decentralized Facility Targeted to Civil Society in Turkey” project is funded by Denmark. It supports the direct participation of CSOs, NGOs, and professional associations in the promotion of the role of civil society in meeting political Copenhagen criteria.

(World Bank) “Micro grants for capacity building” is available towards CSOs (30,000 million US dollars). These small grants aim is to reinforce the internal capacity building of CSOs. In parallel World Bank has created the “social support and development fund” (136 Millions US dollars). This fund is available for CSOs local initiatives which are helpful to accomplish the state institutions reforms.

(UNDP) “Global Environment Facility” (GEF) is a small grant programme which provides financial and technical support (including capacity building) to NGOs in environmental areas. In this context, UNDP initiated several partnership between Turkish and international NGOs.

National initiatives

“NGOs Training Center” project is implemented by Istanbul Bigli University. It focuses on CSOs capacity building training.

Turkish CSOs actors such as (i) Third Sector foundation (TUSEV), (ii) Helsinki Citizen Assembly, (iii) Economic Development Foundation, (iv) Foundation for Economic and
Social Studies, (iv) Turkish History Foundation, (v)ARI Movement and Open Society Institute are also very active to promote a better collaboration between public sector and CSOs to fulfil Copenhagen criteria.

Ongoing projects

(EU project) the ongoing “Improving co operation between NGOs and public sector and strengthening the NGOs democratic participation” project would be carried out by the EUSG in closed cooperation with the Department of Association in MoI for a period on 2 years (2004-2006). The main objective of this umbrella project is to improve a structured dialogue between public sector and CSOs in compliance with EU acquis. In this context EUSG would be responsible for the alignment of public/CSOs activities to EU acquis.

(Danish Embassy) intends to implement small grants projects towards CSOs over 3 years period (3 millions euros). One of the priorities will be to create CSOs platforms.

3. Results

Project Results are expected in central level and in 5 “pilot provinces prior to extend these expected results to others provinces.

Component 1: Strengthening the institutional and organisational capacity building of the Department of Associations

The Department of Associations must be considered by the CSOs as a credible source for consultative input. CSOs must rely on DoA information on legal administrative and financial duties that CSOs have to comply with. So far, the main target of this component is the DoA capacity of its permanent staff, provincial directorate of Associations (governors and directors), bureau of association (sub –governors) and relevant ministries representatives. It aims to have the following results:

• CSOs public services needs assessed through an independent study. As regards to the large scale of CSOs issues, this study must be defined in relation to project components. This study will address CSOs priorities in terms of CSOs information, legislations reforms, etc.
• DoA Tasks analysis performed. Additional and ad hoc tasks will be set up in DoA according the evolution of CSOs needs in term of Public services
• DoA activities systematically yearly planned and programmed.
• Code of Good Practices disseminated towards CSOs and published on DoA website. This code of good practices will include standardized mechanisms and regulatory procedures of public services. This code of good practices must also take into account the legal package reforms (regulations, circulars) as well as the new organisational DoA framework (less procedures)
• DoA Code of conduct produced and disseminated towards civil servants and CSOs and published on website. The Code of conduct for civil servant will include rights and duties of civil servants vis a vis CSOs.
• State Agreement signed with other key Ministries (Presidency of Human Rights, General directorate for Foundations, EUSG, Ministry of Foreign Affairs) to ensure the coordination between all institutions directly or indirectly involved in CSOs issues. Such agreement should as well enact the authority of the Department of Associations in public services area. This State Agreement must be presented by DoA to others institutions in order to enhance the legitimacy of the DoA in CSOs
area. It must include administrative, financial, legal commitment on behalf of public authorities towards CSOs. It should be presented to CSOs too. This should oblige all relevant institutions to be accountable to CSOs and Turkish citizens. This document must be the reference among all Ministries that are directly or indirectly involved in CSOs activities. This “inter-ministerial” document must oblige keys institutions to design one official and coherent policy towards CSOs as well as one institution in charge of CSOs public services. It must be a synthesis of DoA work with all institutional and administrative reforms (including the approval of the code of conduct, the code of good practices…) and the clarification and codification of legal package. In addition, it must be revised each year according to the CSOs situation progress. Furthermore, this document must reduce the authority of others plethoric institutions that are involved in relation to CSOs activities.

Component 2: Designing of Human Resources policy of the Department of Associations including staffing, roles definition, allocation, and training

- Establishment of Human Resources Policy including, the total number of DoA staff, job descriptions, roles and assigned functions, criteria for selection during recruitment.
- Establishment of two poles in DoA: executive pole and conceptual pole in charge to propose legal, administrative and financial reforms
- Establishment of a strategy for initial and permanent training addressed to DoA key actors (modules, cursus, exams, certification).
- Trained DoA human resources regarding their duties and obligations toward CSOs
- Publication of the internal Human resources policy (Internal Vacancies, training opportunities, code of conduct for civil servant, code of practices towards CSOs)

Component 3: Adjusting the Associations legislation in compliance with the Copenhagen political criteria

- Legal framework reviewed and codified in compliance with pre accession strategy for EC “Acquis” and international standards regarding freedom of association and public authority responsibility in relation to that. One of the results should be passing a new, codified, cleaned law with acceptance by CSOs.
- Developed quality standardized regulations applied by every institutions
- Eradicated restrictions and un-necessary and contradictory provisions (no more circulars)
- Simplified and clarified legislation related to associations. (decrease of procedures, and regulatory files to fulfill, introduction of standardized applications forms and administrative files)

Component 4: Setting up of an information system for the Department of Associations, NGOs and the public

The computerized system once implemented will increase efficiency of administration through quicker flow of forms, computer assisted entry of information, disallow of redundant processing of data and disruption of any measure that can disallow
functioning of association through slowness or passivity of administration (service level agreement engagement with NGOs).

It will help harmonization of works of the reshaped vertical branches.

It will further allow real time dissemination of practical information to internal (intranet) and external actors (internet) through website online publication of –among others–:

- Information on legal framework (legislation, regulations, European and national case judgement),
- Information on administrative and institutional reforms (code of conduct for civil servants, code of good practices, training modules, State agreement)
- Main European and international CSOs links,
- Dissemination of information about CSOs activities compilation of data. It is not a formal requirement to provide full activity reports to the DoA currently and should not be so either. Therefore this data will present briefly CSOs, thematic and sector activities to facilitate exchange of experience between CSOs that are involved in the same area. the DoA will compile this data with voluntary CSOs agreement.

Concrete results will be the following

- a built virtual private network linking center to province offices (81) and allowing on demand access of field based personnel (320) through dialup technology;
- digitalized past active information once sanitized for faster browsing and search;
- delivered and installed office tools,
- skilled personnel using office tools (through recruitment and training);
- completed and published repository of Department of Associations (offices address, points of contact, regulations, working hours, invitation to proposal, offered services),
- alive online updateable website offering access to both intranet (DoA staff) and internet (NGOs and civil society) to at least information mentioned above;
- built, installed and used software for Association Registration and Follow Up filled with extract of past records and updated through every days transactions issued from districts and provincial representations;
- arisen awareness of DoA services CSOs through their constant invitation to participate in implementation and to have an open tribune on the website;

Component 5: Raising Communication strategy and dissemination of information

- Settled strategy for communication and information towards CSOs.
- Published and disseminated information regarding DoA role.
- Assessed impact of campaigns of information done in 5 “pilot provinces
- Alive website offered as the main portal to communicate with CSOs
- Up and running helpdesk facility
3.3 3.4 Activities

Project activities will be implemented in central level and in 5 “pilot” provinces prior to extend and adjust these activities to others provinces. The 5 pilots provinces are (i) ANKARA (ii)DIYARBAKIR (iii)IZMIT (iv)TRABZON (v)MERCIN. Criteria of selections are based on (i) the geographical coverage territory- (ii) the presence of the ethnical groups like Kurds in Diyarbakır (iii) the presence of migrants like in Mercin (iii) the selection of remote area like in Trabzon and (iv) the consideration of the earthquake areas like in Izmit. These 5 pilots provinces will be monitored and results will be evaluated to define the impact of the project.

All components will be implemented together with the technical assistance team (TAT) contracted through a service tender. However, most of the components implementation must take into account of the priority to achieve the codification of the legislation. According the regional disparities, the proposed project will adopt a progressive approach to understand better the disparities of CSOs needs on public services. Therefore the project will start in “5 pilot provinces” in its initial phase.

On the definition, implementation and monitoring of public services and quality standards, CSOs has an important role to play. So far, various CSOs working groups/panels will be set up to collaborate to the implementation of the 5 project components. Facing the lack of CSOs platforms, the identification of these permanent CSOs working groups/panels will be selected on their respective skills. For each component a Memorandum of Understanding (MoU) will be signed between Department of Associations and CSOs groups in order to ensure respective commitments of the both counterparts.

These CSOs working groups/panels will be independant groups composed by CSOs voluntaries, academics, lawyers on associations and foundation etc… CSOs as future “clients” are rarely hierarchically organised. Most of them are cells acting on a domain (human rights, environment, sport…) within a geographic area (city, ethnic region) and are not currently aggregated on a vertical (local to national) level even considering a given domain.

These CSO representatives will belong to the perimeter of the project as sources for expression of needs and monitoring capacity of DoA activities. The composition of these CSOs working groups/panels will prioritize environmental, and gender, human rights domains and CSOs located in remote areas. Their duties will be to analyse CSOs priorities needs related to the project components by a systematic consultation of relevant CSOs. They will be in charge to act as relays and to propose a number of solutions to the DoA. Their main responsibilities will be to negotiate public services improvements with DoA on behalf CSOs, to follow up and to evaluate all progress reforms. These CSOs working groups can be work on different component of the project. One CSOs panel/working representative can be a member of various CSOs panel/working groups to give different input on legal, training or information components

Component 1 : Strengthening the institutional and organisational capacity building of the Department of Associations

- Identification of CSOs and experts working groups/panels 1 in line with principles outlined above
• To conduct independent CSOs needs assessment study related the project objectives. The independent study will initially be done regarding 5 pilot provinces. The team will be composed by academics, CSOs, working groups/Panels, DoA and provincial directorate representatives.

• To Conduct DOA tasks analysis study. This study will take into account the priorities of CSOs needs assessment study to include additional and Ad Hoc tasks to the DoA. This study will have a comparative approach within other European governmental institutions.

• To prepare an annual planning of public services activities

• Redaction of Code of Conduct for DoA civil servants

• Development of concrete services offered in 5 pilots provinces including helpdesk, policy briefing, information network, advisory service, process registration, investigation abuse and maladministration. All these services must reduce the weight of bureaucracy.

• Evaluation of the effectiveness and efficiency of the institutional, administrative and financial reforms in 5 “pilots” provinces

• Definition of “Best practices” on public services delivery. Redaction of Code of Good Practices.

Component 2: Designing of Human Resources policy of the Department of Associations including staffing, roles definition, allocation, and training

• Identification of CSOs and experts working group/panel 2. (same as above)

• Inventory of the existing administrative trainings. A special attention must be paid on existing trainings related public services towards CSOs.

• Inventory of training facilities on the territory (locations, capacity, equipment, cost if any),

• Design a program with different phases of the training for DoA staff. Including governors, sub governors,. The training program must be adapted according the role of the staff toward CSOs. These trainings will include indicators of performance and achievement to control the trainings impact. This program is set up within the participation of the CSOs working group/panel 2. The training methodology must tackle two issues: one is to improve basic knowledge of DoA staff on CSOs issues. The other one is to improve the DoA capacity of the public services towards CSOs

• Realization of training manuals towards national and local representatives according CSOs needs and priorities. These training manuals will include the legal reform package, the Code of Good practices and the code of conduct for civil servant and the main Guidelines of DoA mission.

• Identification of trainers of trainees over the territory. Such trainers will be chosen according to their performance, pedagogic skills, and geographical locations on the territory.
• Organization of comparative workshops regarding EU member states methodology on public services toward CSOs

• Organization of Study Tour in European Countries. This study tour will be composed by CSOs representatives and Department of Association and relevant ministries representatives

• Creation of online training content to be broadcast through the website once available training

• Training of the Department of Association staff at the national level and local level. CSOs working group/panel 2 as well as others CSOs voluntaries participate to training sessions as observer or teacher.

• Informative sessions for actors indirectly involved in CSOs areas such as governors, sub governors, security forces and police. Training for governors is extremely important since the implementation as it has been shown on the field is dependent on the discretion of the governor as well (diagnostic).

Component 3 : Adjusting the Associations legislation in compliance with the Copenhagen political criteria

• Identification of CSOs working groups/Panels 3 (same as above)

• To realize legal inventory related directly and indirectly to CSOs; Laws and regulation on association are revised within the participation of the CSOs - unnecessary or contradictory provisions are sorted out

• To present EC legal comparative legislation approaches (including legal procedures) which are implemented in EC Member States.

• To codify a legal package related to CSOs.

• To develop legislation regarding Copenhagen criteria and legislative problems faced by CSOs in terms of public services.

• To develop comparative legislative analysis including international standards.

• To develop new legal package within the approval of CSOs legal group.

• To measure the impact of the current legislative adjustments and codification of laws in 5 “pilot” provinces prior to deployment of legal reform to all provinces .

Component 4 : Setting up of an information system for the Department of Associations, NGOs and the public

The activities hereafter inventoried refer to the reaching of component 4 defined results and are then grouped per intention rather than nature.

• Development of a website service to address CSO already identified needs with ability to be updated through involvement of a priory recruited by MOI webmaster within the participation of CSOs working group/ Panel 4,

• Provision and installation of licenses for opening of an electronic mail service.

• Procurement of network active equipment for WAN access to the Turkish Telecom service provider and connection of office machines within LAN (including training of IT staff),
- Procurement of office machines for processing of past archive and back record conversion of data and assistance in the processing of the active information,
- Procurement of network passive equipment, cabling services, plug in and start up of active equipment for Local Area Networks at province positions (81),
- Procurement of office machines and required software licenses to staff allocated in the central and provincial positions in order to allow electronic flow rather than paper transport,
- Transport and installation of supplied office machines to the 81 provinces offices,
- Tasking of appointed staff to gather data required for constitution of repository
- Tailoring of an existing workflow and document management solution for the processing of documents provided by CSOs and the back record conversion of active data from the archives.
- Training accompanying delivered equipment to be enclosed with the provision of such equipment.
- Training of IT staff regarding system administration (Network; database, Email and Internet services administration)
- Training of clerical staff in using of office tools (spreadsheets, word processing, scanners, automatic recognition of characters…)
- Training of the staff retained for assistance of the webmaster in web publishing tools.
- Roll out training of the users of the association registration system by trainers of the department of association (considering training material is part of the deliverables to be provided by the software development company retained).

Component 5: Raising Communication strategy and dissemination of information.
- Identification of CSOs working groups/ Panels 5
- Inventory of initial communication vectors and design the communication priorities,
- To design a programmatic communication/information strategy within the participation of CSOs working group/ Panel 5
- To design and publish a communication/information package including booklets, posters, publications on code good practices, code of conduct, legislation reforms, within the participation of CSOs working group/ Panel 5
- To conduct a public information campaign to cover the territory in mass media, NGO networks forums, within the participation of CSOs working group/ Panel 5. According the regional disparities in 5 pilots provinces, the campaign of information will use the most appropriate channel of information (media, workshops, seminars…)
- To disseminate legal, administrative institutional and financial information towards CSOs by DoA through provincial and district directorates (dissemination of code of practice (mechanisms & procedures of DoA at all levels), code of conduct,
legislative framework, information on technology infrastructures through “intranet” and “internet” channels within the participation of CSOs working group/ Panel 5

- To run “Information workshops” organised by DoA towards indirect public actors (national security forces actors, governors) within the participation of CSOs working group/ Panel 5

- To implement “Information workshops” organised by provincial directorate towards indirect public actors (provincial security forces, police, gendarmerie, local judges, local prosecutors) within the participation of CSOs working group/ Panel 5

3.5 Lessons learned
This is the first time that such activity would be funded by EC in EU accession process. So far no specific lessons can be drawn from previous programmes. However, CSOs are already involved to define CSOs problems in terms of public services, administrative provisions and regulations in others future EC members states. Projects are ongoing by ICNL in Hungary Romania etc. In Turkey, British Council funded project implemented by Helsinki Citizens Assembly on freedom of Association.

4 Institutional Framework
The main beneficiary will be the DoA. It has a headquarters in Ankara and offices at each province directorates and few sub province directorates. Whenever no offices exist the responsibility of the DoA is outsourced to existing staff in the district as part time tasking of the sub governor or its personal.
As disparities are observed in this vertical branch particular attention should be paid when building the institutional framework to ensure homogeneity and harmony of provided services.

CSOs as future “clients” are rarely hierarchically organised. Most of them are cells acting on a domain (human rights, environment, sport…) within a geographic area (city, ethnic region) and are not currently aggregated on a vertical (local to national) level even considering a given domain.
Therefore when considering their needs the institutional framework shall be careful to identify a representative working groups/ panel at national, provincial or district levels.

These CSO representatives will belong to the perimeter of the project as sources for expression of needs and monitoring capacity of DoA activities. The composition of these CSOs working groups/ panels will prioritize environmental, and gender, human rights domains and CSOs located in remote areas.

Therefore, the framework will establish a first national “task force” including the representatives of following institutions:
- Department of Associations board,
- CSOs board (composed by relevant CSOs working in fields of human rights, democracy, environment, gender, legal and institutional advices on public sector, economic and social sector),
- Provincial directorate (governors, directors, inspectors),
- District directorate (sub-governors),
In order to reduce the regional disparities and to identify the “best practices” of public services delivery at the local level, a second task force of local actors need to be created based on existing local frameworks (such as human right committees composed by governors and local NGOs).

A first initiative could be to propose the presence of provincial Directors during the meeting of the human right committees. He will there be in charge, as the governor, to report the DoA about CSOs needs and concerns.

He will have to promote the CSO board as a national actor for relay their and to forward minutes of meetings to the CSO.

5 Detailed Budget (For the full duration of the project)

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6 Implementation Arrangements

6.1 Implementing Agency

The Central Financing Unit (CFCU) will be the implementing Agency and will be responsible for all procedural aspects of the tendering process, contracting matters and financial management, including payments of all project activities.

The beneficiary of the project will be the Department of Associations in the Ministry of Interior. Final beneficiaries are CSOs. The target groups are as follows

- Department of Associations,
- Relevant ministries (Ministry of Foreign Affairs, Ministry of state responsible for human rights, Ministry of Justice),
- Local courts of justice (prosecutors, judges),
- Provincial directorate (governors, directors, inspectors),
- District directorate (sub-governors..),
- Human rights presidency & Human rights committees,
- Directorate of security and police unit at the national and local level.

The technical Assistance team will be located in the Department of Association in the Ministry of Interior in Ankara. The MoI will provide logistical support as telephone, office, fax,

6.2 Twinning

N/A
6.3 Non standards Aspects
N/A

6.4 Contracts
There will be different contracts for the achievement of project components and the establishment of TAT

6.4.1 Contract services Year 1: 3.321.922
All technical assistance team will be covered by a single service contract. The selected contractor will need to provide a range of expertise.

6.4.2 Contract Procurement & supply Year 1: 2.696.393

6.4.3 Contract Procurement & supply Year 2: 2.000.000

7 Equal Opportunity
This project will pay a special attention to CSOs activities which are related to gender, disabled persons, youth and retired person’s areas. Efforts will be made to invite and involve these CSOs in each component of this project (working groups).

8 Environment
This project will as well invite and involve CSOs dealing with environmental area.

9 Rates of Return
N/A

10 Investment Criteria

10.1 Catalytic Effect
The improvement of public services and quality standards towards CSOs will facilitate the CSOs activities thus indirectly reinforcing them. The growth of CSOs could increase the Civic awareness on the fundamental role played to be a watchdog of democracy. In addition it will increase the civil society awareness on added value of meeting EU standards.

10.2 Co financing
The Turkish authorities will co finance this project up to 25 per cent of the investment cost for procurement.
In order to maintain the sustainability of the project, they will fund in priority any cost that could remain after the completion of the project (maintenance issue).

10.3 Additionality
The DoA will cover all staff expenses at the national and local level. It will provide all logistical facilities (training spaces, conferences rooms, transports, vehicles and furniture) to achieve the project components.

In the TAT framework the DoA will cover local human resources appointed to implement each component (institutional, legal, IT, Training, information and public relations).

10.4 Project readiness and Size
N/A
10.5 Sustainability

The future sustainability will be researched through a yearly ratification by a State agreement. This assessment by high level officials from a panel of CSOs will commit project progress and allow eventual strategic adjustment.

Beside all sustainable indicators conditional upon the implementation of project, the degree of adjustment of this governmental agreement which should define the financial, legal, institutional and administrative provisions on public services will be a good indicator of trust cooperation of CSOs/Public sector progress.

Some further transversal and practical measures will be taken to encourage sustainability.

- A sustainability condition will be put to ensure that trained people do not leave the DoA once trained without appropriate countermeasures to ensure continuity of service.
- Any fixed cost that corresponds to disbursement that will remain after completion of the project will have to be supported by the beneficiary from the beginning. Thus, any maintenance fees costs will be isolated from others and contracted directly by the DoA. It will then ensure that the DoA budget will forecast that cost and avoid usually observed break in the maintenance at the end of the project.

10.6 Compliance with State aids provisions

N/A

10.7 Contribution to the national Development Plan

In its National Development Plan, Turkey has recognised the increasing role of the CSOs under the section of “Civil society organisations”. Beside objectives, principles and policies to support CSOs activities and actors, the National Plan enhances the role of the public authorities. It states that “The central state administration will play a guidance and steering role in developing capacities of CSOs in administration, financial management, and technical fields”. For this purpose, Turkish authorities recognise that legal and institutional arrangements are necessary regarding CSOs. So far, This project is an opportunity to put the governmental will into practice.

11 Conditionality and sequencing

The implementation of this project is subject to:

- Full transfer of acts and documentation archives to the department of Associations

- The department of Associations has been established on August 2003 to carry out all acts and procedures of associations at the national and local level. However, only 46 provinces out of 81 currently transferred all association acts documentation, from security unit to the civil unit. On district levels, figures are not available. According the critical mass of transfer which needs to take place prior to launching the tenders, 90 % of all the documentation, acts of the CSOs must be transferred from provincial and district security unit to civil one for the implementation of the project.

- “Adjustment of DoA organisation at national and local level”

The organisational capacity of the DoA is the most critical point. The DoA organisation is mainly hierarchical without any repartition and division of tasks. Most of the staff works on legal procedures according current Law on Associations. However there is no specific unit dedicated to specific areas. Therefore the implementation of this project is conditioned upon two stages; (i) Setting up a Project Implementation Unit (TAT) within the DoA prior to contract signature for the service contract to ensure smooth
implementation and necessary capacity in the DoA, (ii) Identifying and executing the necessary changes for the preliminary structure that must exist at a defined period in relation to project tendering and contracting (i.e. the titles and clear definition of tasks). Specific functions and responsibilities will be better defined during the tasks analysis study.

- “Initial recruitment of core staff central and five pilot provinces”
  The project can be implemented as designed if and only if there is an immediate revision of the staffing policy as it currently exists. Therefore the beneficiary will have to priory agreed to adjust the recruitment of staff to work on the central level and in 5 pilot provinces before the implementation of the project. This will allow not losing time at the arrival of the TAT which will need counterparts, expertise, and skilled personal. The job description will aim to enhance the quality of Human resources rather than the quantity to comply with the project specific objectives privileging the recruitment of personal already familiar with CSOs issues. It means that it should be expected to recruit several skilled staff (those contracted might be from private sector, CSOs sector) with relevant salaries rather than to recruit a large number of staff with low salaries. As regards to the recruitment of new Human resources expertise, the DoA staff at the central level must progressively replace all temporary staff who are mostly employees with no basic knowledge of CSOs. According the DoA budgetary capacities, a realistic recruitment possibilities must be emphasized. Therefore, the component 2 should be aligned with the realistic recruitment possibilities (500) and the expected future situation. Following the analysis done preliminarily by the experts and especially following the work of the Technical Assistance Team on the tasks and functions within the Department does not require extensive personnel.

- Except Ankara, five relevant “pilots” provinces must be fully equipped (premises, transfer of all CSOs acts and documentation) and staffed (directors appointed, initial recruitment of core staff) before the starting of the project. These 5 “pilot provinces are namely (i) ANKARA (ii)DIYARBAKIR (iii)IZMIT (iv)TRABZON (v)MERCIN. Such initiative will qualify both the reality of DoA recruiting and tendering capacity, and check the sufficiency of the technology envisaged.

- “Minimum built up capacity at provincial level”
  At the provincial level: Directors recruitment: 60 directors out of 81 have been appointed at the Provincial level. 90% of provincial directors must be permanently appointed and operational before the stating date of the project.

- “prior recruitment of Webmaster and IT technicians”
  As component 5 is subrogated to the existence of a web publishing capacity it is expected that the web master will be appointed prior to the project start. Further to this it is required to get sufficient IT technicians to face the early planned supply of IT hardware and software.

At this stage, it is difficult to detail the sequencing as the project has a critical size and the diagnosis could not cover the whole perimeter. Anyway it clearly appears that after initial recruitment of core staff some prototyping little size subprojects will need to be defined to create the team capacity and will
require some materials which can probably be purchased on 2004 allocated by Ministry of interior budget.

12 Annexes

12.1 Acronyms and used abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>CSO</td>
<td>Civil society organisation</td>
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<td>MoI</td>
<td>Ministry of Interior</td>
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<tr>
<td>DoA</td>
<td>Department of Associations</td>
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<td>EC</td>
<td>European Commission</td>
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