Openness and Accountability in Turkey in the Context of Accession to the European Union

Fulya Akyıldız[*]

https://doi.org/10.31297/hkju.22.1.4
UDK: 35.071:342.34(560)
35.071(560):341.176(4)EU
321.011.5(560:4EU)
35.072.7.01(560)
Original scientific paper / izvorni znanstveni rad
Received / primljeno: 19. 5. 2021.
Accepted / prihvaćeno: 16. 3. 2022.

A series of principles have affected the public administration in Turkey in the process of accession to the European Union (EU). Among these principles, openness and accountability constitute the subject of this study. Openness, transparency and accountability of government bear critical importance for the proper functioning of the accession process. Within this period, a number of regulations have been passed to ensure institutionalization of an open and accountable administration, resulting in the establishment of new agencies in Turkey. Although essential steps were taken in terms of openness and accountability before October 3, 2005, when the accession negotiations began, the reforms entered into a phase of deceleration thereafter.

[*] Fulya Akyıldız, Associate Professor, Department of Public Administration, Faculty of Economics and Administrative Sciences, Uşak University, Turkey (izvanredna profesorica na Odjelu za javnu upravu, Fakultet ekonomskih i upravnih znanosti, Sveučilište u Uşaku, Turska, email: fulya.akyildiz@usak.edu.tr).
ORCID: https://orcid.org/0000-0003-3937-036X

Therefore, the reforms appear to have been affected by the development course of Turkey-EU relations and have slowed down as the relations deteriorated.

Keywords: openness, accountability, transparency, European Union, Turkey, public administration reform

1. Introduction

Public administration reform is an important and current issue which is increasing the influence of the European Union (EU) in candidate countries and member states. When Turkey attained the status of a candidate country in 1999, the EU became the most important external dynamic that shaped public administration reform. With the start of the candidacy process, the Government made many important political, economic and administrative reforms. Although these political and economic reforms have been adequately studied and documented by researchers in academic literature, Turkey's alignment with the EU's public administration rules has been relatively poorly studied. This study aims to contribute to literature by examining the impact of candidacy process on increasing openness of public administration in the context of Turkey and within the framework of Europeanization process and pre-accession dynamics.

Openness and transparency are terms used side by side and sometimes interchangeably in literature. According to Davis (1998) and Larsson (1998), although openness and transparency may be seen as slightly different concepts, they are one and the same, as both refer to a certain quality as the act of lifting the veil of secrecy. On the other hand, according to Musa, Bebić and Đurman (2015), transparency can be understood as a prerequisite or key element of openness. Although the concept of transparency is more widely used, the concept of openness both encompasses and transcends it. Implementation of the principle of transparency, which is generally accepted as the right of access to documents, has been specific, one-sided and bottom-up. Exploitation of this principle requires actions of citizens against a particular institution to obtain particular information. However, the reason for openness is to promote good governance and ensure participation of civil society. Therefore, openness cannot be equated with transparency (Alemanno, 2014). This study adopts the openness approach of the Organization for Economic Co-operation and Development (OECD, 2005). According to OECD (2005), openness

and open government is a comprehensive concept that is based on and fed by principles of good governance, such as transparency and accountability, justice and equality, efficiency and effectiveness, respect for the rule of law and high standards of ethical behavior. The scope of the study limits openness in public administration to transparency and accountability. However, since transparency and accountability include fight against corruption, ethics and the ombudsman institution, related reforms are also examined.

This study is based on findings from a comprehensive desk research of the existing literature and content analysis of secondary data. Content analysis involves the researcher's examination of the content of an existing data source, usually written material or documents. In a content analysis, the main interest lies in the message the author is trying to convey to the reader. In a desk study, available data sources may include information that has been provided for a purpose other than research but can be used for this purpose, such as policy notes, legal documents, annual reports, or articles (Van Thiel, 2014). Secondary data analyzed for this study are Turkey's progress reports published by the European Commission (EC) between 2004 and 2020, legal regulations adopted by Turkey regarding openness and accountability in public administration, and articles and research studies related to the topic.

Turkey has made important legal and administrative regulations and established new agencies in the last two decades. While this study provides explanatory information about the history of these reforms, it seeks answers to the following two main research questions: Does the EU candidacy process contribute to openness and accountability in Turkish public administration? Are openness reforms in public administration linked to Turkey-EU relations? In order to answer the research questions, this paper will first present a theoretical discussion of the concepts of openness and accountability in public administration and their relationship to the Europeanization process. The paper will then focus on the assessment of Turkey's EU candidacy process and reforms implemented to promote openness and accountability in this process. The fourth chapter will outline a number of important steps taken to improve accountability in Turkish public administration since the 1999 Helsinki Summit and candidacy status awarded in 2005, when membership negotiations began. However, these efforts seem to have lost momentum with the start of negotiations, which declared that the candidate country met the Copenhagen criteria.

2. Openness, Transparency and Accountability

Openness, which is a principle of governance (EC, 2001) and of the European Administrative Space (EAS) (Demir, 2009), is closely related to and underlies principles such as accountability, participation and responsibility (OECD, 2004). This principle has long been present in EU documents, as well as theoretical and legal papers (Kovač, 2016); in practice, it also manifests as the right to information and threatens the secrecy principle of Weberian bureaucracy. The principle of openness, which guarantees the "right to information" of the public, is perceived as a fundamental element of a democratic society. In this context, the right to information serves three main functions (Savino, 2010, p. 3): (i) it enables citizens to participate in public decision-making processes more closely; (ii) it strengthens citizens' control over the government, and thus helps in preventing corruption and other forms of maladministration; (iii) it guarantees administration a greater legitimacy, as long as it becomes more transparent and accountable, i.e. closer to an ideal – "the glass house".

Openness and transparency are intertwined and often used interchangeably. However, there is a difference between them: openness implies that administration is open to external audit, and transparency means that administration can be clearly monitored for audit and oversight (OECD, 1999). Openness is an element of open government and includes transparency, citizens' access to services and public information, and government responsiveness. Openness in public administration is recognized as an essential component for democratic governance, social stability and economic development, among others (OECD, 2005). For this reason, it is promoted by economic administration and international financial institutions. Openness contributes to public monitoring of administrative processes and results, increased accountability, development of active citizenship, strengthening of inclusive policy-making processes (Vidačak & Škrabalo, 2014) and dissemination of ethical principles. Openness creates a suitable environment for these and more.

Transparency, an integral element of open government, facilitates citizens' access to information and ensures that all information on policy-making and spending is shared with the public. In this way, the administration turns into a "glass house". Transparency is a public value adopted by society to fight corruption (Ball, 2009). In this respect, transparency is intertwined with accountability. The work of Transparency International, which was established in 1993 under the leadership of an executive from the World Bank as a result of the concern caused by the increase in cor-

ruption at government and business levels, has also contributed to the transformation of transparency into a concept more related to corruption.

In short, openness and transparency can be considered elements that serve to increase the accountability of decision makers, citizens' trust in government (Panizza, 2019) and the level of autonomy of public administration in the face of politics (Dragoş & Neamţu, 2006). Therefore, openness and transparency are promoted as the core ingredients of good governance by many international and supranational organizations to the level of determining a certain degree of transparency as a prerequisite for economic cooperation, financial aid or membership in certain organizations (Musa, Bebić & Đurman, 2015; Kim et al., 2005).

Another principle closely related to openness is accountability. Accountability in public administration can be defined in the most general sense as the obligation to explain and justify the actions of administration (Bovens, 2006; Aldons, 2001). Uhr (1998) states that there are three types of accountability: political, public and parliamentary. Political and parliamentary accountability coincide with public accountability on two levels. One of them is public opinion control through the media. The other is accountability through extra-parliamentary oversight mechanisms. These include, among others, the chief public auditor. Professional accountability can potentially be observed as the fourth type. Accountability of professional organizations can be considered within this scope. Aucoin and Heintzman (2000) listed the objectives of accountability as follows:

– Controlling the misuse and abuse of public powers,
– Ensuring the safe use of public resources in accordance with the law and public values,
– Promoting continuous learning, which is often mentioned in the field of public administration and governance.

On the other hand, "responsibility", which has a similar content, is defined as "accountability of ministers or government as a whole against an elected assembly" (Birch, 1966, p.20). Therefore, a responsible government means a form of government in which the executive is formed among the members of the legislative to whom it is constitutionally responsible (Aldons, 2001).

It is possible to follow different debates about the two concepts in American and European literature. The classic Friedrich-Finer debate is the best known of these in American literature. The term "responsibility" was defined by Friedrich (1940) as an internal sense of responsiveness, which includes public officials' own professional standards and values, while

Finer (1941) emphasized responsibility for external political orientations. Finer used the concept of "accountability" to define his own "responsibility" in this discussion.

In Europe, the debate has taken a different course. Here, emphasis is placed on "ministerial responsibility" in the sense that a minister is held accountable to the Parliament for the activities of their respective ministries. Mulgan (2000) argues that "accountability" might be brought in, as it was by Finer, to identify one of the senses or aspects of responsibility (Marshall & Moodie, 1959), but "accountability" was certainly not expected to cover the whole range of activities and processes implied by the term "responsibility". Today, however, the same issues can be handled within the scope of different approaches to the problem of government "accountability" (Marshall, 1991; Rhodes, 1997). In the face of such expansion of the meaning of the accountability concept, the field of the concept of responsibility has narrowed. Today, the two terms are often used interchangeably; at other times, "responsibility" is understood more in relation to the ethical field, which refers to personal obligations, limits of freedom of movement and discretion, and therefore to the internal elements of administrative behavior (Harmon & Mayer, 1986; Dunn & Uhr, 1993). In this sense, "responsibility" refers to only one aspect of the concept of "accountability".

My argument follows that of Aldons (2001), Dunn and Uhr (1993) and Mulgan (2000), who overlook the distinction between "accountability" and "responsibility" by placing the former inside the latter as a part of the process in which the legislature has the power to control and, if necessary, to dismiss an executive. The author assumes that the term "accountability" includes "responsibility" and thus focuses on external monitoring mechanisms. Even in matters such as ethical rules and political ethics in public administration related to the internal responsibility emphasized by Friedrich, external mechanisms such as legal regulations and committees are to be used to ensure compliance.

3. Openness and Accountability Principles in the EU

The EU's democratic legitimacy has two sources: the national parliaments and the European Parliament, both of which are elected directly. Having an executive body accountable to the parliament at the center of

legitimacy is an indispensable element of democratic legitimacy. However, it cannot be easily claimed that the ministers who make decisions in the Council are held effectively accountable. In fact, the Council has collective autonomy, and the Council members are supposed to be held accountable to their national parliaments. However, this is not possible because decisions are made collectively and it is not known which member votes in a certain direction and why. One of the reasons why political parties and candidates entering the European Parliament elections do not fully account for their actions and decisions at EU level is that the rate of participation in parliamentary elections remains low compared to national parliamentary elections, and voters have little knowledge of parliamentary activities. This phenomenon is often described as a "democratic deficit" (Majone, 1998; Crombez, 2003). One of the solutions offered by the EU to counter democratic deficit has been the call for more transparency and openness in the work of EU's institutions and decision-making at the European level (Moser, 2001).

A mechanism that requires distribution of powers has been adopted in order to increase accountability. This mechanism has three main features: (i) continuous division of the executive area, (ii) increasing the ways of access to decision-making processes, and (iii) multiple mechanisms for the control of political authorities (Costa et al., 2003): Institutions such as the European Ombudsman, the European Central Bank (ECB), Independent Experts Committees, the Court of Auditors, the Court of First Instance, the European Anti-Fraud Office (OLAF), and the European Data Protection Supervisor ensure that governments comply with budgetary obligations and are more responsive. In this way, the accountability level of the governments of EU member states is expected to increase.

Factors such as low turnout in the European Parliament (EP) elections, lack of information and interest in the EU, and the rejection of the constituent treaties that claim to boost political integration by referendum have reduced public excitement and adoption of requirements for joining the EU. These have led to the advocacy of procedures and structural changes within the EU elite to demonstrate the Union's openness and transparency. Several Commission documents, declarations and political speeches advocate the need to make the EU more visible, accessible and closer to citizens (Lodge, 2003).

Important elements of accountability are openness and transparency, which are common concepts in EU discourse and are directly linked to the above-mentioned concept of democracy deficit, which has long been criticized by EU institutions. Despite their intertwined formations in EU

law, the exact relationship between openness and transparency remains unclear today. While there is no single definition of the principles of openness and transparency in EU law, these terms are often used interchangeably to mean the opposite of obscurity, complexity or even secrecy, and to convey a common idea (Lodge, 2003).

According to Alemanno (2014), the normative content of the principle of openness in EU law consists of transparency and participation components. These components of openness aim to achieve good governance, i.e. the citizens' right to information and participation in democratic life. Openness is a principle that has progressively been integrated in European law, first embryonically through work of the Court of Justice of the EU in relation to the right of access to documents and, after the 1990s, through Treaty amendments and secondary legislation. This principle is currently enshrined in Art. 1 of The Treaty on European Union (TEU) ("decisions are taken as openly as possible to the citizen") and Art.15 of The Treaty on the Functioning of the European Union (TFEU) ("EU's institutions shall conduct their work as openly as possible").

Openness and transparency have also come to the fore for two main reasons. Firstly, the inter-institutional change in balance between legal powers meant that the MPs need access to information to become effective legislators. Secondly, in some member states, reforms introduced by the Single European Act could only be implemented if they were adopted in accordance with national constitutional provisions of member states. This meant that referenda were to be held in several countries. A negative outcome in even a single country would have jeopardized the entire constitutional reform, which was meant to affect the constitutional design of the Union (Lodge, 2003).

The idea that the public's feelings of insecurity and apathy will diminish if the public's knowledge about the EU increases is the driving force behind the efforts to make the EU more open, visible and accessible. In this context, the right to information is observed as an important step in ensuring transparency. In particular, the right to information that is available on the internet has enabled EU citizens to have more information about the processes of EU institutions. However, the right to information considered within the scope of transparency also has limitations. Disclosure of public interests (in particular public security, defense and military matters, international relations, financial policies of the community or a member state), protection of privacy, and "sensitive" documents, court proceedings, inspections and audits that would jeopardize the commercial interests of a legal or natural person are subject to exceptions. However, if public interest requires

disclosure, there is no exception for these documents either (Peers, 2002). Applications for access to the documents must be processed within fifteen days, and annual reports must be prepared. In these reports, cases where access is denied are to be indicated along with the reasons, and the number of "sensitive" documents in the register is to be given (Lodge, 2003).

As a result, transparency strengthens the legitimacy of both inputs (access to information on policy making processes) and outputs. At the same time, transparency strengthens social legitimacy, e.g. the citizens' commitment to the EU. One of the aims of transparency is to transfer information from European level to local level, so that citizens can become aware of the developments, feel that they are a part of the European structure, and can see their interest in their own situation (Curtin & Meijer, 2006).

4. Turkey's EU Candidacy Process and Openness and Accountability in Public Administration

Turkey applied for associate membership in the EU in 1959. Ankara Agreement entered into force in 1964, which marked the beginning of a partner relationship between Turkey and the EU. After the application for full membership in 1987, Turkey was declared an EU candidate country at the Helsinki Summit in 1999. From 1998 to 2020, 22 progress reports for Turkey were published. These reports evaluate Turkey's capacity to fulfill its membership requirements and adopt the legislation indicated in the Treaties, other documents and Union policies. Each report examines whether the designed reforms referred to in the previous report have been implemented and new initiatives are evaluated. Reports offer an assessment of the overall situation for each of the subjects studied and the main steps to be taken by Turkey in its preparations for accession. Taking the steps required by the progress report, Turkey is continuously investing effort to put into practice the principles of public administration implied by the European Administrative Space. Therefore, public institutions and practices are undergoing changes within the framework of EU harmonization. In each progress report period, efforts are made to increase the level of openness, transparency and accountability of public administration among other issues, and these efforts are evaluated by the EU.

Until 2005, when accession negotiations began, important laws were passed by the Parliament to increase accountability of the administration. In this period, the three most important developments in terms of open-

ness and accountability in administration were achieved in the field of openness in public administration (Right to Information Act), transparency and accountability in public financial management (Public Financial Management and Control Act – PFMC) and ethical principles in public administration (Code of Ethics for Public Servants).

4.1. Openness and Right to Information in Public Administration

In the early 2000s, Turkey took important steps towards openness in public administration. In January 2003, the Turkish government announced the Emergency Action Plan, which included a section on corruption and introduced important additional elements to the Action Plan for Promoting Transparency and Good Governance in Public Administration, adopted in January 2002. The next step was the adoption of the Law No. 4982 on Right to Information in 2003. This law was an important step towards transparency of government in Turkey. The right to information, which is recognized as a part of the administrative procedure, has an important function in protecting the individual against the administration, which represents an improvement in favor of the individual in the state-individual relationship and ensures the openness of administration. In Turkey, the Right to Information Act was prepared in accordance with these purposes. In Art. 1 of Law no. 4982, which entered into force on 24 April 2004, the objective is stated as follows: "…to regulate the principles and procedures for the exercise of the right to information in accordance with the principles of equality, impartiality and openness, which are required by democratic and transparent government". Then, the Regulation on Principles and Procedures for the Implementation of the Right to Information Law No. 2004/7189 was passed. The Evaluation Board for Right to Information was established in the same year. With the implementation of Law No. 4982, the obstacles to participatory democracy and transparent and accountable management were partially removed (Eken, 2005).

The 2005 Progress Report, which was published after the Law entered into force, stated that, although the Law on Right to Information was an important step towards increasing transparency, public and confidential public records needed to be clearly defined to ensure effective implementation (EC, 2005).

Field study on this subject revealed that the expected benefit had not been realized due to the lack of social, economic, legal and technologi-

cal environment that is supposed to facilitate the implementation of the right to information, low level of education and literacy rate of the public, and the inability to overcome the disadvantages of traditional culture of confidentiality (Akyıldız & Demir, 2011). This was also addressed in the EU progress reports – e.g., in the 2009 progress report, it is emphasized that local governments are reluctant to make their decisions (especially regarding the zoning plans) accessible to the public.

After the law entered into force in 2004, the right to information in Turkey became increasingly exercised. However, the Board of Evaluation of Access to Information does not check the reliability of the relevant statistics. According to the General Evaluation Report on Information Retrieval in 2019 (2020), a total of 1,435,025 applications for information were submitted in 2019 and 1,235,914 of these applications were positively responded to. However, it is a common assumption that the figures are not very realistic. As a matter of fact, it was determined in the field research that the information units were confused as regards the applications made both within the scope of the right to petition and the scope of the right to information (Akyıldız & Demir, 2011). Accordingly, the number of applications at the end of the year appears to rise far over the real number both at national and institutional level. However, very few of these applications are covered by the application for information. This situation is also criticized in the EU progress report (EC, 2007). The EU criticizes the permission of broad exemptions on the grounds of protecting state secrets, trade secrets and personal data, as well as the absence of a central body or independent commissioner to oversee implementation of the law. Only a quarter of the population has the level of awareness regarding the right to information (EC, 2015). The draft law on state and trade secrets, which are among the exceptions to the right to information, has not yet come into force. This situation hinders the right balance between confidentiality and transparency of the actions of public institutions and officials. Similarly, no steps were taken to align with the acquis on the right of public access to environmental information (EC, 2016).

With the constitutional amendment in 2010, access to information became a constitutional right. With the same amendment, Art. 74 of the Constitution of the Republic of Turkey (1982) now includes the Ombudsman Institution (*Kamu Denetçiliği Kurumu*) as a constitutional institution. A draft law was submitted to the Turkish Grand National Assembly in January 2011 in accordance with the provisions of the new Constitution, allowing the establishment of the Ombudsman Institution. In this process, the government consulted with the European Ombudsman and

developed good relations (EC, 2011). The Ombudsman Institution, established by Law No. 6328 dated 2012, is assigned to investigate, inquire and make suggestions to the administration regarding its actions in terms of compliance with the law and equity in the understanding of justice based on human rights. The establishment of the Ombudsman's Institution is an important step in ensuring the rights of citizens and ensuring accountability of the public administration. However, further efforts are needed for the Ombudsman to be authorized to intervene *ex officio* and conduct on-the-spot inspections and to follow up the recommendations of the Parliament (EC, 2012; EC, 2013). The Ombudsman's Institution remains silent, in particular on corruption and human rights violations (EC, 2015). Limited authority of the institution reduces the effectiveness of its possible contribution to human rights and good governance (EC, 2016).

4.2. Transparency and Accountability in Public Financial Management

Before the 1980s, the concept of accountability was narrowly associated mostly with financial calculations and accounting problems (Mulgan, 2003). Within this framework, it is claimed that the concept was more of a quantitative phenomenon related to questions such as "how much money is earned" and "how much is spent" (Ackerman, 2005). However, the most important aspect of accountability nowadays is that the authorities are expected to explain the aims, intentions and reasons of their actions before they take place. Accordingly, sharing the organizational mission, vision, goals, strategies and performance objectives with the public is an important part of accountability. In this context, the Law No. 5018 adopted in 2003 marked a turning point in Turkey. The central government, social security and local government organizations within the scope of law are obliged to prepare strategic plans, performance programs and annual reports. In this respect, Law No. 5018 ensures that the corporate objectives, intentions and reasons are shared with citizens to strengthen financial transparency and accountability. In this way, institutional powers and responsibilities that are important for accountability and responsibility are defined more clearly.

The aim of the Law No. 5018 was to increase accountability in terms of financial transactions. Art. 7 of the Law defines the principles of regulating financial transparency and accountability, and strong emphasis is placed

on these principles especially in Art. 1, where the purpose of the Law is explained. Law No. 5018 also brought about a change in budget-making processes. Strategic planning and performance-based budgeting system were introduced with the aim of increasing efficiency in budget preparation and implementation process. The performance audit is left to the Court of Accounts as external auditor. The law also provides for the allocation and use of resources according to strategic priorities. Although the law has marked progress in the area of accountability, problems still remain in some areas. One of the main deficiencies is in the deduction and cancellation practices, which are not associated with budgetary accounts. In addition, basic elements necessary to increase accountability, efficiency and transparency in the budgeting process are still lacking (EC, 2009; EC, 2012; EC, 2014; EC, 2016). Another problem is that the coordination of planning activities with the budget is not ensured adequately, despite the implementation of strategic planning and performance-based budgeting (EC, 2012; EC, 2013).

Another important step in this area in 2004 was Turkey's signing of the UN Convention Against Corruption and the Council of Europe, and the ratification of the Criminal Law Convention on Corruption. In addition, Turkey joined the Group of States against Corruption (GRECO) in January 2004, which monitored compliance with the European anti-corruption standards.

With the amendment to the Law introduced by the Court of Accounts in July 2012, the powers of the Court of Accounts have been severely reduced and independence and effectiveness of the audit and control functions of the Court have been jeopardized. Some institutions providing services on behalf of metropolitan municipalities (e.g. Tax Reconciliation Commissions and private companies owned by municipalities) are exempted from the Court's post-expenditure audit, which poses a risk of corruption (EC, 2014).

These criticisms increased following the new presidential government system introduced in 2018. The Parliament often fails to fulfill the role of keeping the executive accountable to the legislative. The roles and responsibilities of different institutions after the transition to the new government system are still not completely clear and create the risk of reducing transparency and accountability (EC, 2019). Therefore, limited accountability and transparency of public institutions and the lack of a sound anti-corruption strategy and action plan are considered to be indicative of the lack of political will to fight corruption decisively. According to the

progress report, Turkey has not fulfilled the GRECO's recommendations and, in general, corruption is still widespread and remains a cause of concern (EC, 2019; EC, 2020).

Since no transparency has been achieved in the public sector in terms of legislation, the initial targets of the 2010–2014 Strategy for Enhancing Transparency and Strengthening the Fight Against Corruption have not been reached. In April 2016, Turkey adopted a new Action Plan for Improving Transparency and Strengthening the Fight against Corruption. Although this action plan is a positive step, it is limited in its scope, and focuses only on preventive and awareness-raising measures (EC, 2015; EC, 2016). Turkey has also failed to fully align its legislation with GRECO recommendations on the transparency of financing of political parties, conviction of members of parliament, judges and prosecutors and prevention of corruption (EC, 2016).

4.3. Ethical Principles for Public Officials

In order to improve accountability in public administration, the Law No. 5176 on the Establishment of the Ethics Committee for Public Servants was adopted in 2004, which brought about the establishment of the Ethics Committee for Public Servants with 11 members. The code of ethics for public servants was first addressed in the 2003 progress report. Subsequent reports continued to emphasize this issue. In the 2004 progress report, it was stated that progress was made in increasing transparency with the adoption of the Law on the Establishment of the Ethics Committee for Public Servants (EC, 2004). In the 2005 report, it was stated that the Committee was not authorized to investigate elected officials, academics, military personnel and the members of the judiciary (EC, 2005). It was stated that a special law would be enacted for elected officials.

The Regulation on the Principles of Ethical Conduct of Public Officials and the Procedures and Principles of Application, which was prepared by the Ethics Committee and adopted in April 2005, brought further clarification to the issues covered by the Law No. 5176. The Regulation deals with matters such as the issuance of documents requested within the framework of the Right to Information Act, transparency in procurement processes, and participation of affected parties in decisions related to public services. In addition, the duties and powers of public executives who occupy managerial positions are listed for the sake of accountability. Accordingly, public managers in executive positions can be held account-

able for their responsibilities and obligations and are always open and ready for public evaluation and supervision. The regulation also stipulates an Ethical Contract for Public Officials within the jurisdiction of the Ethics Committee.

For the first time in 2009, the Ethics Committee for Public Servants issued four resolutions on a number of public servants, including an elected mayor and public company executives, and declared that these public officials did not comply with the code of ethics. However, no progress has been made in expanding the coverage of ethical codes to include academics, military personnel and members of the judiciary (EC, 2009; EC, 2010; EC, 2012; EC, 2014). In February 2010, the Constitutional Court annulled the provision of the Code of Ethics for Public Servants which called for the publication of names of public servants who violated the principles of ethical conduct, on the grounds that the publication of such names without a judicial decision would jeopardize the presumption of innocence.

The Ethics Committee for Public Servants has no authority to apply its decisions with disciplinary sanctions (EC, 2013; EC, 2014). The Board is also criticized for failing to prevent conflicts of interest. Ethical committees have been established in almost all ministries; however, the Ethics Committee for Public Servants does not have the capacity to monitor and coordinate the work of these committees (EC, 2015).

Legal loopholes in the code of ethics (declaration of gifts, financial interests and shares, costs of travel abroad, etc.) remain for the members of Parliament (EC, 2014; EC, 2015). In fact, in 2011, the main opposition party proposed to the Parliament a code of ethics for lawmakers, which was not received positively (EC, 2011). As Turkey has failed to put GRECO recommendations on transparency of financing of political parties into practice, independent candidates and parties are not subject to transparency regulations or auditing.

5. Findings and Discussion

The EU continues to influence public administration reforms and exerts its strongest influence on new member states and (potential) candidate countries striving to meet EU-membership requirements (Nakrošis, 2017). However, depending on different starting points in their political-administrative regimes, countries do not follow the same path while

implementing EU harmonization reforms (Pina, Torres & Royo, 2007; Pollitt & Bouckaert, 2017). The style of public administration that filters the impact of reforms (Torres, 2004) is a key factor in explaining the differences in the way reforms operate. Turkey has had a tradition of a centralized and bureaucratic state since the 1839 *Tanzimat*[1] reforms. The strong state tradition that developed in the Ottoman-Turkish political history is a fundamental feature of the Turkish politico-administrative system (Heper, 1992). This tradition of the Ottoman Empire was inherited by the Republic of Turkey. Like other Weberian bureaucratic states, Turkish public administration worked with a pure principle of secrecy and closeness until the 2000s. As Skinner (1989) states, while "public interest" was previously coupled with "secrecy", it was suddenly best served through "openness" towards the turn of the 2000s. Secrecy and closeness in Turkish public administration seem to have been partially broken in the early 2000s with the influence of the EU, but still continue to be present.

None of the Copenhagen Criteria, which present conditionality in terms of political, economic and acquis alignment, are directly related to public administration (Akdoğan, 2008), and the Negotiating Framework makes no reference to openness, transparency or accountability. However, openness is essential for the Union itself to be considered a legitimate authority and has thus been a normative concern in EU integration at key points in its history. Openness is not only a principle that concerns Member States and Union institutions, but is also an important part of public administration reforms in the preparation period for membership of candidate states and even states applying for membership in the EU. The reason for this is that Europeanization is not only limited to the EU-integrated member states, but is also adopted as a process that starts at the stage of negotiation and preparation, and includes harmonization and integration (Yıldız, 2011). Progress on openness in public administration is difficult to measure and monitor, as many EU norms on the EAS and good governance are not standardized, and do not form part of the official Union acquis (Vidačak & Škrabalo, 2014). If this is the case, why do candidate states reform public administration in the EU accession process? The reason for this is the need for a well-functioning public administration in Member and candidate states to ensure EU integration. A well-functioning

[1] *Tanzimat* means "reorganization." It indicates a series of reforms in the Ottoman Empire from 1839 to 1876 under the rule of the sultans Abdulmejid I and Abdulaziz. These reforms were intended to transform the empire, which was based on theocratic principles, to a European-style modern state (Sözen, 2010).

public administration system is essential for the good functioning of the economic, political and social system. Accordingly, public administration reforms constitute an important part of the progress reports prepared by the EC. While the EC did not include public administration reform or openness and accountability in public administration in Turkey's 1998 Progress Report, it started to give wide coverage to these issues, especially in its reports after the publication of the European Governance: A White Paper in 2001 (EC, 2001).

State Planning Organization (*Devlet Planlama Teşkilatı – DPT*) is one of the leading institutions that make the most effort for the harmonization of public administration with the EU in Turkey. Established in 1960, almost simultaneously with the start of Turkey-European Economic Community (EEC) relations, DPT is Turkey's central planning organization. DPT, together with the Public Administration Institute of Turkey and the Middle East (*Türkiye ve Orta Doğu Amme İdaresi Enstitüsü – TODAIE*), carried out important studies on public administration reform. While the joint membership process which started in 1959 continued, Turkey applied for full membership to the Community in 1987. The Community gave a negative response to this application in 1989, but before giving this response in 1988, the DPT asked TODAIE to conduct administrative research in order to determine the necessary preparations for the administrative harmonization of Turkey, which decided to join the European Communities. TODAIE responded to this request in 1991 by launching the Public Administration Research Project (*Kamu Yönetimi Araştırma Projesi – KAYA*). This comprehensive public administration reform work, known as the KAYA Project for short, was completed between 1988 and1991. One of the seven research groups in the Project, the Research Group on Administrative Compliance with the European Communities, presented recommendations for preparation to the Community in the field of public administration, in case the application was successful. However, these recommendations were not implemented.

Therefore, before the EU established criteria such as candidacy, membership or harmonization with the acquis, the DPT considered harmonization of the Turkish public administration with the EU an important issue. The DPT, consisting of technocrats, and TODAIE, an academic institution, were both closed by the Justice and Development Party (*Adalet ve Kalkınma Partisi – AKP*) Government. The following statements are included in the development plans prepared by the DPT (1995; 2000; 2006): A public-oriented administration approach and the principle of openness will be taken as a basis in state-citizen relations; public infor-

mation will be delivered to the public in accordance with the principles of openness and transparency; transparency, accountability, participation and efficiency will be essential in the provision of public services. As in the KAYA Project, the targets in the development plans could not be reached. However, in the presence of institutions such as the DPT and TODAIE, Turkish public administration was introduced to the principles of openness, transparency and accountability in relation to the goal of EU membership.

Election cycles, party policies and government changes affect the public administration reform (Meyer-Sahling & Van Stolk, 2015). As a matter of fact, this was the case in Turkey as well. Established by a cadre who left the Islamist Fazilet Party after the economic crises of November 2000 and February 2001, the AKP rolled up its sleeves with great enthusiasm for EU negotiations and public administration reforms when it came to power in 2002 With the acceptance of the full membership application in 1987, Turkey's candidacy process in 1999 had already begun. The AKP took over the economic policies and EU reforms initiated by the previous Government and furthered them more decisively. Reformist, pro-EU and academician-based party members who were in the core staff of the AKP at that time made a significant contribution to the development of this process.

In 2005, when the negotiations with the EU started, the AKP displayed the appearance of a reformist party that supported the Westernization pointed out by the founders of the Republic, and Turkey's membership to the EU as a part of this goal. The AKP established good relations with the EU by making important reforms and used this as a showcase to increase its legitimacy. In the first period of its power, which started on November 3, 2002, the AKP was an important factor facilitating the effectiveness of EU conditionality. The AKP strongly supported EU democratic norms and rules, especially in the context of promoting religious freedoms and ensuring civilian control over the military, as it overlapped with its own political preferences, so much so that it showed a commitment to EU accession and reforms with a determination not found in any other political party. The AKP's pro-EU agenda in this period and its efforts to exist in the secular political environment of Turkey on one hand, , and the party's concern to legitimize its controversial "conservative democracy" ideology on the other, can be explained by showing its connection with the democratic norms and values of the EU (Saatçioğlu, 2014; Özer, 2015).

In this political environment, the AKP Government made very important reforms to start negotiations with the EU before October 3, 2005. These reforms, which were appreciated by the EU at the first stage, were criti-

cized for not turning into a continuity later on. For example, soft mechanisms like the Ethic Committee, which was established in 2004, and the Ombudsman Institution, which was established in 2012, were meant to improve oversight and accountability of the administration. However, they proved to be inadequate due to their limited powers (GRECO, 2019). The adoption of the PFMC Law in 2003, the entry into force of the Right to Information Law, the establishment of the Right to Information Evaluation Board in 2004, and the foundation of the Ethics Committee for Public Officials in the same year can be evaluated as essential steps in improving accountability of the government. As a result of such efforts, Turkey rose from 77th rank in 2004 to 65th rank in 2005 in the ranking of Transparency International. In the following years, in a more or less stable fashion, the country rose to the 58th rank in 2008 (despite a decline in ranking in 2007, due to an increase in the number of evaluated countries).

Table 1: *Transparency International scores and ranking of Turkey (2004-2020)*

Year	Score	Number of Countries	Rank
2004	3,2	146	77
2005	3,5	159	65
2006	3,8	163	60
2007	4,1	180	64
2008	4,6	180	58
2009	4,4	180	61
2010	4,4	178	56
2011	4,2	183	61
2012	4,9	176	54
2013	5,0	177	53
2014	4,5	175	64
2015	4,2	168	66
2016	4,1	176	75
2017	4,0	180	81
2018	4,1	180	78
2019	3,9	180	91
2020	4,0	180	86

Source: Author, based on Transparency International reports (2004-2020).

However, as shown in the Table 1, it can be observed that Turkey's score decreased between 2008 and 2011. Turkey's score increased again in 2012

and 2013, which can be attributed to the constitutional amendments of 2010 that defined the right to information and its application to the ombudsman as fundamental rights. The rising of Turkey from 61st to 54th rank can be ascribed to the decrease of the number of evaluated countries from ranks 183 to 176. After the increase in 2012 and 2013, Turkey's score started to decrease again in 2014. The 2014 report reveals that Turkey's score dropped to its 2010 level and fell from 53rd to 64th, as in in 2007. Between 2014 and 2017, Turkey's score continued to decline. However, an increase is witnessed in 2018, which can be a result of the termination of state of emergency that was put into effect after the failed coup attempt in July 2016. Turkey's ranking and score continued to decline dramatically in 2019 and 2020. Although these fluctuations make reaching meaningful conclusions difficult, they at least show that Turkey did not follow a decisive and stable path in terms of accountability and transparency.

On the other hand, when the assessments made in the EU progress report on administration's accountability in Turkey are examined, a negative trend can be observed especially in the last few years. According to the 2013 report, external audit and public financial management and control need to be strengthened. However, recent proposals for amending the TCA Law raise serious doubts about the independence and effectiveness of the TCA audit and control. Transparency and accountability need to be improved in all public institutions. According to the 2014 and 2020 reports, service delivery has been improved in terms of simplification of administrative procedures and the provision of basic public services online (e-government), but no progress has been made on accountability. The 2015 report stated "...public oversight of government work was inadequate and there were difficulties in parliamentary audits due to the limited capacity of Parliamentary Commissions. The government's late response to the motion of questions undermined the audit role. Regarding the accountability hierarchy in public institutions, there is a culture of administrative accountability and delegation of responsibilities... The legal privileges granted to public authorities, in particular the obligation to obtain prior permission from administrative superiors, continue to protect public officials from criminal investigations and administrative investigations" (EC, 2015, p.12-13). The practices in the field of accountability have been employed relatively weakly in recent years.

Art. 74 of the Constitution of the Republic of Turkey (1982) is an important piece of evidence to the influence of the EU on Turkey's openness reforms. While Art. 74 of the Constitution previously only regulated the right to petition under the title the Right to Petition, it was changed to

the Right to Petition, Obtaining Information and Applying to the Ombudsman with the 2010 Constitutional Amendment. These three rights are interrelated, and very important in terms of openness, transparency and accountability. The right to petition, obtaining information and application to the ombudsman is regulated in Art. 20/2-(d) of the TFEU, which entered into force on 1 December, 2009. The fact that these rights are regulated in a single article in the EU Founding Treaties shows the influence of the EU on Turkey's openness and accountability reforms. The common feature of these three rights is the empowerment of citizens against the administration.

In this context, the Government made a very quick start with important reforms in 2003 and 2004, such as financial transparency, openness in public administration, increasing the autonomy of local governments and establishing an ethics committee for public servants. However, these reforms later slowed down, and the Government even backed down in some reforms. The Public Procurement Law is one of the reforms that has been pushed back. According to Toker (2021), the Public Procurement Law changed 192 times from the date of its entry into force in 2003 to 2021.

In the process that started with the Arab Spring in 2011, the Government abandoned the century-old Turkish foreign policy, which had developed in the last period of the Ottoman Empire and was later adopted by the Republic of Turkey, such as zero problems with neighbors and non-intervention in the internal affairs of other states. Instead, it adopted a strategic depth and a more active foreign policy discourse. One step after the adoption of this policy, Turkey turned its direction from the West to the Middle East and the Arab world. The AKP's foreign policy, which emphasized Europeanization, was thus replaced by the tension between Europeanization and Eurasianism. A certain discontinuity or rupture may be identified towards the middle of the first AKP Government mandate, signifying a shift from a commitment to deep to loose Europeanization, along with a parallel shift to what may be classified as "soft Euro-Asianism" (Öniş & Yilmaz, 2009). This paradigm shift (Sözen, 2010) and axis shift in Turkish foreign policy have also affected the process of Europeanization in public administration, like many other fields. Thus, public administration reform is fueled by the interaction between a complex set of priorities in domestic and foreign policy in Turkey.

In short, the Government sees public administration reforms as part of Turkish foreign policy. In fact, such a reform model is not unique to Turkey. According to Öktem and Çiftçi (2016), this situation is present in

many developing countries. What looks like the EU effect in Turkey today, may have been observed as the USA effect after the Second World War. The United States of America greatly influenced the public administration of Turkey after WW II. Moreover, an administrative reform policy tied to relations with the West is not just a problem today. Similar traces are also present in the history of administrative reform of the Ottoman Empire. The modernization, Westernization and reform policy in the reigns of Selim III and Mahmud II started as a result of the adoption of the superiority of the West, by learning from the West how to stop the decline and enable the State to regain its former power. However, with the *Tanzimat* (the *Hatt-i Sharif* of *Gülhane*) and *Islahat* Edicts made under the supervision of the Western states, the reforms ceased to be the innovations the country needed, and were instead seen as the concessions of the Ottoman Empire to the demands of the West. Therefore, there is a historical background that links the reforms and relations with the West in the country, and there is a political ground that views the reforms from this perspective. The aim of a government fueled by this political perspective is the same today as it was in the past: to consolidate its power by increasing its own political power under the discourse of concession or challenge to the West, rather than providing innovation and bureaucratic rationalization in public administration through reforms.

6. Conclusion

The AKP Government was established shortly after Turkey was accepted as a candidate country and has been in power for nearly 20 years without interruption. Therefore, Turkey-EU relations and EU reforms were shaped according to the political preferences of the AKP. The AKP Government made successive reforms until 2005, when relations with the EU were strong and progress was made in the negotiation process. On the other hand, after 2005, reforms and relations with the EU slowed down, and after 2011, EU conditionality began to decline. Therefore, it can be said that the development of openness reforms in public administration in Turkey is highly dependent on the relations with the EU. This 20-year experience shows us that the EU's influence is strong in the slowdown and regression of reforms, as well as in the start of reforms.

In short, Turkey's EU membership perspective is an important element in the reforms of openness and accountability in public administration.

The developments following the Readmission Agreement signed between Turkey and the EU in 2013, mass immigration of Syrian refugees, and the declaration of state of emergency after the coup attempt in 2016 led to a mutual showdown between the two actors and caused further distancing of Turkey from EU membership perspective. In such an atmosphere, the understanding of openness and accountability in a fashion oriented towards EU membership seems to be taking shape according to the fluctuating relations in the accession process. Other studies may examine the effect of fluctuations on the openness and accountability of administration in the perspective of EU membership.

References

Ackerman, J. M. (2005). Social accountability in the public sector: A conceptual discussion and learning module. In *Social development papers. Participation and civic engagement: Paper No. 82.* Washington, USA: World Bank.

Akdoğan, A. (2008). *Türk Kamu Yönetimi ve Avrupa Birliği: Karşılaştırmalı Eleştirel Bir İnceleme* [*Turkish public administration and the European Union: A comparative critical review*]. Ankara, Turkey: Todaie.

Akyıldız, F., & Demir, F. (2011). Beşinci Yılında Bilgi Edinme Hakkı: Uşak İli Örneği [Right to information in its fifth year: The case of Uşak Province]. *Celal Bayar Üniversitesi CBÜ Sosya Bilimler Dergisi*, *9*(2), 588–612. https://doi.org/10.18026/cbusos.56432

Alemanno, A. (2014). Unpacking the principle of openness in EU law transparency, participation and democracy. *European Law Review*, *39*(1), 72–90.

Aldons, M. (2001). Responsible, representative and accountable government. *Australian Journal of Public Administration 60*(1), 34–42, https://doi.org/10.1111/1467-8500.00196

Aucoin, P., & Heintzman, R. (2000). The dialectics of accountability for performance in public management reform. *International Review of Administrative Sciences*, *66*(1), 45-55, https://doi.org/10.1177/0020852300661005

Ball, C. (2009). What is transparency? *Public Integrity*, *11*(4), 293–307. https://doi.org/10.2753/PIN1099-9922110400

Birch, A. H. (1966). *Representative and responsible government: An essay on the British Constitution*. London, UK: Allen & Unwin.

Bovens, M. (2006). Analyzing and assessing public accountability: A conceptual framework. *European Governance Papers* C-06-01. Retrieved from https://www.ihs.ac.at/publications/lib/ep7.pdf

Costa, O., Jabko, N., Lequesne, C., & Magnette, P. (2003). Introduction: Diffuse control mechanisms in the European Union: Towards a new democracy? *Journal of European Public Policy*, *10*(5). https://doi.org/10.1080/1350176032000124023

Crombez, C. (2003). The Democratic Deficit in the European Union: Much Ado about Nothing? *European Union Politics*, *4*(1). https://doi.org/10.1177/1465116503004001583

Curtin, D., & Meijer, A. J. (2006). Does Transparency Strengthen Legitimacy? *Information Polity*, *11(2)*, 109–122. https://doi.org/10.3233/ip-2006-0091

Davis, J. (1998). Access to and transmission of information: Position of the media. In V. Deckmyn, & I. Thomson (Eds.), *Openness and transparency in the European Union* (pp. 121–126). Maastricht, the Netherlands: European Institute of Public Administration.

Demir, F. (2009). Avrupa İdari Alanı İ lkeleri Bağlamında Türkiye'nin Avrupa Birliği Adaylık Süreci [*Turkey's European Union candidacy process in the context of the principles of the European administrative space*]. *Amme Idaresi Dergisi*, *42*(4), 79–100.

DPT – Devlet Planlama Teşkilatı. (1995). Yedinci Beş Yıllık Kalkınma Planı (1996-2000) [Seventh Five-Year Development Plan (1996–2000)]. Retrieved from https://www.sbb.gov.tr/wp-content/uploads/2021/12/Yedinci_Bes_Yillik_Kalkinma_Plani-1996-2000.pdf

DPT – Devlet Planlama Teşkilatı. (2000). Sekizinci Beş Yıllık Kalkınma Planı (2001-2005) [Eighth Five-Year Development Plan (2001–2005)]. Retrieved from https://www.sbb.gov.tr/wp-content/uploads/2018/10/2001_Y%C4%B1l%C4%B1_Program%C4%B1.pdf

DPT – Devlet Planlama Teşkilatı. (2006). Dokuzuncu Kalkınma Planı (2007-2013) [Ninth Development Plan (2007-2013)]. Retrieved from https://www.sbb.gov.tr/wp-content/uploads/2018/11/09_D%C4%B1%C5%9FEkonomik%C4%B0li%C5%9Fkiler.pdf

Dragoş, D. C., & Neamţu, B. (2006). The rise and evolution of freedom of information legal regime in the European Union. *Transylvanian Review of Administrative Sciences*, *16 E/2006*, 12–24.

Dunn, D. D., & Uhr, J. (1993). Accountability and responsibility in modern democratic governments. Paper presented at the annual international meeting of the *American Political Science Association*, September 2–5, in Washington, USA.

European Commission (2001). European Governance: A White paper. Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/DOC_01_10

European Commission (2004). Turkey 2004 Progress Report. Retrieved from https://www.europarl.europa.eu/meetdocs/2004_2009/documents/sec/com_sec(2004)1201_/com_sec(2004)1201_en.pdf

European Commission (2005). Turkey 2005 Progress Report. Retrieved from https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2005.pdf

European Commission (2006). Turkey 2006 Progress Report. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/turkey-progress-report-2006_en

European Commission (2007). Turkey 2007 Progress Report. Retrieved from https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/turkey_progress_report_2007.pdf

European Commission (2009). Turkey 2009 Progress Report. Retrieved from https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/turkey_progress_report_2009.pdf

European Commission (2010). Turkey 2010 Progress Report. Retrieved from https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/turkey_progress_report_2010.pdf

European Commission (2011). Turkey 2011 Progress Report. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/2011-progress-report-turkey_en

European Commission (2012). Turkey 2012 Progress Report. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/turkey-progress-report-2012_en

European Commission (2013). Turkey 2013 Progress Report. Retrieved from https://www.europarl.europa.eu/doceo/document/TA-7-2014-0235_EN.html

European Commission (2014). Turkey 2014 Progress Report. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/turkey-progress-report-2014_en

European Commission (2015). Turkey 2015 Progress Report. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/system/files/2018-12/20151110_report_turkey.pdf

European Commission (2016). Turkey 2016 Progress Report. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/system/files/2018-12/20161109_report_turkey.pdf

European Commission (2019). Turkey 2019 Progress Report. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/system/files/2019-05/20190529-turkey-report.pdf

European Commission (2020). Turkey 2020 Progress Report. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/turkey_report_2020.pdf

Eken, M. (2005). *Yönetimde Şeffaflık: Teori – Uygulama* [*Transparency in management: Theory – practice*]. Sakarya, Turkey: Sakarya Publishing.

Finer, H. (1941). Administrative responsibility in democratic government. *Public Administration Review*, *1*(4), 335–350, https://doi.org/10.2307/972907

Friedrich, C. J. (1940). Public policy and the nature of administrative responsibility. *Public Policy, 1*(1), 1–20.

GRECO (2019). Fourth evaluation round: Corruption prevention in respect of members of parliament, judges and prosecutors. *Interim Compliance Report Turkey*. Retrieved from https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a1cac3

Harmon, M. M., & Mayer, R. T. (1986). *Organization theory for public administration.* Boston, USA: Little, Brown.

Heper, M. (1992). The strong state as a problem for the consolidation of democracy: Turkey and Germany compared. *Comparative Political Sciences*, *25*(2), 169–194, https://doi.org/10.1177/0010414092025002002

Kim, P. S., Halligan, J., Cho, N., Oh, C. H., & Eikenberry, A. M. (2005). Toward participatory and transparent governance: Report on the sixth global forum on reinventing government. *Public Administration Review*, *65*(6), 646–654, https://doi.org/10.1111/j.1540-6210.2005.00494.x

Kovač, P. (2016). Openness and transparency in (Slovene) administrative procedures as fundamental European principles. *NISPAcee Journal of Public Administration and Policy*, *9*(2), 49–67, https://doi.org/10.1515/nispa-2016-0014

Larsson, T. (1998). How open can a government be? The Swedish experience. In V. Deckmyn, & I. Thomson (Eds.), *Openness and transparency in the European Union* (pp. 39–52). Maastricht, the Netherlands: European Institute of Public Administration.

Lodge, J. (2003). Transparency and EU governance: Balancing openness with security. *Journal of Contemporary European Studies, 11*(1), 95-117, https://doi.org/10.1080/14782800305483

Majone, G. (1998). Europe's "Democratic deficit": The question of standards. *European Law Journal*, *4*(1), 5–28, https://doi.org/10.1111/1468-0386.00040

Marshall, G. (1991). The evolving practice of parliamentary accountability: Writing down the rules. *Parliamentary Affairs, 44*(4), 460–469, https://doi.org/10.1093/oxfordjournals.pa.a052317

Marshall, G., & Moodie, G.C. (1959). *Some problems of the constitution.* London, UK: Hutchinson.

Meyer-Sahling, J.-H., & Van Stolk, C. (2015). A case of partial convergence: The Europeanization of central government in Central and Eastern Europe. *Public Administration*, *93*(1), 230–247, https://doi.org/10.1111/padm.12122

Moser, C. (2001). How open is "Open as possible"? Three different approaches to transparency and openness in regulating access to EU documents. Retrieved from http://aei.pitt.edu/237/1/pw_80.pdf

Mulgan, R. (2000). Accountability: An ever-expanding concept?. *Public Administration, 78*(3), 555– 573, https://doi.org/10.1111/1467-9299.00218

Mulgan, R. (2003). *Holding power to account: Accountability in modern democracies.* Basingstoke, UK: Palgrave Macmillan Ltd.

Musa, A., Bebić, D., & Đurman, P. (2015). Transparency and openness in local governance: A case of Croatian cities. *Crotian and Comparative Public Administration*, *15*(2), 415–450.

Nakrošis, V. (2017). The quantitative and qualitative analysis of public administration reforms in post-communist countries. *Baltic Journal of Political Science, 6*(6), 5–26, https://doi.org/10.15388/bjps.2017.6.11583

OECD (1999). *European Principles for Public Administration, SIGMA Papers, No. 27*. Paris, France: OECD Publishing

OECD (2004). *Principles of corporate governance.* Paris, France: OECD Publishing.

OECD (2005). *Modernising government: The way forward.* Paris, France: OECD Publishing.

Öktem, M. K., & Çiftçi, L. (2016). Vision of the public sector reforms in Turkey. In Y. Demirkaya (Ed.), *New public management in Turkey* (pp. 52–78). CIty, State: Routledge.

Öniş, Z., & Yilmaz, Ş. (2009). Between Europeanization and euro-asianism: Foreign policy activism in Turkey during the AKP era. *Turkish Studies, 10*(1), 7–24, https://doi.org/10.1080/14683840802648562

Özer, Y. (2015). AB'ye Üyelik Sürecinde Türkiye'de Demokratikleşme [*Democratization in Turkey in the EU membership process*]. *Marmara Avrupa Araştırmaları Dergisi, 23*(2), 143–168, https://doi.org/10.1145/3132847.3132886

Panizza, R. (2019). Transparency, integrity and accountability in the EU institutions. Retrieved from http://www.europarl. europa.eu/RegData/etudes/BRIE/2019/608873/IPOL_BRI(2019)608873_EN.pdf

Peers, S. (2002). The EU court system and freedom of information. Retrieved from http://www.statewatch.org/caselawobs.htm

Pina, V., Torres, L., & Royo, S. (2007). Are ICTs improving transparency and accountability in the EU regional and local governments? An empirical study. *Public Administration, 85*(2), 449–472, https://doi.org/10.1111/j.1467-9299.2007.00654.x

Pollitt, C., & Bouckaert, G. (2017). *Public management reform: A comparative analysis—Into the age of austerity* (Fourth Edition). Oxford, United Kingdom: Oxford University Press.

Rhodes, R. A. W. (1997). *Understanding governance: Policy networks, governance, reflexivity and accountability.* Philadelphia, USA: Open University Press.

Saatçioğlu, B. (2014). AKP's "Europeanization" in civilianization. Rule of law and fundamental freedoms: The primacy of domestic politics. *Journal of Balkan and Near Eastern Studies, 16*(1), 86–101, https://doi.org/10.1080/19448953.2013.864185

Savino, M. (2010). The right to open public administrations in Europe: Emerging legal standards. SIGMA paper No. 46. Retrieved from https://www.oecd-ilibrary.org/docserver/5km4g0zfqt27-en.pdf?expires=1647345710&id=id&accname=guest&checksum=5243BB0C5B1AF55BF5E9E9E4C47A81E1

Skinner, Q. (1989). Language and political change. In T. Ball, J. Farr & R. Hanson (Eds.), *Political innovation and conceptual change* (pp. 6–23). Cambridge, USA: Cambridge University Press. https://doi.org/10.2307/2079207

Sözen, A. (2010). A paradigm shift in Turkish foreign policy: Transition and challenges. *Turkish Studies, 11*(1), 103–123, https://doi.org/10.1080/14683841003747062

The general evaluation report on information retrieval (2020). Retrieved from https://www.tbmm.gov.tr/bilgiedinme/degerlendirme_kurulu_raporlari.htm

TODAIE (1991). *Kamu Yönetimi Araştırması: Genel Rapor* [*Public administration research: General report*]. Retrieved from http://www.tid.gov.tr/Makaleler/B.Coskun%2013-48.doc

Toker, Ç. (2021). Kamu İhale Kanunu sil baştan [Public procurement law from scratch]. *Sözcü*. Retrieved from https://www.sozcu.com.tr/2021/yazarlar/cigdem-toker/kamu-ihale-kanunu-sil-bastan-6403688/

Torres, L. (2004). Trajectories in public administration reforms in European continental countries. *Australian Journal of Public Administration, 63*(3), 99–112, https://doi.org/10.1111/j.1467-8500.2004.00394.x

Transparency International (2021). The corruption perceptions index. Retrieved from https://www.transparency.org/country/TUR

Uhr, J. (1998). *Deliberative democracy in Australia: The changing place of parliament*. Melbourne, Australia: Cambridge University Press.

Van Thiel, S. (2014). *Research methods in public administration and public management: An introduction*. New York, USA: Routledge.

Vidačak, I., & Škrabalo, M. (2014). Exploring the effects of europeanization on the openness of public administration in Croatia. *Crotian and Comparative Public Administration*, *14*(1), 149–187.

Yıldız, N. (2011). Türkiye'nin Avrupalılaşması [Europeanization of Turkey]. *Amme Idaresi Dergisi*, *44*(4), 69–98.

Legal sources

Constitution of the Republic of Turkey, (1982). Retrieved from https://global.tbmm.gov.tr/docs/constitution_en.pdf

Public financial management and control law (2003). Law no: 5018. Publication date in the Official Gazette: 24/12/2003, Official Gazette: 25326.

Right to information law (2003). Law no: 4982. Publication date in the Official Gazette: 24/10/2003, Official Gazette: 25269.

The law on establishment of public officials ethics committee and changes to some laws (2004). Law no: 5176. Publication date in the Official Gazette: 8/6/2004, Official Gazette: 25486.

The law on the ombudsman institution (2012). Law no: 6328. Publication date in the Official Gazette: 29/6/2012, Official Gazette: 28338.

The treaty on European Union (TEU) (Consolidated version), Pub. L. No. C 202, 2016/C 202/01 (2016).

The treaty on the functioning of the European Union (TFEU) (Consolidated version of the treaty on the functioning of the EU), Pub. L. No. C 202/1, 2016/C 202 (2016).

OPENNESS AND ACCOUNTABILITY IN TURKEY IN THE CONTEXT OF ACCESSION TO THE EUROPEAN UNION

Summary

There are many indicators showing the need for restructuring of the Turkish public administration. The basic nature and problems of the administrative functioning are mostly related to the bureaucratic culture from the past. Turkey has made important public administration reforms in recent years in order to change this bureaucratic culture, which is based on centralization and secrecy. The European Union (EU) is the most important external dynamic of these reforms aiming at openness, transparency, accountability, participation and ethical structuring in public administration. These principles are also an element of the European Administrative Space (EAS), EU governance and the subject of Europeanization in public administration. Among these principles, openness and accountability constitute the subject of this paper. Openness, transparency and accountability of government bear critical importance for the proper functioning of accession process. Within this period, a number of regulations have been passed to ensure institutionalization of an open and accountable administration, resulting in the establishment of new agencies in Turkey. However, although essential steps were taken in terms of openness and accountability before the accession negotiations began on October 3, 2005, the reforms entered into a phase of deceleration thereafter. Therefore, the reforms appear to have been affected by the development course of Turkey-EU relations and slowed down as the relations deteriorated. In this context, these reforms are examined under the following dimensions based on EU progress reports and relevant legal regulations: (i) openness and right to information, (ii) financial transparency and accountability, (iii) ethical principles for public officials.

Keywords: *openness, accountability, transparency, European Union, Turkey, public administration reform*

OTVORENOST I ODGOVORNOST U TURSKOJ U KONTEKSTU PRISTUPANJA EUROPSKOJ UNIJI

Sažetak

Mnogo je pokazatelja koji upućuju na potrebu restrukturiranja javne uprave u Turskoj. Temeljna narav i problemi funkcioniranja javne uprave ponajviše su povezani s naslijeđenom birokratskom kulturom. Da bi izmijenila birokratsku kulturu, utemeljenu na centralizaciji i tajnosti, Turska je posljednjih godina provela važne upravne reforme. Europska unija najvažniji je vanjski izvor dinamike navedenih reformi koje su usmjerene na otvorenost, transparentnost, odgovornost, participaciju i etičnost u javnoj upravi. Ta načela čine također elemente europskoga upravnog prostora i europeizacije javne uprave. Otvorenost i transparentnost glavni su predmet rada. Navedena načela, zajedno s odgovornošću, od kritične su važnosti za dobro funkcioniranje procesa pridruživanja. Tijekom tog razdoblja u Turskoj je prihvaćen velik broj pravnih propisa kako bi se osiguralo institucionalizaciju otvorene i odgovorne javne uprave, a s tom su svrhom osnovane i nove javne agencije. Iako su ključni koraci prema otvorenosti i odgovornosti uprave poduzeti već prije početka pristupnih pregovora 3. listopada 2005., nakon tog datuma reforme su se znatno usporile. Čini se da je na reforme presudno utjecao razvoj odnosa Turske i Europske unije te su se usporavale kako su se odnosi pogoršavali. U tom su kontekstu navedene reforme u ovom radu analizirane u odnosu na sljedeće dimenzije sadržane u relevantnim izvješćima i propisima Europske unije: (i) otvorenost i pravo na pristup informacijama, (ii) financijska transparentnost i odgovornost, (iii) etička načela za javne dužnosnike.

Ključne riječi: *otvorenost, odgovornost, transparentnost, Europska unija, Turska, reforma javne uprave*