ACADEMIC RESEARCHES ON PUBLIC ETHICS

Volume 1

Ethics for the Prevention of Corruption in Turkey

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Ethics for the Prevention of Corruption in Turkey

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VOLUME 1

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Ethics for the Prevention of Corruption in Turkey

ACADEMIC RESEARCH REPORT

Volume 1

ETHICS IN TITLE/LAND REGISTRY
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> Assoc. Prof. H. Emre BAĞCE
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PREFACE

Socio-economic and cultural changes, having gained momentum throughout the world and in our country based on the progress made in science and technology, have yielded an understanding of public service that is more transparent than the conventional approach, characterized by participation, impartiality, integrity, accountability and adherence to principles, where research and development activities prove to be ever-important.

With the influence of a well-established and profound democracy, urbanization and the developments in education and information technologies, individuals now voice their demand to have a say in the way in which public resources and authorities are used.

On the other hand, deterioration in social values as opposed to the growth of economic scales in the public and private sector has fostered overall degeneration as well as corruption at an economic level. In addition to the scandals involving ministers and prime ministers in many developed and developing countries in the last 30 years, the global economic crisis rising in the banking sector as of 2008 and encompassing other sectors can be regarded as the negative consequences of this process.

As a preventative approach that adresses the conscience alongside conventional methods and institutions, the approach of 'public ethics', arising out of countries in the Far East and spreading across the entire world, supports public administrators in their natural and legal duty to create an environment marked by ethics and ensure that ethical rules are abided by in the process of service delivery. On the other hand, this approach nourishes the trust of individuals in the government thereby strengthening the relations between the government and individuals.

With the adoption of Law no 5176 in the year 2004, the Council of Ethics for the Public Service was founded. With the implementation regulation passed by our Board in 2005 based on this Law, ethical rules have been designated and Ethics Commissions have been founded in administrative units to assume the responsibility for developing a culture of ethics at an institutional level.

In the framework of the basic legal mandate of developing a culture of ethics, the project titled 'Ethics for the Prevention of Corruption in Turkey' in the frame of the EU 2006 Instrument for Pre-Accession Assistance Program was implemented together with the Council of Europe in the period November 30, 2007 – November 30, 2009 under which ten academic studies have been conducted for the purpose of examining the ethical issues in the public sector at an institutional level and developing recommendations.

We are happy to be presenting you with the first group of these academic studies titled 'Title/Land Registry Services and Ethics', 'Planning at Local Level and Ethics', 'Law Enforcement Services and Ethics' and 'Conflict of Interest in the Public Administration'.

I would like to express my sincere thanks to the organizations, public administrators and representatives of the civil society who have extended their help and to the valuable scholars who have dedicated their efforts since the beginning of the process to deliver the research to you for the sake of recognizing the ethical problems in the administration and developing and implementing solutions.

I sincerely hope that these studies will be useful for all those who are involved.

Prof. Dr. Bilal ERYILMAZ
Chairperson
Council of Ethics for the Public Service

PREFACE

The overall objective of TYEC is to contribute to the prevention of corruption in Turkey in accordance with European and other international standards through the implementation and extension of the Code of Conduct, which is the responsibility of the Turkish Council of Ethics for the Public Service, and the development of anti-corruption measures.

In terms of the overall project objective, the project will, first, address the need to implement the Code through training and investigation, as well as the consideration of the development of codes of ethics for other categories of officials or holders of public office. Second, in relation to the need to develop system¬s of monitoring the effectiveness of prevention and other anti-corruption measures, the project will support system analyses of the effectiveness of key measures implemented in recent years, such as the reform of the criminal legislation, the Public Information Act and the Code of Ethics. Drawing on the results of these analyses, the project will draft a Corruption Report on new proposals for further anti-corruption measures and reforms.

The inclusion of the research studies come from an obvious question what is the factual evidence of corruption? The Background Review to the Corruption Report notes that there is no central database of cases, either in relation to criminal investigations or disciplinary cases. There is a limited amount of media and public opinion survey material on corruption and associated areas; much of the latter is nearly a decade old. There are also a number of surveys by international organisations is the credibility and robustness of the methodologies.

In view of the absence of contemporary material, 10 research studies were commissioned to develop a greater understanding of various issues to do with the development of public ethics in Turkey, the drivers/inhibitors of reform, the institutions involved and the role of the media and civil society. More specifically, the research is intended to increase the knowledge and implementation of ethical issues in order to facilitate the work of the Council of Ethics for the Public Service and the project. It will seek to identify the roles of agencies and institutions, in the public and private sectors and in civil society in addressing ethics, and to understand the dynamics of contexts and trends that may affect the future work of those dealing with public ethics.

The general areas of the research studies were:

- Conflict of Interest in Public Administration
- Public Bidding and Ethics
- Planning at Local Level
- Ethical Conduct in Law Enforcement
- Ethical Conduct in the Health Services
- Ethical Standards and the Title/Land Registry
- The Shadow Economy
- Professional Associations and Ethics
- Ethics and the Customs Services
- Ethics, Culture, and Society

It was intended that each of the research studies would address the objectives, and do so within specific contexts. The studies were intended to be practitioner-based in that the findings would be used in the work of the Council of Ethics and by the Corruption Report.

This publication covers 4 of the research studies: Conflict of Interest in Public Administration; Planning at Local Level; Ethical Conduct in Law Enforcement; and Ethical Standards and the Title/Land Registry. Together they provide some interesting insights into how the public view the provision of public services, and how the public officials view their relations with the public. They show how cultural traditions, public attitudes, the culmination of legislation and complexity of procedures, and the processes of reform both converge and diverge in how far they may facilitate or inhibit corrupt or unethical conduct. They also show that a number of public sector institutions are aware of the public responsibilities and are developing their own responses to the issues identified. Indeed, a key area of many of the research studies has been their ability to work with ministries to developing practitioner-relevant recommendations.

The project included plans to hold workshops to publicise the findings; the research studies are also published on the Council of Europe project website. This publication is a further attempt by the project to disseminate the findings to the widest possible audience. The project wishes to thank the researchers for their work and their contribution to the project. The findings and recommendations are, however, the responsibility of the researchers and do not commit the project, ministries, or the Council of Ethics for the Public Service to the findings and recommendations.

Prof. Alan DOIG
Project Resident Advisor

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ETHICS IN TITLE/LAND REGISTRY

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FOREWORD

This study is one of 10 academic research studies conducted within the framework of TYEC Project, collaboratively by European Council and The Prime Ministry Ethics Council for Public Servants in Turkey.

We acknowledge that, a number of people and organisations have provided support for this research. The Prime Ministry Ethics Council for Public Servants in Turkey; particularly the Head of Council, Professor Bilal ERYILMAZ; The General Directorate of Titles and Cadastral Services (TKGM); particularly Zeki ADLI, the General Director, and Yener KARATAŞ, Head of Internal Audit Unit; directors and employees of line departments of the TKGM in Erzurum, Samsun, Ankara, Istanbul, Konya, Antalya, Izmir, Kocaeli, Yalova and Manisa Provinces; heads of Chambers of Real Estate and individual real estate agents have all participated in one way or another to this research. We thank them all.

Although we have devoted a great deal of effort for thoroughly conducting the research and for presenting its findings, we do not claim that it is out of any errors. We acknowledge that, the remaining errors should be credited to the researchers. We hope that this study would be useful for the related people and organisations as well as the researchers who work on the field of administrative ethics.

Hamza ATEŞ
H. Emre BAĞCE
Mustafa Lütfi ŞEN

INTRODUCTION

This study aims to explore legal, institutional and procedural framework of the General Directorate of Titles and Cadastral Services (from now on, TKGM); the complex structure in title service provision and risks and vulnerabilities related to title service provision, from an ethics perspective. The study particularly focuses upon opportunities and initiatives for misuse of their positions by public employees and their managers.

Aims and Scope of the Study

On the issue of aims and scope of this study, the following points are of importance to mention:

- As ethical problems are encountered in practice rather than theory, the study takes a more practical stand rather than theoretical debates and analyses produced on table. The difference between "what really exist on the field" and "what is assumed to exist" is of importance for this study.

- The study preferred a "bottom up approach". By referring to dimensions of relationships and cause effect relations between employees and citizens in title service provision it aims to produce a model for these relations. Four major actors in title service provision; namely, central headquarters of TKGM, its line departments that effected by its policies in which the applications made, unorganized citizens and real estate agents, all are included in this model as a whole proportioned to the influences of their roles. In this way, the question of which non-ethical behaviour are caused by which stakeholder would become easier to answer.

- The study aimed not only dealing with attitudes and behaviours of public employees; it also deals with systematic roots of issue. Therefore, in addition to behaviours of public employees in title services, cultural factors and perceptions behind these behaviours as well as the problems about organisational structure of TKGM, the legal framework and attitudes of citizens who use title services are dealt with. The study takes into account the fact that, the ethical problems encountered in title service provision has roots at procedural framework, administrative culture and structural problems as well as intentional non-ethical behaviours of employees and managers. Further, roles and views of other stakeholders of title service provision have been included to the scope of research.

- The study aims at improvement of title service system, not to blame any actor in service provision. By doing so, it strives to reach concrete results and to develop easily applicable suggestions. Therefore, various types of political corruption and other issues with political character, such as misuse of economic resources and non-ethical behaviour in political decision-making, have been put out of context in this study, as there are wide public debates about their reasons and their solutions require wide-range government reform. The study has been limited to relative small scaled but quite widespread behaviours which can be classified as "administrative corruption".

- However, the study focuses upon not to such popular corruption types as bribery, but also various administrative corruption and other non-ethical behaviours as a whole. In this respect, principles and guidelines developed by Prime Ministry Ethics Council for Public Servants provided a fundamental tool for this study.

- There are non-ethical behaviours which are forbidden by law and therefore are constantly inspected by state agents, as well as assumed as relatively innocent by both public officials and public at large. In other words, non-ethical behaviours are frequently classified in public opinion as non-acceptable in any time, acceptable in some occasions and relatively innocent and therefore acceptable behaviours. If behaviour is seen as legitimate by population, it is difficult to put some sanctions against it by authorities, as it will probably be some underperformance in law enforcement.

- Because citizens will not be willing to complain or use the legal mechanisms in such cases and therefore this kind of behaviours are habitually kept hidden. Therefore, this study seriously takes the vital role of popular legitimacy in development and prevention of non-ethical behaviours into account.

Review of the Literature on Ethics in Title Services

Although title services interest a considerable part of the population and the problems in TKGM have frequently been in debated in Turkish public opinion, there have been a few academic studies on title service provision in Turkey. Our literature search shows that, the issue of ethics in title service has not been studied academically so far. There are only a very limited number of academic researches that we have to mention.

An important work done by Fikret Adaman, Ali Çarkoğlu and Burhan Şenatalar in 2001 which in some way deals with ethics in title services in Turkey while not being totally about ethical problems in title services is "Reasons of Corruption in Turkey and Suggestions for Solution on the eye of Citizens". This study which mainly deals with ethics perception in ten public sector organisations draws a pessimistic Picture about title services. For instance, title service is on the fourth rank on the issue of prevalence of corruption and bribery list with 6.8 out of 10. Citizens' suggestions for proposed reforms to prevent corruption in title services are presented as follows: increasing inspections (33%), increasing accountability mechanisms (17%), increasing salaries of employees (16%), increasing resources and capacities of TKGM (14%), cutting red tape (12%) and preventing interference of politicians (6%).

The above-mentioned study is important for a number of reasons: It presents very important findings about reasons of corruption and solutions for them, it brings a new approach to the issue and it compares different organisations in one particular issue. However, its multi-subject approach does not permit it to explore in detail a particular public service and to find out organisation or service-specific reasons of non-ethical behaviours and to develop strategies organisation-specific solutions for corruption and other non-ethical behaviours. Our study on "Ethics in Title Services" aims to fill this important gap, by focusing on a particular public service (title services) and on a particular public organisation (TKGM).

The only research about ethics in title services is a survey conducted by a trade union (Türk İmar-Sen) which looked at recent bribery cases in line departments of TKGM and tried to find out how employees working for TKGM are influenced by these events. The survey was conducted in 5-25 June 2008 and the survey questionnaire was filled out by 643 title service employees. Two findings of the above-mentioned research seem to be important for our topic: First, employees of TKGM are negatively affected by press coverage about bribery cases in title services, in that 77% of the employees' claims are in this direction. Further, 58% considers changing their organisation for this negative image. Second, majority of employees were offered a bribe in one way or another. 41% were offered more than 10 times in their work life, 38% were offered more than 5 times, 21% were offered once. The worst is that 48% of these offers were made for a request for an unlawful work. It is also remarkable that 39% of the bribe offers were made for a routine work in title services.

Although they are not about the ethical problems in title services, there are a number of previous researches that should be mentioned as they deal with one or more sides of title service provision such as human resource problems, problems of organisational structure and procedural framework.

One such work was undertaken by a team from Prime Ministry Administrative Development Unit in 2004, named as "Effectiveness in Title and Cadastral Services". Another research was conducted by a researcher team headed by Sami Şener from Deha Consultancy, "Work Performance and Institutional Projection in İstanbul Regional Office of TKGM" (2007). Another related research is an unpublished research note by Musa KAYA and Metin İPEKER, middle level managers in Elazığ province regional Office of TKGM, titled as "Problems in Line Units of TKGM in Elazığ Regional Office and Suggestions for Solution". It is also an important work, as it reflects an insider view within the organisation to the problems of TKGM. The research note has also accompanied by a personnel satisfaction survey conducted within 44 line units of TKGM in Elazığ Regional Office.

In addition, through a personnel satisfaction survey, a report written by an internal auditor of TKGM, Erdal Dayıoğlu on the issue "Needs and Expectations of Title Personnel and Stating the Areas That Should be Improved (2008)". Moreover, in Activities Reports published by TKGM in 2006 and 2007 as well as in a book published by the TKGM in 2009 titled as "the General Directorate of Titles and Cadastral Services", some evaluations about recent issues and problems of the organisation could be found. Our Research on Ethics in Title Services aims to fill the research gap which the above-mentioned works have failed to satisfactorily load. It would not be over enthusiastic to suggest that it will be the first in its kind, as it covers many aspects of ethics in title services and tries to suggest solutions to many ethical problems encountered within the course of title service provision.

This study begins with a brief introduction to history, service areas, technological infrastructure, organisational structure and personnel structure of TKGM. Having described the research methodology utilized in the study, it presents research findings in detail. The findings are classified as views of title service employees about their profession and organisational image, observations about current situation, ethics perceptions of employees and citizens, reasons of non-ethical behaviours in title service provision, how widespread are non-ethical problems within the organisation, attitudes against cases non-ethical behaviours and efforts of TKGM to prevent corruption and other non-ethical behaviours within the organisation. The study ends up with conclusions and suggestions for solution.

INTRODUCTION TO THE ORGANISATION

This part of the study will briefly describe General Directorate of Titles and Cadastral Services (TKGM), which our study have been conducted in.

Historical Development and Functions

TKGM is one of the oldest and well-rooted institutions within the country. Its history dates back to 1847. However, it reached its current status through its Organisation Law on 26th of September 1984. Although, in Republican Period, it has been administered as a dependent of, in turn, the Ministry of Finance, Ministry of Justice and Prime Ministry, it has become a dependent of Ministry of Public Works in 2002.

TKGM consists of central headquarters, line departments and regional offices. Law 3045 draws a legal framework for organisational structure, mandates and responsibilities for TKGM. Article 2 of the above-mentioned law states that, the foremost responsible organisation for all kinds of title and land registry services (as well as cadastral services), is TKGM.

Mandates, responsibilities and functions of TKGM, according to Law 3045, are as follows:

a. Making all kinds of official registration works about real estate and keeping records of these registration activities,
b. Keeping land registry records and the related documents in secure places,
c. Regularly inspecting all kinds of amendments in land registry records,
d. Determining chief principles about establishing new land registry records and providing coordination in these matters,
e. Doing all kinds of cadastral works
f. Developing title /land registry and cadastral services within the country.

As can be seen, the roles and functions of TKGM are two-fold: Title services and cadastral services. Most of the title services are making some amendments in land registry records. Land registry records show whoever has legal rights over a particular piece of land. These records are under state guarantee and are open for check by the owners of real estates.

The services provided within title departments in provinces can be classified under three headings: operations with contract, operations without contract and other services. Although it varies greatly from province to province and even from a title service department in a province to another, approximately 1000 title service are provided by a title service employee each year. Title services provided by each employee are almost doubled in the last five years from 506 in 2003 to 1006 in 2008. This number reflects increasing workload in title services in Turkey.

Any individual who want a change in land records for example through selling or buying a land) may come to title service departments himself/herself or may opt to use some representatives. In an operation with contract, the applicants must come to title service by

themselves only for the moment of contract; real estate agents can serve as middlemen for all other title service operations. Although, since the last ten years, payments for title services (such as taxes and revolving capital payments) are made outside of title service departments, mostly in the nearest branches of national banks, claims about unlawful payments still continue in some title service departments by one way or another. The title operations with contract are supposed to be more prone to payments of this kind or misuse than other services provided by title service departments.

These services are considered as a part of the sovereignty of the state and are an important meeting point for state and citizens, as more than 6.5 million unit title services are provided and approximately 20 million citizens served each year. Furthermore, there is a steady growth in this number since the last decade (6.584.783 in 2008, while this number was 2.730.432 in 2003). While transaction volume increased 141%, number of personnel only increased 21% by the time 2003 to 2008, which means a rise from 506 processes in 2003 to 1006 processes in 2008 for each personnel. In addition, TKGM provides a significant contribution to national treasury (2.156. 695.801 Turkish Liras in 2008). The budget assigned to TKGM was 422.447.000 Turkish Liras in 2008. It means that TKGM pays back four times more than it gets from the national treasury each year.

Technological Infrastructure

TKGM provides title and cadastral services to its users by utilising information technology and other technological infrastructure which such projects as TAKBİS (Title and Cadastral Information System Project) and MERLİS (Marmara Earthquake Emergency Restructuring Project) enable. In addition, the organisation designed and partially using such high-tech information systems as Enterprise Resource Planning (ERP), Title Application Software (TSUY), Portable Goods Management Automation System (TMYOS) and Map Information Bank (HBB). The efforts of TKGM to increase service quality by utilising information technology brought a prize of "New Project Development and Implementation for Efficiency and Economy in Public Services" in 2006, given by Prime Ministry Administrative Development Unit.

Taking into account its technological infrastructure and technological equipments, TKGM has had sufficient resources. By 2007, there are 11. 120 PC computers, 558 notebook computers, 7.290 printers, 6.659 telephones and 1.308 fax machines (most of them paid by revolving capital) in use at central headquarters or at line departments. It also has 653 cars in various types and ages.

Organisational Structure

General Director is the most superior in the organisation and is assumed to manage it in accordance with legal framework, national security policies, development plans and government programs as well as to provide coordination between his / her organisation and other stakeholders in service provision. General Director is accountable to the minister about activities, accounts and policies of the organisation. Three vice-general directors help the general director in managing and coordinating both central and line units of the organisation. The central headquarters of TKGM is composed of main service units, advisory and inspection units and assisting units. Main service units of TKGM are Titles Department, Cadastral Affairs Department, Geodesy Department, Titles Archive Department, Foreign Affairs Department, Technical Affairs Department and Dispositional Procedures Department.

Advisory and inspection units of the central headquarters of TKGM are Inspection Council, Internal Auditing Unit, Office of Legal Advisors and Strategy Development Department. Assisting units of the central headquarters of TKGM are Human Resources Department, Training Department, Administrative and Financial Affairs Department and Office of Civil Defence Experts. By 1992, in terms of cadastral law (no. 3402), Revolving Capital Management also established.

The line departments are composed of regional offices, title registry directorates, and directorates and chiefdoms of cadastral affairs, which the latter two are subordinates of regional directorates of TKGM.

Personnel Structure

By 2009, total number of TKGM personnel is 16.890. 11.737 of them are public employees in status, and others are working as either contract personnel and worker or other personnel. In title departments which are the subject matter of this study, total number of personnel is 7.733 (46 % of all personnel).

There is considerably fast personnel mobility in the organisation in recent years. About 1500 personnel change their working place by such ways as promotion, rotation or leaving the organisation, each year. This is a major handicap for service provision in the organisation. On the other hand, regarding age distribution of the personnel, we encounter a middle aged and older personnel profile; in that 3.465 of them are under the age of 30, while 11.450 of them are between 30-49 and the rest are over 50. 43% of TKGM personnel are with high school or primary school graduation, 30% have graduated from a 2 years vocational university program, 26% are graduated from a 4 years course in a university and only 1% is with a postgraduate degree. Only 21% of TKGM personnel are female..

RESEARCH METHODOLOGY

Basic steps of the research study can be named as follows: Literature review; collecting information about legal, institutional and procedural framework of the organisation; interviews with high level managers of the organisation; interviews with real estate agents and representatives of real estate associations, personnel survey, and citizen survey.

A literature search about the current situation of title services, recent reforms and improvements in title service provision and ethical problems encountered in title / land registry services in Turkey was conducted. Although a limited number of literature were encountered about general problems of the title service in Turkey and major efforts to reorganise the General Directorate of Titles and Cadastral Services, there no particular scientific research on ethical issues in title services up to now.

In addition, we collected information about administrative structure and service provision methods of the General Directorate of Titles and Cadastral Services, as well as its legal and procedural framework. Particularly, the official web site of the organisation, its annual reports, its draft strategic plan documents, and the laws and decrees about title services in Turkey have been investigated. In addition, some draft laws, prepared by the authority and still waiting for a parliamentary approval, about reforming the General Directorate of Titles and Cadastral Services as well as providing efficient title / land registry services have been examined.

In September 2008, high level managers of TKGM in its central headquarters were interviewed. Among the interviewees were; the General Director, Head of Ethics Commission, Vice-General Directors, Head of Title Services Department, Head of Legal Advisory Department, Head of the Commission of Investigations, Head of Internal Auditing Unit, Legal Advisor, Head of Strategy Development Department, Head of Human Resources Department, Head of In-Service Training Department and some middle level managers in these departments and other units in central headquarters of the organisation. Interviews were conducted on 28th of August, 17th of September and 18th of September 2008 in central headquarters of TKGM in Ankara, Dikmen district. Interviews lasted between 60 - 90 minutes. In the process of interview planning and implementation, Head of Internal Audit Unit of TKGM, institutional contact point of the TYEC Project, played a facilitator role. In addition, during the course of the research, particularly in the centres where our surveys were conducted, mini interviews about frequently encountered ethical problems, reasons of these problems and their suggestions for solution were undertaken with managers and employees from time to time. In order to encourage interviewees speak freely, interviews were taped but notes were taken about their remarks.

As real estate agents are important stakeholders in title service provision, they are also planned to be interviewed. Within this context, 21 real estate chambers and associations, the ones which have an e-mail address on internet, were sent a standard interview form. 6 of these forms were filled and returned back. Furthermore, during the citizen survey conducting phase of the research, detailed interviews with 42 real estate agents were also undertaken. Interview questions intensified on how real estate agents perceive non-ethical

issues encountered in title service provision in Turkey and what are their suggestions for solution.

In addition to interviews, a field work, which seeks to get information about knowledge, consciousness and attitudes of the officials who work in branches of TKGM in 10 provinces as well as title service using citizens particularly on such issues as strategies and quality policies of the authority, factors which are effective in determining the levels of misconduct and corruption in title service provision and the role of ethical consideration in the decision-making in the organisation. Within the context of the field work, two surveys were prepared, one for citizens and one for employees. When preparing the survey questions, previous research on the field were reviewed. Pilot application of the surveys was made in a title service unit in Kocaeli province. In getting information about attitudes of employees and citizens, 5 scales Likert measurement system were utilised. In determination of number of survey sample, reliability and accuracy of research findings were taken as a restrictive factor. In surveys, a sample size which conforms to 95% reliability level and 5% error rate was targeted.

In 2008, about 7000 personnel have been working in line departments of TKGM which deals with title affairs. In this case, the sample size which conforms to 95% reliability and 5% error rates is maximum 364. However, taking into account the fact that the topic of the research is quite sensitive and some people would not be willing to participate in our surveys as well as the possibility that some employees would not be in workplace for various reasons at the time we conduct surveys, conducting 500 personnel and 500 citizen surveys were planned.

The surveys were conducted in October and November 2008 in 40 service units in 10 provinces, taking into account country-wide differences in title service provision. The places where surveys have been conducted have been determined through a common work with officials from TKGM. The places where surveys were conducted and reasons why these places were selected are summed up below:

- Istanbul (Fatih 1, Fatih 3, Kadıköy 1–2–3, Ataşehir, Ümraniye and Sancaktepe units), as the greatest metropolitan city of the country and with most dense title work in the country,
- Ankara (Yenimahalle 1–2–3, Keçiören 1–2–3–4 and Pursaklar units), as the capital city of the country and greatest metropolitan city of the Central Anatolian Region,
- Konya, as one of major industrial and agricultural cities of the country (Selçuklu 1–2, Meram and Karatay units),
- Antalya (Konyaaltı, Muratpaşa, Aksu and Kepez units);, as tourism capital of the country,
- Kocaeli (İzmit 1–2 units), as industrial capital of the country,
- Erzurum (Aziziye, Palandöken and Yakutiye units), as the greatest city in Eastern Anatolian Region,
- Samsun (Atakum, Canik and İlkadım units), as the biggest city in Black Sea Region,

- Izmir (Bayraklı 1, Bornova 1–2 and Karşıyaka 1–2 units), as the biggest city in the Aegean Region,
- Manisa (Manisa 1–2 units), as a major city in Aegean region,
- Yalova (Yalova unit), as an agricultural and tourist centre.

Any major difficulty was not encountered during the course of survey conducting. Participation in employee survey were realised in the expected level, out of 500 distributed survey form, 471 were filled. 468 survey forms were evaluated, leaving 3 blank forms out of consideration.

However, participation in citizen survey was realised under the expected level. Some of the citizens who come to title service units were reluctant to fill the surveys by claiming that they are too busy or they feel that their work in can be negatively affected. Therefore, out of 500 survey forms, only 343 could be conducted. After an inspection of the forms, 5 were put out of consideration as they are not filled and 338 were analysed by SPSS statistics program..

PROFILE OF SURVEY SAMPLE

In the section of profile of survey sample, the findings on the demographic characteristics of the personnel working at title service units and the citizens carrying out title service processes, e.g. age, gender, level of education, occupation, working period, and the frequency of the title service operations that citizens deal with are given.

Profile of the Personnel

61.9% of the officials participated in the survey conducted in the title service units are male, while 38.1% are female. In terms of marital status, 73.3% of respondents are married and 26.7% are single.

Above half of the respondents are graduated from high schools or universities. The ratio of those who have a primary school degree is quite low. These are mostly employed in archive departments.
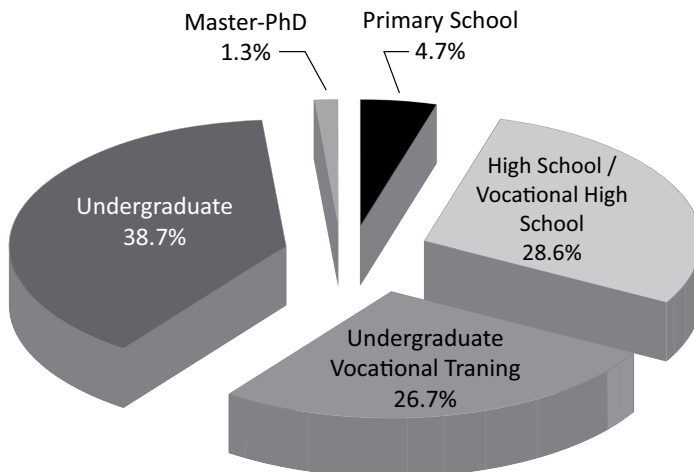
Graph 1. Personnel's Level of Education

The effective and efficient administration of title services requires employment of adequate and qualified personnel. In the interviews realized in TKGM, it is expressed that the problems related to the title services are mostly derived from the operations implemented by unqualified personnel. Hence, the personnel should be equipped with the knowledge in the fields of law, public finance, construction, cartography, etc.

In recent years, TKGM has begun to employ those who have a four-year high school degree; in recent 3-4 years, about 6,000 new personnel graduated from high schools or faculties have been taken into services. This situation has enhanced the level of operations and its positive results have been considerably recognized.

Although the number of the personnel graduated from high schools is quite high, due to the fact that these schools do not generally cover the fields required by title/land registry services, the institution has difficulty in hiring as much as necessary personnel equipped with adequate technical knowledge.

The 56% of the survey sample is composed of the experienced personnel whose length of service is 11 years or above. The ratio of those who have involved in public service recently or has an experience less than 5 years is 32.9%.
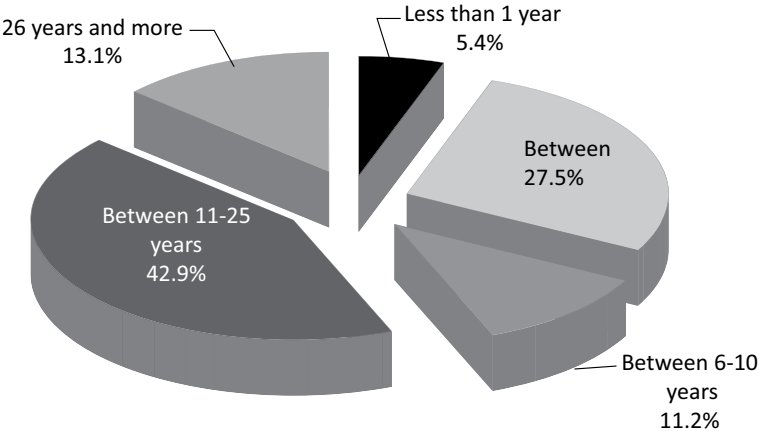
Graph 2. The Length of Service in the Public Sector

Compared with the years worked in the public service, there is just a small difference in the length of services completed in the institution. The ratio of the personnel whose length of service is 11 years or above decreases 11 points and happens to be 44.4% and the ratio of those who have involved in public service recently or has an experience less than 5 years arises to 42.6%.
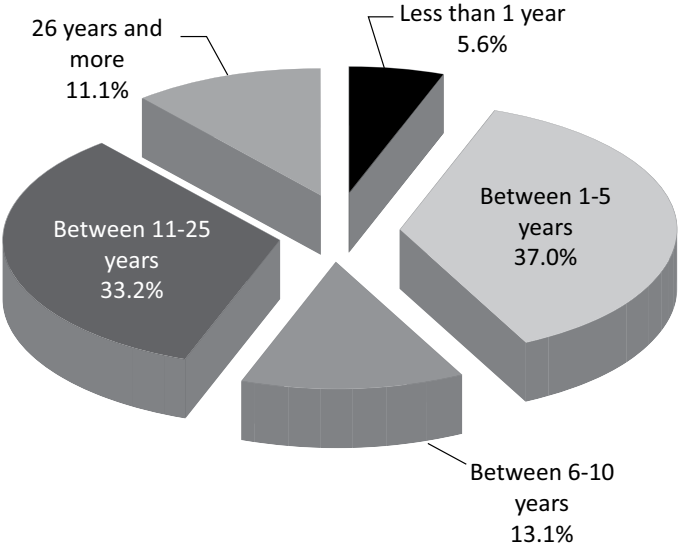
Graph 3. The Length of Service in the TKGM

When compared the length of services in the public sector with that of in the TKGM, it is seen that the personnel circulation in the institution is high. According to the table below,

21.2% of those who are in the public service between 6-10 years, 24.4% of those who are in the public service between 11-25 years and 14.8% of those who are in the public service for 26 or more years have transferred from other institutions to the TKGM.

Table 1. The Survey Sample's Length of Service in the Public Sector and TKGM

			For how many years you are working in public service?				
			Less than 1 year	Between 1-5 years	Between 6-10 years	Between 11-25 years	26 years and more
For how many years you are working for TKGM?	Less than 1 year	Frequency	25			1	
		%	100,0			0,5	
	Between 1-5 years	Frequency		128	11	31	3
		%		100,0	21,2	15,5	4,9
	Between 6-10 years	Frequency			41	17	2
		%			78,8	8,5	3,3
	Between 11-25 years	Frequency				151	4
		%				75,5	6,6
	26 years and more	Frequency					52
		%					85,2
	TOTAL	Frequency	25	128	52	200	61
		%	100,0	100,0	100,0	100,0	100,0

The majority of the personnel transferred from other institutions come from those institutions that were privatized. According to TKGM, the personnel transferred from privatized institutions are very far to meet the expectations of the institution. Because of this quality question, some of the personnel are regarded as "hidden unemployed". On the other hand, the salaries of the personnel transferred from privatized institutions are higher than that of the personnel of the TKGM. This situation may produce and provoke debates and troubles among the personnel.

Profile of the Citizens

81.4% of the citizens participated in the survey are male while 18.6% is female. About half of the citizens in the middle age (36-55) group. Next, the 26-35 ages group comes.
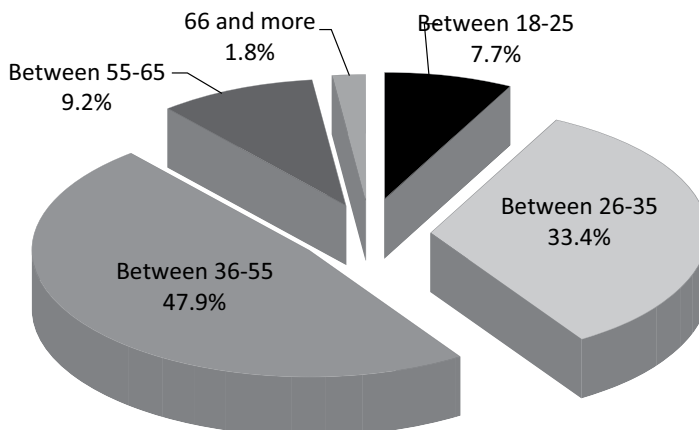
Graph 4. Age Distribution of Citizens

In terms of the level of education, the majority of the citizens who carry on actions in the title service units (41.5%) have a degree of lyceum or vocational school. The graduates of high schools come next (36.5%).
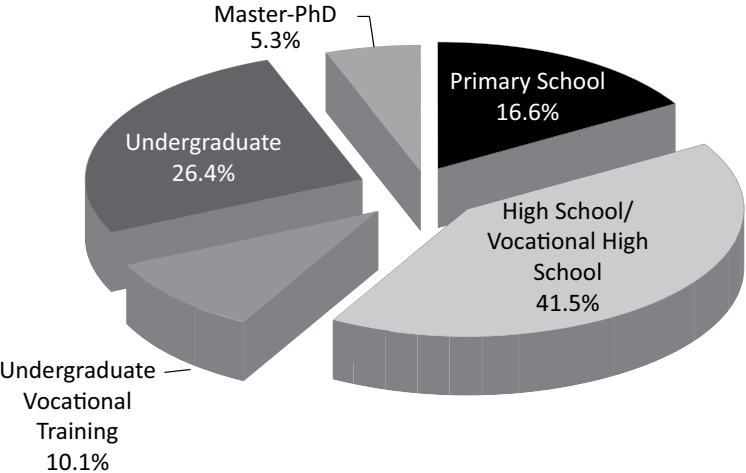
Graph 5. Citizens' Level of Education

When the occupational situations of the citizens are considered, the citizens who are "self-employed" take the first rank, and the groups of "others" and "public servants" follow them.
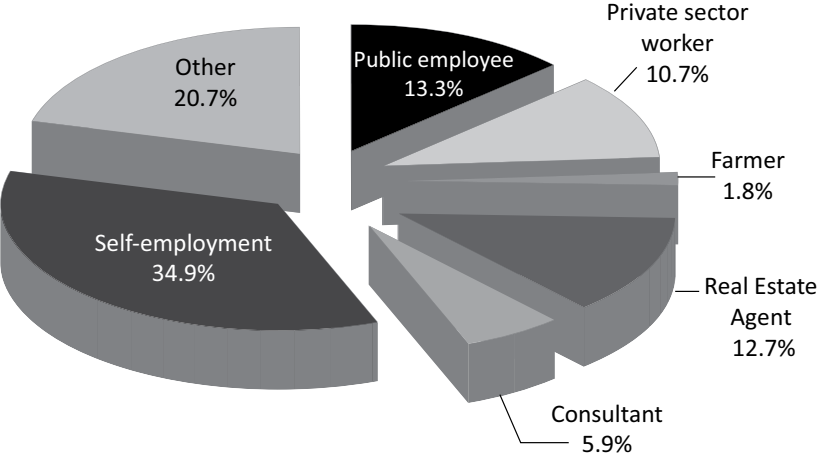
Graph 6. Occupational Situation of the Citizens

It might be said that the ratio of those who identify themselves as mediator or real-estate agent (18.6%) is quite low. The basic reason for this is that despite of the explanations that the information about the identities of respondents as well as their private life is not

asked in the survey and the data gathered through the survey will be kept secret, the mediators and real-estate agents because of the fear of being publicized and their affairs being affected negatively, are reluctant to classify themselves as mediators or real-estate agents.

While 62.4% of the citizens carry on their own actions in the title service units, 37.6% of the citizens act on others' behalf. From these findings, it might be deduced that about every one person among three is mediator or real-estate agent. However, during the implementation of the survey, it was observed that the number of mediators and real-estate agents are much more. The facts that the citizens who participated in the survey go to the title service units together with mediators and real-estate agents in order to complete the actions, and that the ratio of those who carry on 4 or more actions in the title service units almost reaches to 50%, support the view that mediators and real-estate agents perform too much actions in the title service units.
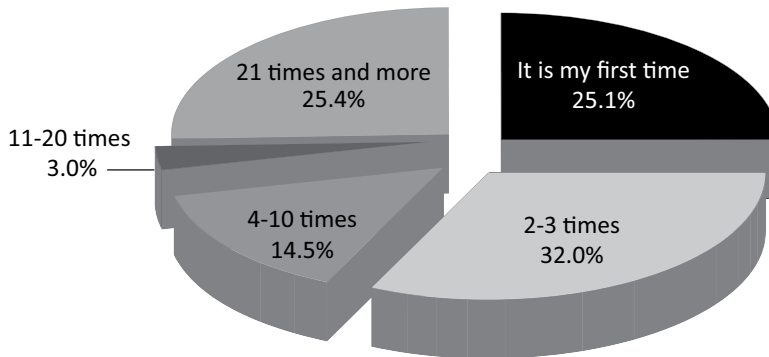
Graph 7. The Number of the Actions Carried in the Title service units

57.1% of the citizen sample reported that they have carried on actions between 1 and 3 in the title service units. One fourth of the respondents consist of those who have followed 21 or above actions.

PERSONNEL'S PERCEPTION OF OCCUPATION

For the elimination of non-ethical behaviours, and the formation of an administrative culture based upon ethics, it is required that the personnel is to be satisfied with their own occupation and personal and social image with respect to their occupation and institution is to be positive. In this respect, personnel's perception of the occupation and the image of the institution are primarily examined.

One of the factors that keep the personnel from undertaking non-ethical behaviours is the honour of the occupation. A public servant who enjoys his/her own occupation and tries to maintain its prestige is expected to avoid non-ethical behaviours. In this regard, following question is addressed to the employees in the title service units: "If you were in the position of choosing your profession again, would you prefer being a title service employee?"
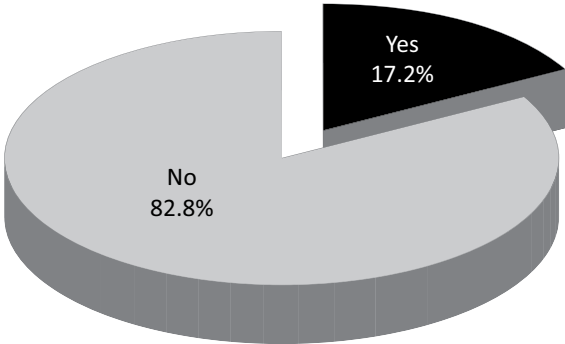
Graph 8. Personnel's Perception of Occupation

It is very interesting that 82.8% of the employees answered that question as "No". Even more, some of the personnel's not confining themselves with the answer "no" and writing on the survey form such phrases as "absolutely not", "never", "in no way" "recommend to none" shows that their level of discontentedness is very high.

During the interviews in TKGM headquarter and local title service units, some officials and employees stated that they cannot invite their own children to their work places because of negative conditions; and some expressed that, they requested to their children that never to be employees in the title services. Almost all of the personnel in the title service units where police operations and legal investigations are executed express that they want to be transferred to other institutions but the institution does not give assent.

FINDINGS ON CURRENT SITUATION

In this part, the proficiency of the guidance and consultancy services, measures against the discrimination, the state of the practices that do not comply with the equality principle and the proficiency of the physical conditions in the title service units will be evaluated.

The Sufficiency of the Citizen Guidance and Consultancy Services

What is the most important reason for that the citizens cannot carry on their own actions by themselves in public institutions and so resort to mediators is the insufficiency of guidance and consultancy services. So as to determine how the employees in the title service units conceive of the sufficiency level of guidance and consultancy services, two questions are addressed to the personnel in the survey.

First question is "To what extent are citizen guidance and consultancy services in your workplace satisfactory?"
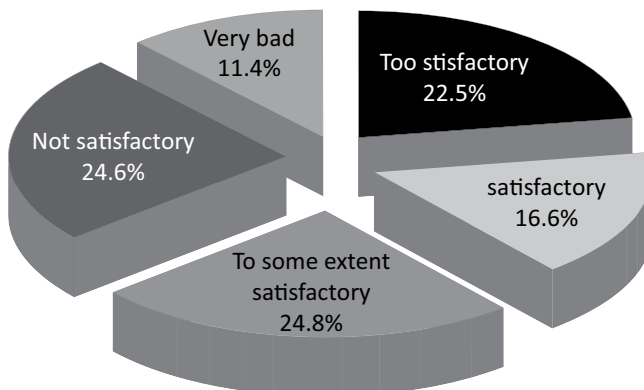
Graph 9. The Sufficiency Level of the Citizen Guidance and Consultancy Services

39.1% of the personnel think that citizen guidance and consultancy services are sufficient, while 36% believe that these services are not sufficient. The ratio of those who consider the services partially sufficient is 24.8%.

The second question is "Does your workplace have user-friendly information boards and guidance leaflets for service users? If so, is it in satisfactory level?"

Information boards and guidance leaflets for services users.
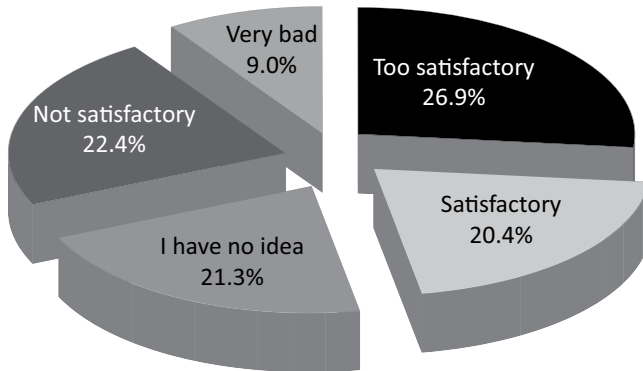
Graph 10. The Level of the Informational Means for Service Users

47.1% of the employees assume that information boards and guidance leaflets are satisfactory, while 22.4% insist that these are not satisfactory. According to 9% of the personnel, there is no such means in the title service units.

During the implementation of the survey, researchers have observed that the informative means and practices, and guidance and consultancy services in the title service units are not quite sufficient. In a title service unit, a manager stated that they prepared informative brochures by their own attempts for citizens for a while. Except that, user-friendly information leaflets, brochures, magazines, or bulletins are not seen in the title service units. In title service units, there are information boards and some printouts, containing information about title service processes, hold on walls and doors; but these are neither satisfactory nor do take the attention of citizens. In some centres, there are consultancy units at the entrances. Because these are not adequate, almost in all title service units that visited by the researchers, it is observed that the citizens resort to the directors even for the simplest processes and actions.

The extensive information on the official web page of the institution appears extremely confusing, so the citizens confront with difficulties in easily and simplistically reaching the information that they need.

Because of the insufficiency of the guidance and consultancy services, citizens turn their steps towards mediators.

The Measures Taken against Discrimination

In order to determine the current measures taken against discrimination and their effectiveness, following question is addressed to the employees in the title service units: "What do you think about anti-discrimination measures (for women, ethnic groups and disabled persons etc) in your organisation? Are they in satisfactory level?"
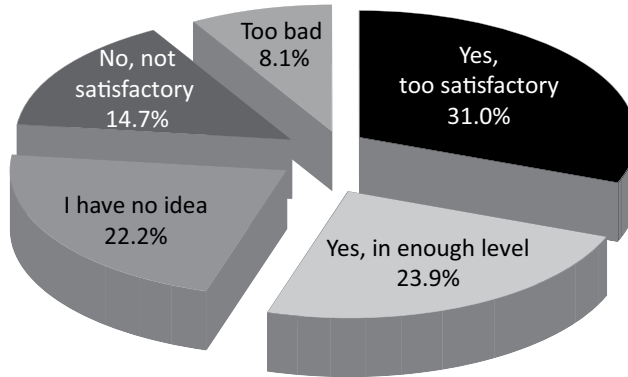
Graph 11. Measures against Discrimination

Above more than half of the employees state that measures are taken against discrimination and they are partially or completely satisfactory. 22.8% of the personnel consider the measures insufficient.

Application of Rules for Employees in an Equal Manner

To find out whether or not the institution, in present situation, treats towards all employees in congruence with the equality principle, following question is addressed to the employees: "Do you think that rules on such issues as promotion, rotation and using houses provided by the organisation are applied to all personnel in equal manner in your organisation?"

More than half of the respondents (57.9%) mention that the institution does not behave the personnel in compatible with the equality principle in such areas as promotion and rotation of the personnel, and distribution of the houses provided to employees by the organisation. The rest (42.1%) believes that the rules are applied to the personnel partially or completely in equal manner in the institution.

In the interviews, although it is stated that personnel appointments are implemented according to the regulation, it is also mentioned that the personnel ask for their appointment to popular places, and that the personnel whose demands are not realized resort to politicians, the Minister or the Secretary of the Ministry. It is stated that including those of ministers, the demand of any politician is not put in force; yet, since the personnel do not observe it generally, the long standing attitudes and demands continue to exist.
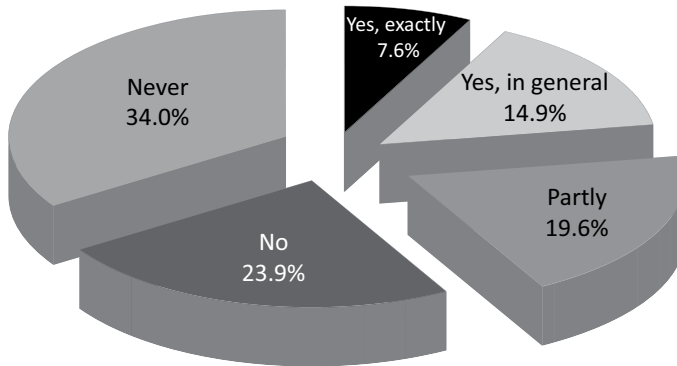
Graph 12. An Equal Implementation of Rules in Personnel Matters

Sufficiency of Physical Conditions

The General Directorate performs its services at the central headquarter building, and additional buildings at the Oran campus, and Demirtepe. However the buildings used by the General directorate are seen adequate, it is not valid for the local units. The majority of the local title service units (678 units) carry on their services in the government offices. 73 units operate in TKGM's its own buildings, 214 units in hired buildings and 53 of them in the buildings that are freely allocated to the TKGM. It is observed that that a great number of the buildings are not sufficient for providing efficient and comfortable service. In the government offices, that the rooms allocated to the title service units are not convenient for the service, that there is not enough area for the archives and records, and that there is not enough space and comfortable waiting rooms for the citizens carrying on actions in the units lead to decline in the quality of the services.

The employees of the title service units continue to work after the routine period. The reason for that is the necessity of responding all documents having time limitations and of controlling all actions due to the severity of legal responsibility. But the physical environment and working conditions appear to be deteriorating the motivation and institutional identity of the personnel. In the title service units, furnishing and design of the working environment varies to a great extent and seems to be far away from reflecting a corporate identity.

Physical environment plays a crucial role in the image of the organisation. The neglected and poor situation of the space and working environment also affects the citizens in a negative manner. When the citizens come to a title service unit to do a business, they strive to finish the procedures and leave the office as soon as possible. In the interviews, attention is called to this issue and it is noticed that rehabilitation of physical conditions are creating a positive influence on both the employees and the citizens, and increasing their satisfaction.

On the other hand, in the title service units there are security camera systems displaying

the citizens who official documents, the bank on which employees and citizens do interact, and waiting rooms for citizens especially for preventing such events as pocket picking. In most of the title service units, it is observed that due to the scarcity of space, the waiting rooms for citizens are inadequate and neglected.

In the interviews performed in the title service units, it is stated that they are confronting with difficulties in providing cartridge and paper for printers and copying machines, and paying some bills. It is seen in some title service units that consumable materials are provided by mediators or real-estate agents; this situation seems to be regarded as a factor that decreases the prestige of the employees in the eyes of citizens. Meanwhile, it creates an environment that paves the way for those who provide the materials claim privileged treatments for themselves.

Top managers of TKGM revealed that these kinds of needs are supplied adequately, and also as a result of an intercourse done with ministry of finance about getting over some defects, it is arranged that until 2009, these needs will be supplied through revolving capital so title offices could meet their needs locally

A major point that underlined by public officials of various levels in title service units is the inadequacy of such opportunities as lunch and bus services, and houses provided by the government.

THE IMAGE OF THE ORGANISATION

In this section, the image of the organisation on the eye of employees, citizens, and top managers will be considered.

The Image of the Organisation: Perspective of Employees

In order to find out the image of the TKGM on the eyes of employees, following question is addressed to the employees: "Which expression below about the TKGM reflects more accurately the image in your mind?"
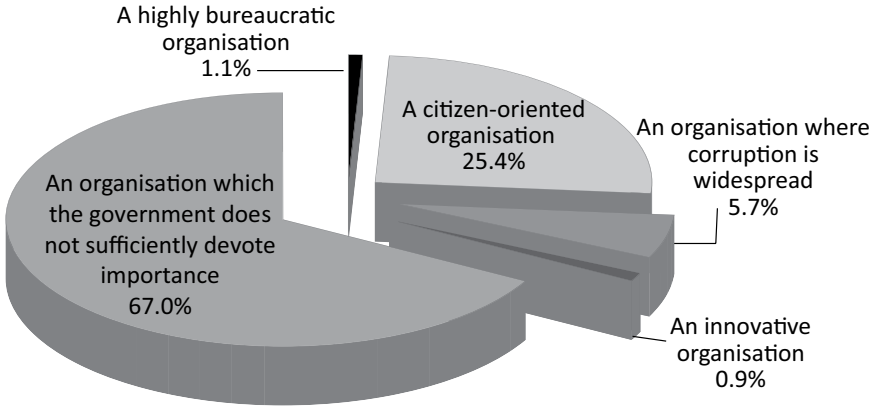
Graph 13. The Image of the TKGM on the Eye of Employees

According to 67% of those who participated in the survey TKGM is "an organisation which the government does not sufficiently devote importance". 25.4% believe that TKGM is "a citizen-oriented organisation". It is quite interesting that 5.7% of the respondents see the TKGM as "an organisation where corruption is widespread".

An organisation culture based upon ethics can be achieved as long as ethical behaviours are adopted by all employees. For the prevention of corruption and extension of behaviours compatible with ethics managers are to be model for employees. In this regard, following question is addressed to the employees: "To what extent do your hierarchical supervisors and high level managers of the organisation give priority to preventing corruption and developing ethical practices?"

About half of the employees (49.5%) think that managers give very much priority to preventing corruption and developing ethical practices. The ratio of those who believe that the efforts of managers are insufficient or very insufficient is not so inconsiderable (17.9%).
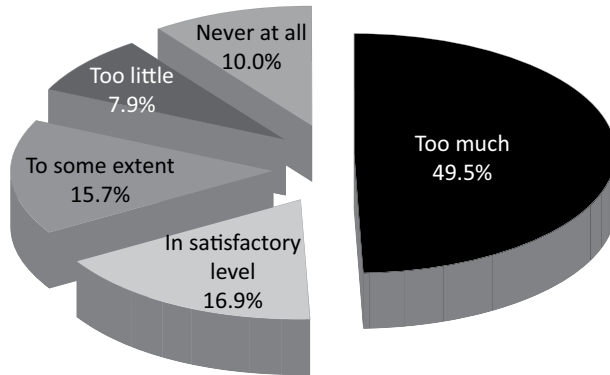
Graph 14. Priorities of Managers to Prevent Corruption and to Develop Ethical Behaviours

The Image of the Organisation: Perspective of Citizens

In the research, to determine the image of the organisation on the eye of the citizens, four questions are asked. First two questions aim at exposing the level of the non-ethical behaviours, and the latter ones intend to display the sufficiency of the measures that organisation and managers take against this phenomenon.

To determine the level of the non-ethical behaviours in the organisation, first of all, following question is asked citizens: "Do you think that it is possible in this organisation to get a job done without giving a bribe or providing a favour to a public official?"
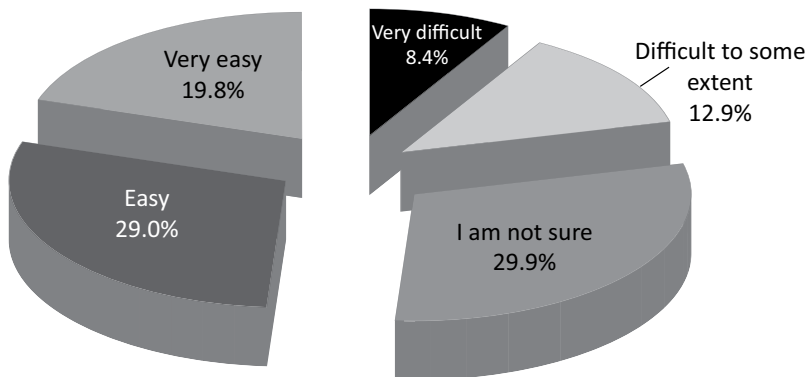
Graph 15. Easiness of Getting a Work Done in Title service units without a Favour or a Bribe

About half of the respondents think that getting a work done in title service units without a favour or a bribe is either "easy" or "very easy". 21.3% of the respondents assume that it is somewhat or very difficult. Those who believe that it is neither difficult nor easy constitute approximately 30% of the respondents.

In order to find out the level of the non-ethical behaviours, secondly following question is asked the citizens: "In your opinion, to what extent does corruption widespread in local service units of TKGM?"
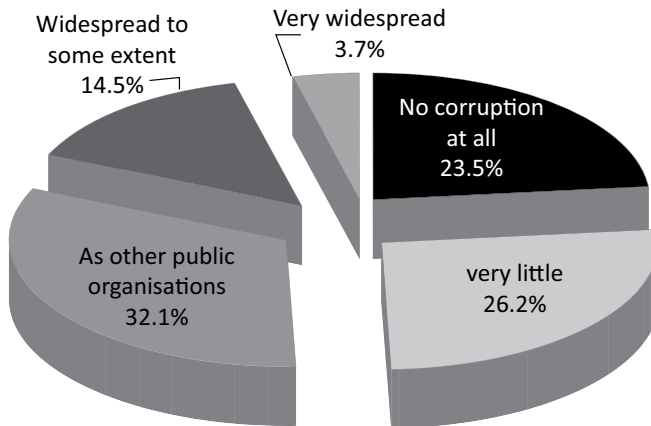
Graph 16. Prevalence of Corruption and Bribery in Title service units

For 23.5% of the respondents, there is no corruption at all at the title service units, for 26.2% it is very little, and for 32.1% it is widespread as other public organisations. And for 18.2% it is widespread to some extent or very widespread.

When the responses given to both questions are compared, it is seen that respondents are consistent in terms of their replies. The ratio of those who think that getting a work done in title service units without a favour or a bribe is either "easy" or "very easy" (48.8%) and the ratio of those who state that there is no corruption at all at the title service units or it is very little (49.7%) is very close to each one. Likely, the ratio of those who think that conducting an action in title service units without a favour or a bribe to some extent difficult (51.2%) and the ratio of those who assume that corruption is widespread as other public organisations or more (50.3%) is quite similar to each other.

First of the questions that aim at demonstrate the sufficiency of the measures that the organisation and managers take against this phenomenon is "Do you think that TKGM devotes adequate efforts to prevent corruption and other non-ethical behaviours?" 53.6% of the citizens who participated in the survey believe that TKGM puts forth an adequate or very much effort, while 22.7% the citizens think that it is "not sufficient" or "no efforts at all".
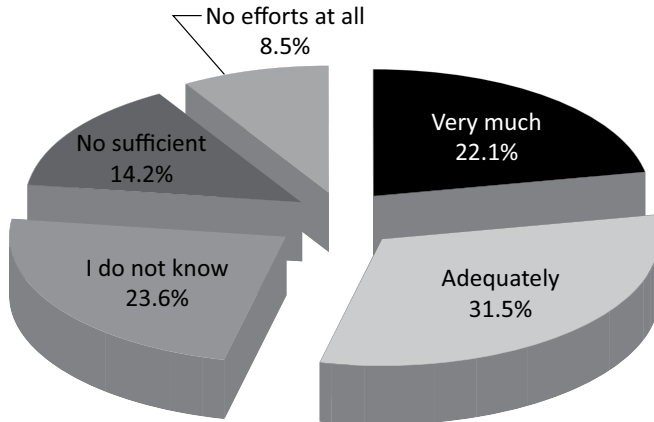
Graph 17. Sufficiency of the Efforts of TKGM to Prevent Corruption and Other Non-ethical Behaviours

The second question "In your opinion, do managers at the local title service units of TKGM give priority to preventing corruption and enhancing ethical behaviours in their workplace?" is directly aimed at measuring the efforts of the title service managers to prevent the corruption and to enhance ethical behaviours.
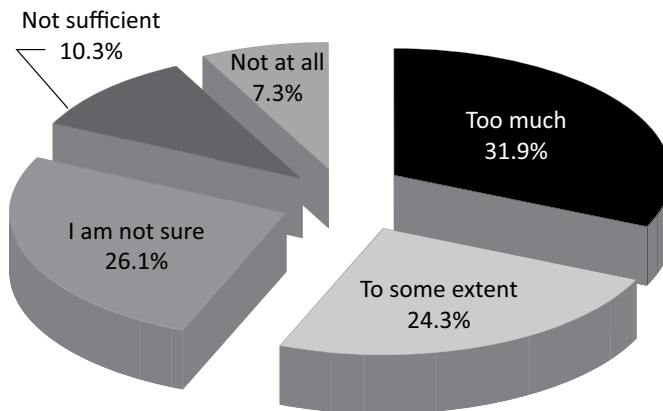
Graph 18. Priorities of Managers to Prevent Corruption and to Develop Ethical Behaviours

For 56.2% of the respondents managers at title service units give to some extent or too much priority to preventing corruption and enhancing ethical behaviours, while 17.6% state that their efforts are "not sufficient" or "no efforts at all".

The Image of the Organisation: Perspective of the Top Managers

As the above-mentioned data suggests, the image of TKGM on the eyes of both employees and citizens is not in a satisfactory level. In this result, the failure of the organisation to adequately establish its own image plays a major role. According to top managers, title services are not seen as a priority and thus neglected by governments. Politicians and other decision-makers have the assumption that this organisation works adequately and give priority other issues. On the other hand, top management of TKGM is in difficulty to effectively communicate the problems of the organisation to executive and legislative institutions. Although property has been an important issue for human being since the age of Adam and Eve, the profession related to its registration, and thus title service employees, have never been on top of the agenda.

In the interviews, different comments and views about the relationship between central headquarters and line departments in provinces were encountered. Top managers claim that they give priority to communication with subordinates, any employee or low level manager can see a member of top management and they give employees permission to speak freely on views and complaints about management. However, some employees and low level managers working in line departments in provinces argue that top management does have interest in problems of subordinates and they have little knowledge about what is really happening in the field as they are inclined to stay at Ankara and seldom come to visit provinces.

TKGM employees who work in provinces further claim that top managers often accuse their subordinates, do not adequately help TKGM employees who are in need and there is an inadequacy of trust between the two sides. Top management partly accepts the problems in relationship between the central headquarters and policies, in that, in interviews, they mentioned about their plan to visit all provinces as soon as possible within year 2009. Top managers also think that a majority of citizens, whether they use title services or not, have a negative image about TKGM. A common view in top management is that institutional image cannot be well established because of an inadequacy in public relations activities and that the organisation need to focus more on public relations and advertising activities from now on.

According to top management, the image of TKGM is also negative on the eye of public prosecutors and police authorities. Negative perception of media institutions about the organisation plays a key role in prevalence of the negative perceptions on TKGM. Some top level managers claim that, in general, the relationship between TKGM and mass media is not good. For instance, managers claim that media often does not show interest in trial results as much as they do so about cases of arrest of TKGM personnel by police. However, trials against TKGM personnel about corruption cases frequently end up with acquittal.

The interview results suggest that citizens are stack between interests of real estate agent and misbehaviours of public officials. Within this context, applications of citizens to the organisation with deficient documents increase problems and cause delays and

complaints, as it would not be possible to do a work with deficient documents in title units because of the fact that the issue of title service is quite sensitive. TKGM managers list the problems arising from citizen attitudes as follows: Citizens use mediators and real estate agents instead of following their own work; they give their identity cards to mediators for that reason; some identity cards of service users are fake; they write value of their property to official documents as lower than they really are, they have prejudice about public officials and TKGM; they comment on delays in other organisations as if title units cause the delay; they sometimes make collusive selling of some properties; they do not show objection to demands of public officials for gifts and baksheesh, rather they often voluntarily offer gifts or baksheesh to officials; and they believe that after giving a gift to a public official, their work will be done more quickly.

Another factor which adversely affects on image of the organisation, in top management's view, is relations between TKGM and other public organisations. When other public organisations does not work efficiently and effectively, workload in title units increases and therefore citizens have to be directed to other organisations to complete the deficient documents. For instance, because a great majority of municipalities doesn't announce current market values of real estate taxes and doesn't send these values to title services, which is a work in their responsibility that should be done each year, citizens have to be directed to municipalities to learn these prices. Furthermore, documents given by other public organisations such as some official documents designed in notary publics and court verdicts must be carefully inspected by officials in title service units through communicating the related public organisation in order to prevent forgeries. The names included in documents should also be inspected by the officials in order to verify they are real persons, even the validity of document confirmed. On the other hand, sending citizens out of title services for payments constitute another difficulty for officials: to approve bank receipts are not forged. Title officials are responsible to detect any kind of forgery that could be done in documents. Citizens who are not aware of this fact complain about red tape in title service units.

Interviews with top management, employees and citizens suggest that non-ethical behaviours in title service units have decreased in recent years, it has become possible to make a title work done without using mediators or real estate agents, measures taken by TKGM management as well as some operations of police authorities have been effective in this result and most of the remaining non-ethical behaviours can be attributed to non-ethical behaviours of mediators.

PERCEPTIONS OF ETHICS

In this section, ethical perceptions of employees, citizens and top level managers will be explored. However, before presenting the findings about ethical perceptions, it would be useful to draw a brief conceptual framework for the notions of bribery, gift and baksheesh.

Bribery is the most prevalent non-ethical behaviour in public organisation as well as the one with most heavy attention in public opinion. Berkman (1983) argues that bribery can roughly be examined in two categories. First category is called as heavy or derailing bribery and happens if a public official gets a profit by "doing something which he / she is required not to do" or "not doing something which he / she is required to do". Second category is called as accelerating bribery and happens if a public official gets a profit in return for "accelerating a work which he / she is already required to do or not to do". Gifts are profits provided by citizens to public officials. Gifts are frequently given to public officials without their demand and would be given before or after works are done by the public officials. Profit provided by a service user to a public official with his / her own will and without a demand from the public official at the end of the work, in order to express his / her satisfaction and please is called as baksheesh.

For the gifts that given to public officials, with respect to intentions of the ones who give them, it is possible to divide it into two categories. (Şen, 2005: 366). In the first category, the one who gives a gift has expectation for a profit or return. In the second category, on the other hand, it has an expectation from the public official of a profit or acceleration of his / her work. In the latter case, the service user is with an intention for a secure bribery. In the phase of accepting the gift, the public official cannot figure out the real intention of the service user.

There are some differences between bribery and gift and baksheesh. The public official who accepts a bribe will certainly provide a profit to the service user, as there is an agreement between the two. Gift and baksheesh, on the other hand, are not always given someone to provide a profit. Public official does not guarantee a profit in return for a gift or baksheesh, but there may be a possibility for that. Therefore, in administrative ethics literature, gift and baksheesh are examined within the context of conflict of interest.

Our interviews with employees and managers of TKGM suggest that possibility of derailing bribery in title service units is quite low, because responsibility of the public official for such a case will be too heavy. The type of bribery which is claimed to exist in title service units is accelerating bribery. Citizens hurry up in completing the real estate trade with the fear that the other side would give up. A citizen who do not react slow workflow in other organisations becomes sensitive about the speed in title works. In order to speed up their own title works, the sometimes use such ways as bribery. This practice is called as "oiling the bureaucratic engine".

Is it possible to call all profits provided to public officials to accelerate workflow as bribery? In terms of its forms and timing, profits provided to a public official to accelerate works,

can be divided into three, within the framework drawn above: First is "accelerating bribery" which happens when the parties agree beforehand about accelerating the works in return for a profit to be provided to the public official, whether the demand has come from the public official or not. If a service user cannot offer such a bribe, they use mediators such as real estate agents, mediators or a friend. Second is gift which happened when a public official accelerates the works of a service user without user's demand at the end of a profit (such as clothes, a dinner, a holiday etc) provided to the public official before the work. Here the intention of the gift provider is not certain; even if his / her intention is to get profits, he/she does not tell directly. As there is no agreement between the two parties, the public officials who are provided with a profit would not do / have not to do any privileged work for the service user, but there is only a "possibility" for that. In third method, baksheesh, there is no agreement between the two parties, a service user whose work has been done in a satisfactory level is providing a profit (money, food, clothes, etc.) as an expression his/her gratitude.

Although it would be possible to make distinctions for profits provided to public officials as such, in practice, the state of affairs would not always be in that line, in that problems occur in naming a particular case. If there is an agreement between the two parties about accelerating the works for a profit, it is an accelerating bribery ("Using the public authority for wrong purposes" in Turkish Punishments Code). However, the above mentioned agreement are frequently made in secret and not in a written way, it would be very difficult to find evidence for that. In this kind of cases, as proofs could not be found about an agreement, profits provided to public officials should be considered as baksheesh.

Regarding the legal and ethical side of the matter, Turkish Punishments Code (Law Number 5237) accepts only derailing bribery as a crime. According the Code, "bribery is getting profits by a public official through a contract with someone to do or not to do something against the necessities of his / her duties (article 252/3). The Code (which was recently enacted) accepts as the accelerating bribery as "Using the public authority for wrong purposes" (article 257). However, the previous Punishments Code (Law Number 765) was accepting the accelerating bribery as "soft bribery". In short, the current legal framework does not consider gift and baksheesh as a crime. As they create a conflict of interest, however, they violate ethics principles mentioned in "Statue for Ethical Behaviours of Public Servants". The practices of gift and baksheesh negatively affect performance and impartiality of public servants and decrease public trust in public services. These practices not only rise on doubts about public services, they are also against the principles of equality and justice. This conceptual framework would be sufficient to evaluate ethics perceptions of employees, citizens and top managers.

Employee's Perception of Ethics

Employees are primarily asked to what extent they know the values and principles of the organisation, and the ethical principles that have to be complied with during the title service processes.
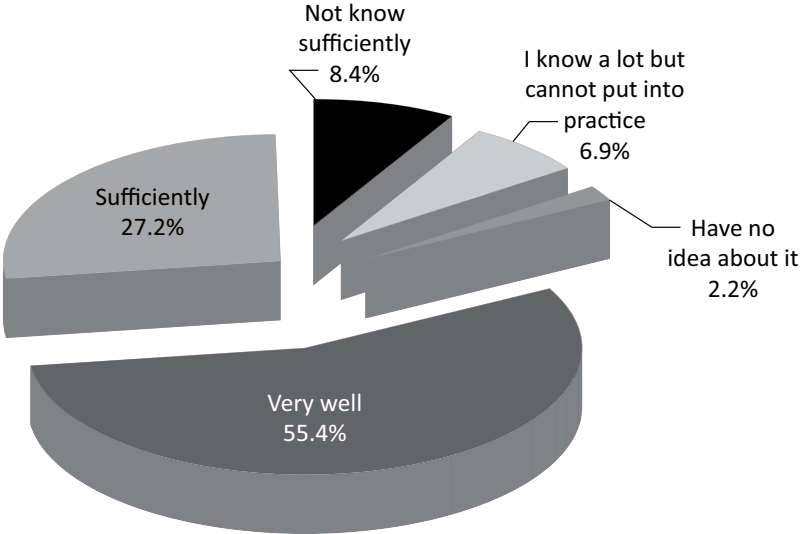
Graph 19. TKGM Employees' Level of Knowledge on Values and Principles of the Organisation

89.5% of the employees state that they know the values and principles of their own organisation, and 92.1% express that they know the ethical principles that have to be complied with during the title service processes.
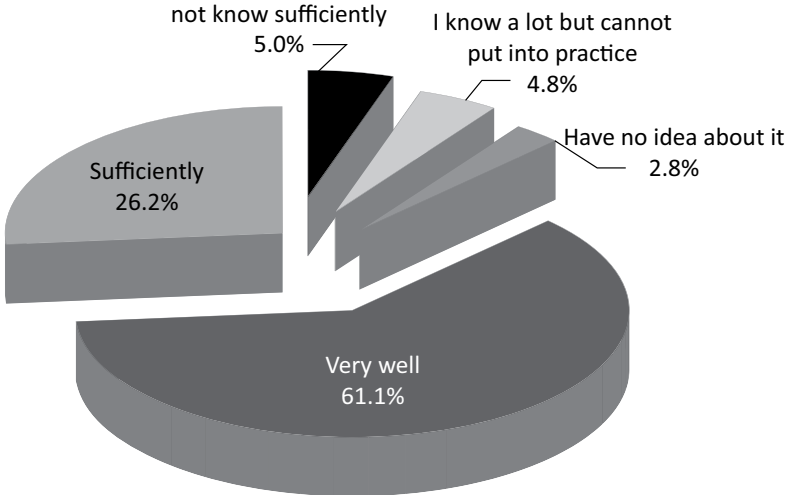
Graph 20. TKGM Employees' Level of Knowledge on Ethical Principles

It is worthwhile to note that 6.9% of those who know the values and work principles of the

organisation and 4.8% of those who know the ethical principles that must be observed during the title service processes state that they do not put them into practice. The ratios of those who do not know the mentioned values and principles are respectively 10.5% and 7.8%.

In terms of measuring the employees' perception of ethics, they are asked secondly whether they welcome some non-ethical actions or not. These are as follow:

- Employees' demands for a bribe or a favour in order to do their official work,
- Accepting gifts from citizens before a work done,
- Accepting citizen gifts after a work done,
- Accelerating the actions of relatives and friends,
- In the case of a promise of favour by title service user, accelerating his/her processes by working after work hours.
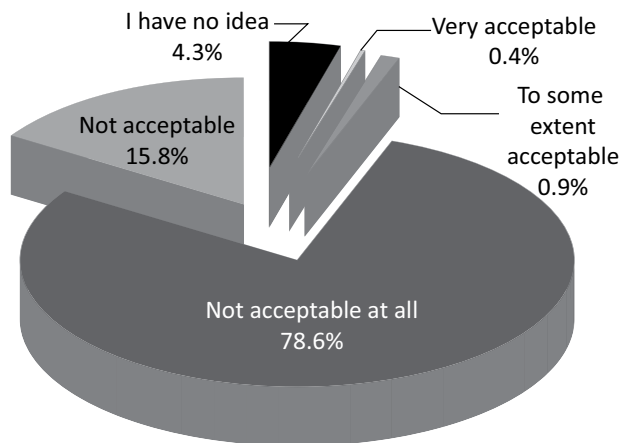
Graph 21. Employees' Demands for a Favour or Money in Return for Doing Their Work in Title Services
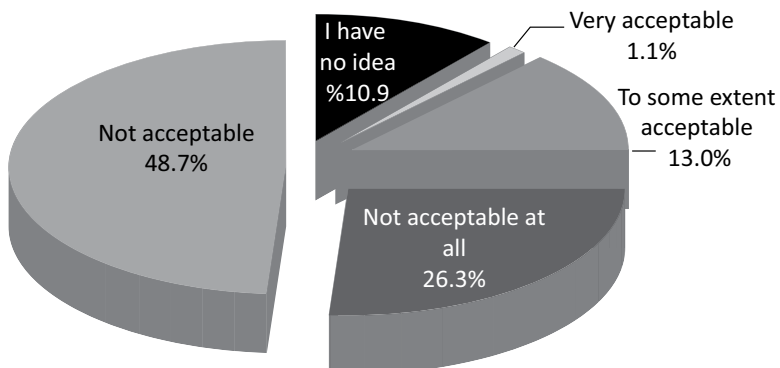
Graph 22. Accepting Gifts from Service User Citizens before Title Service Processes
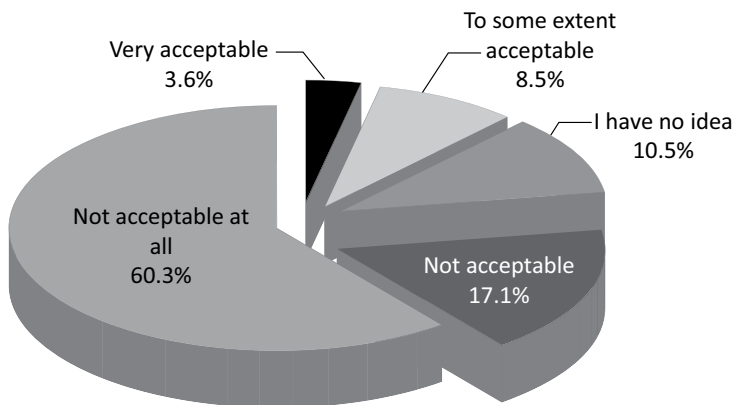
Graph 23. Accepting Gifts from Service User Citizens after Title Service Processes
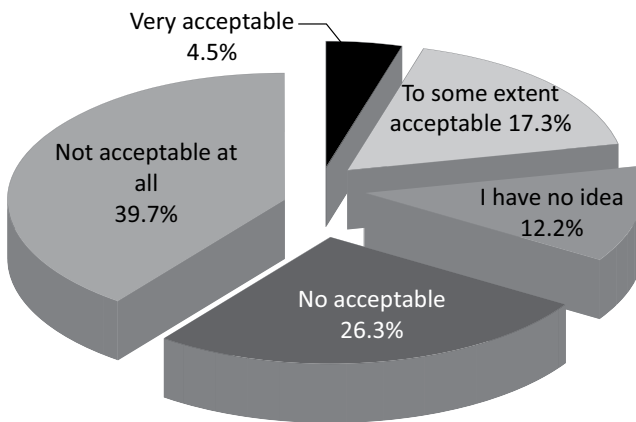
Graph 24. Accelerating the Actions of Relatives and Friends
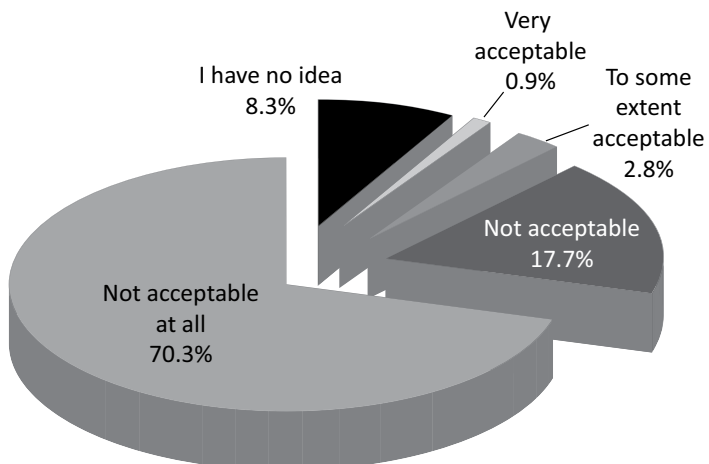
Graph 25. In the Case of a Promise of Favour by Title Service User, Accelerating His/her Processes by Working after Work Hours

Among the five non-ethical behaviours, the one that employees consider the most acceptable is "accelerating the actions of relatives and friends", that is service favouritism (21.8%). This is followed by gift acceptance before the work has done (14.1%) and gift or tip acceptance after the work has done (12.1%). Employees' demands for a favour or money in return for doing their work and, accelerating a citizen's processes by working after work hours in turn of a favour or money are very low, respectively 1.3% and 3.7%.

On the other hand, the most unacceptable activity for the employees is demanding for a favour or money in return for doing their work (94.4%). This is followed by accelerating citizens' processes through working after work hours in return for a favour (88%), and accepting citizen tips after a work done (77.4%).

To determine employees' perceptions of ethics, thirdly, following question is addressed to the employees: "In your workplace, have you ever been forced to do some things that you consider as non-ethical?"
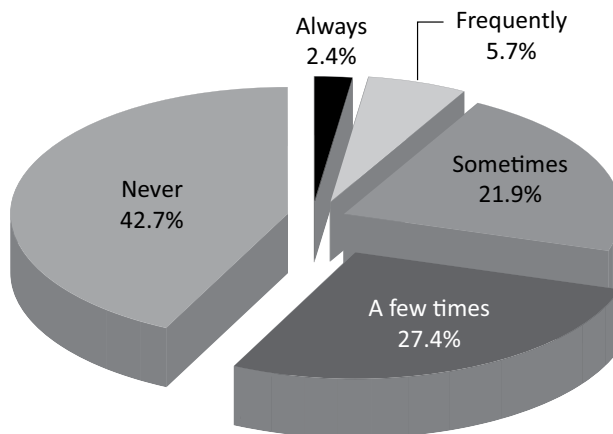
Graph 26. Frequency of TKGM Employees to Do Non-ethical Behaviours

According to the findings, 42.7% of the employees "never" do non-ethical behaviours. The ratio of those who have to do such actions "seldom" and "sometimes" is 49.3% while 8.1% of the employees assert that they are to be forced "frequently" or "always" to do non-ethical behaviours.

Fourthly, the research attempts to find out the attitudes of the employees towards informing the top authorities about the non-ethical behaviours. In this regard, following question is addressed to the employees: "Do you communicate a non-ethical behaviour of your colleagues or superiors to the top authorities of your organisation?"
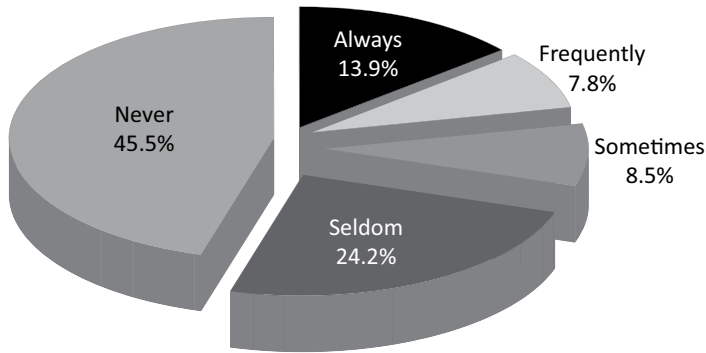
Graph 27. Frequency TKGM Employees to Communicate Non-ethical Behaviours to Their Superiors

45.5% of the employees reported that they never communicate non-ethical behaviours to authorities. The rest of the respondents expressed in varying degrees that they inform the top authorities about the non-ethical behaviours.

As it is known, communicating non-ethical behaviours to top authorities (whistle blowing) is welcomed neither by the people nor by the employees, the whistle blowers are seen as "squealer" or "fink" and such persons are isolated in the community. Especially in cases that the level of corruption within an organisation is high, the whistle blowers are generally declared "persona non grata" by their colleagues and superiors, and they are attempted to be removed from the organisation one way or another. In such an environment, it is very difficult for an employee to decide to inform the non ethical behaviours of his or her colleagues, with whom he or she works together or in close relations, or those of his or her superiors who are in a position to take the decisions for him or herself. Within this context, it is worthwhile to note that more than half of the employees' looking such actions sympathetically is a considerable result.

Lastly, in terms of the perceptions of ethics, the employees are asked whether they have ever participated in in-service training about ethics, and if so, whether they think that it was satisfactory.
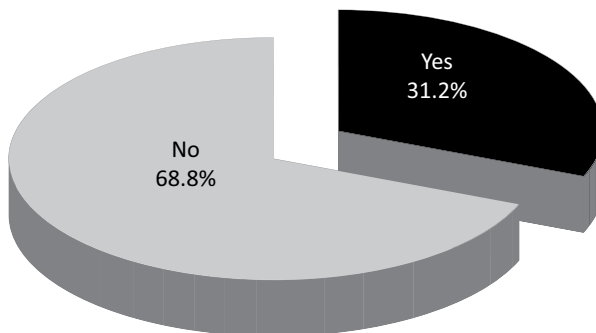
Graph 28. State of In-Service Training about Ethics

From the responses, it seems that 31.2% of the employees have taken an in-service education about ethics. About half of the ones who express they have participated in an in-service training about ethics consider it insufficient.
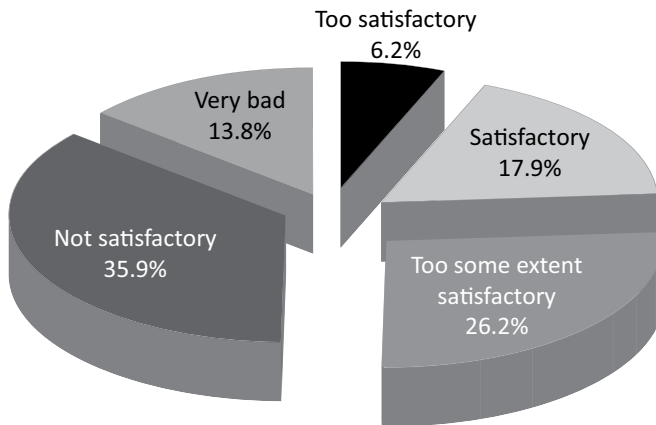
Graph 29. Level of Sufficiency of In-Service Training about Ethics

In the interviews conducted by the top administrators, it has been stated that in-service trainings are beneficial in terms of development of ethical behaviours. However, a training program directly related to ethics has not been applied yet. Ethics training within the in-service training programs aiming at improving the motivation of the employees takes place in a limited level. Although its content is quite insufficient, the course of "Occupational Ethics and Rules for Behaviour" has been taught in the promotion and orientation trainings organised since 2006. It is observed that the number of the personnel taking that course is getting increased. While the number of the employees participated in these courses were 1,257 in 2006, it decreased to 876 in 2007, and increased to 3,343 in 2008.

Citizens' Perception of Ethics

To determine citizens' perception of ethics, first of all, a question comprising of four statements is addressed to the citizens about their thoughts concerning gift, baksheesh and bribe.
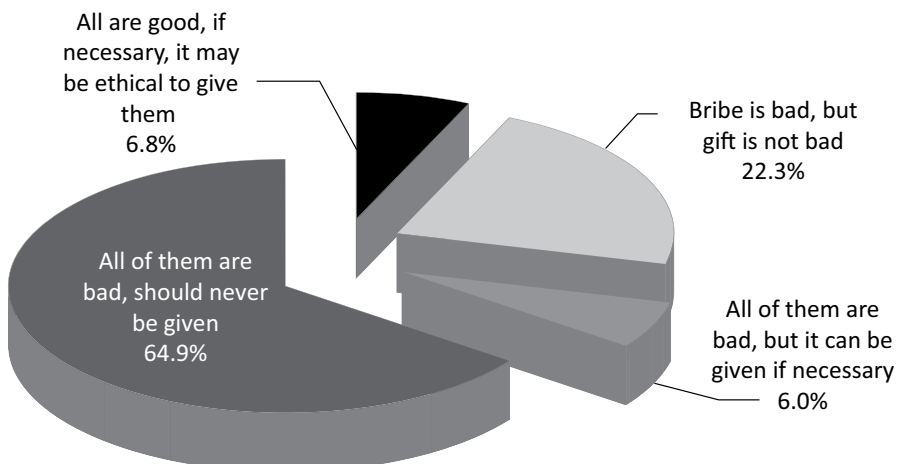
Graph 30. Views about Gift, Baksheesh and Bribery

A majority of the citizens (64.9%) believe that gift, baksheesh and bribe are all bad and should never be given. The ratio of those who think that all are good and if necessary, it may be ethical to give them is low (6.8%). 6% of the citizens assume that all of them are bad, but they can be given if necessary. On the other hand, the ratio of those who see bribe as bad but gift and baksheesh as legitimate is quite high (22.3%).

Secondly, following question is addressed to the citizens: "Do you think that baksheesh to public officials which are given after the job done should be considered as a crime?"

If given voluntarily and not demanded by public official, it should not be considered as a crime
34.2%

In any case it should be considered as a crime
59.2%

Even if demanded by the official, if it is given voluntarily, it should not be considered as a crime
3.6%

It depends, sometimes it would constitute a crime, sometimes not
0.6%

What is important is the amount. The amounts under 50 liras should not be considered as a crime
2.4%

Graph 31. Views about Baksheesh

More than half of the citizens (59.2%) state that in any case it should be considered as a crime. On the other hand, 34.2% of the respondents believe that if given voluntarily and not demanded by public official, it should not be considered as a crime.

The answer to the question "Do you think that gifts to public officials which are given before the job done should be considered as a crime?" is similar to the thoughts about the baksheesh. According to 64.8% of the citizens, gifts given before the job done should be considered a crime, while for 27.5%, if given voluntarily and not demanded by public official, it should not be seen as a crime.

Even if demanded by the official, if it is given voluntarily, it should not be considered as a crime
2.4%

If given voluntarily and not demanded by public official, it should not be considered as a crime
27.5%

In any case it should be considered as a crime
64.8%

It depends, sometimes it would constitute a crime, sometimes not
3.3%

What is important is the amount. The amounts under 50 liras should not be considered as a crime
2.1%

Graph 32. Views about Gifts

The last question addressed to the citizens for determining their perception of ethics is as follows: "If you feel that it would accelerate your work, would you offer an additional favour to employees?" Through the replies to this question, it would be possible to finding out the influences of the citizens on the non-ethical behaviours confronted in the title service units.

A considerable majority of the citizens (79.8%) say that they do not propose additional favour to employees to accelerate their own works. 41.1% of those who say they do not propose an additional favour state that "if demanded by a public official, I would tell his/ her superiors" and 38.7% of those who do not propose an additional favour mention that they would wait in the queue to complete their own procedures.

The ratio of those who say they propose additional favour to employees in order to accelerate their own works is 6.3%. 5.4% the respondents note that "I do not offer myself, but if demanded by a public official I would not resist". And 8.6% of the citizens point out that "it depends, if I have to hurry up, I offer such a thing. But if I have no hurry, I do not".
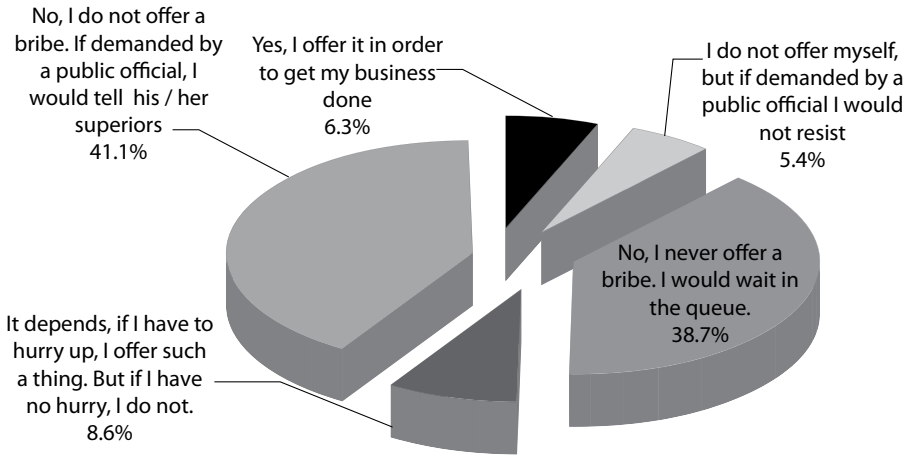
Graph 33. Proposing Additional Favour to Employees to Accelerate One's Works in TKGM

Top Managers' Perception of Ethics

According to TKGM managers, corruption and bribery in title services are less highly than people often imagine. Gift and baksheesh are relative prevalent and there is a historical background for that fact. In establishment of TKGM 162 years ago, gift system instead of salaries was implemented in the organisation. Since then, gift has continued to exist as a tradition in society to some extent.

Although baksheesh and gifts are habitually given to employees to accelerate the works; sometimes they are given as an expression of gratitude. Managers of TKGM in various levels accept the existence of gifts and baksheesh in the organisation but they maintain that they consider them as non-ethical behaviours. The existing legal framework requires that public officials cannot get extra profit except salaries. Managers claim that they activate disciplinary process about the employees who accept gifts and baksheesh.

On the other hand, according to managers, employees or managers in TKGM cannot do any operation contrary to legal framework or do a forgery, because the responsibility for that action returns them in accordance with Civil Code No 1007, and the punishment of that crime do not become invalid after a period of time has elapsed. Even, the inheritors of the public officials convicted of that crime become responsible if that public official die before paying the amount back.

An interviewed manager suggested that gift and baksheesh function as a kind of fuse against derailing bribery, while another manager claimed that works of gifts and baksheesh givers are often accelerated but works of other people are done on time, not delayed. Most of the interviewees claimed that employees and managers in TKGM accept gift and baksheesh form real estate agents and other mediators, rather than ordinary citizens. However, a number of real estate agents claimed that they do not play a major role in the cases of gift and baksheesh, on the contrary, they provide guidance to their clients but

officials from TKGM accuse them wrongly. Further, representatives of real estate associations maintain that bribery cases are not as prevalent as the media presents and such cultural habits as baksheesh cannot be considered as corruption. Yet, some interviewed real estate agents state that they sometimes give baksheesh to help financially to title employees as their salaries are not sufficient. A top level manager explains this situation by stating that" Total amount given to an employee in an envelope is ten times bigger his / her salary. It would not be easy for him / her to reject it. What is needed is to establish a base for ethics in workplace".

In conclusion, citizens who are using title services have much to do as TKGM managers and personnel in order to prevent non-ethical behaviours.

PREVALENCE OF NON-ETHICAL BEHAVIOURS

In this part, to what extent non-ethical behaviours are prevalent in title service units will be considered from the perspectives of employees, citizens and top level managers.

Prevalence of Non-Ethical Behaviours: Perspective of Employees

In the survey applied to the employees, some non-ethical behaviour are listed and the respondents are asked for ranking these as "too widespread", "widespread", "I have no idea", "a little", or "not at all".

In order to find out citizens' thoughts on to what extent "derailing bribery" is common in the organisation, the citizens are asked for ranking the prevalence of "getting benefit through making unlawful operations" and "consciously doing unlawful title service operations".

As it is seen, two statements are almost identical. Unlike first phrase, "consciously" is added and "getting benefit" is discarded from the second one. By placing the statements into different places of the survey form, it is thought as a means of comparing both answers.
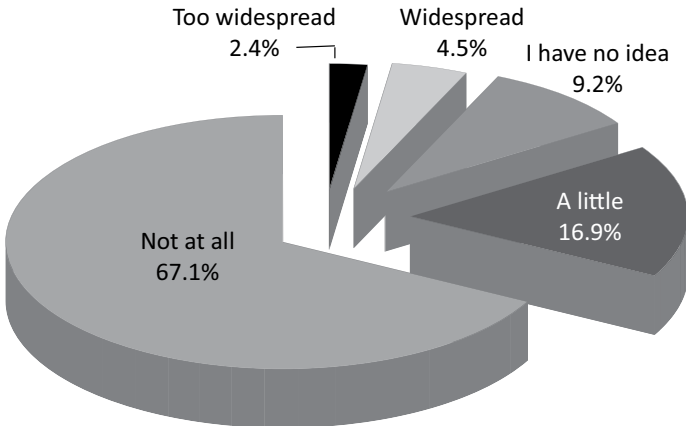
Graph 34. Getting Benefit in Return for an Unlawful Operation

For 67.1% of the employees, getting benefit through making unlawful operations is never seen in the title service units. But 16.9% think that such behaviours are seldom. What is the most important result is that 6.9% of the employees believe that derailing bribery is widespread or too widespread.

The ratio of those who think that "consciously doing unlawful title service operations" are never seen in title service units in provinces is 82.7%. The ones who assert that such activities are seldom consist of 6.2% of the respondents, while those who believe that consciously doing unlawful title service operations are "widespread" or "too widespread" make up 1.5% of the respondents.

Widespread
0.4%

I have no idea
9.6%

Too widespread
1.1%

A little
6.2%

Not at all
82.7%
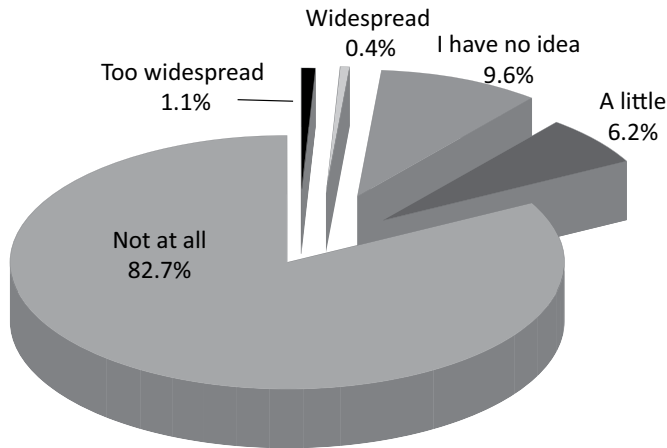
Graph 35. Doing Unlawful Title Service Operations Consciously

Actually, different replies for the statements concerning the non-ethical behaviours which differently stated but bearing the same meanings stem from the use of the term "consciously". During the conduct of the survey, some employees responded that "no employee can do unlawful title service operations consciously, because their legal responsibility returns back to the heirs". Yet, "getting benefit through making unlawful operations" is a conscious action.

In the context of the conflict of interest, employees are asked for rating, to what extent the two situations are widespread. These are "accepting gifts or baksheesh before or after a lawful title service" and "allowing real estate agents to provide such materials as paper, printer cartridge and pen in the workplace".

Too widespread
8.1%

Widespread
16.7%

Not at all
35.9%

I have no idea
12.8%

A little
26.5%
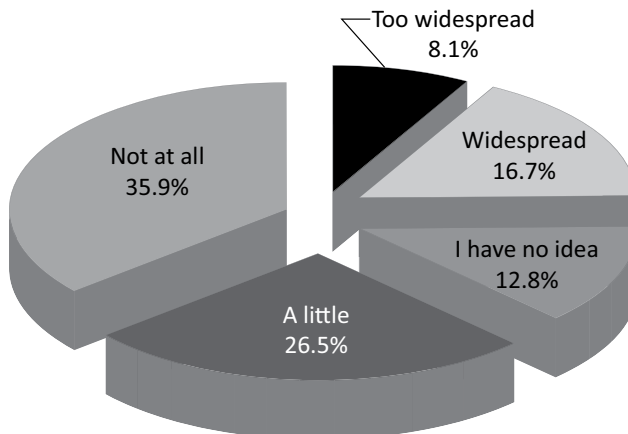
Graph 36. Accepting a Gift or Baksheesh in Return for a Normal and Lawful Work

According to 35.9% of the employees, gift or baksheesh is not accepted in the title service units. 26.5% think that it is seen seldom, while for 24.8% of the respondents, gift or baksheesh is widespread in the title service units.
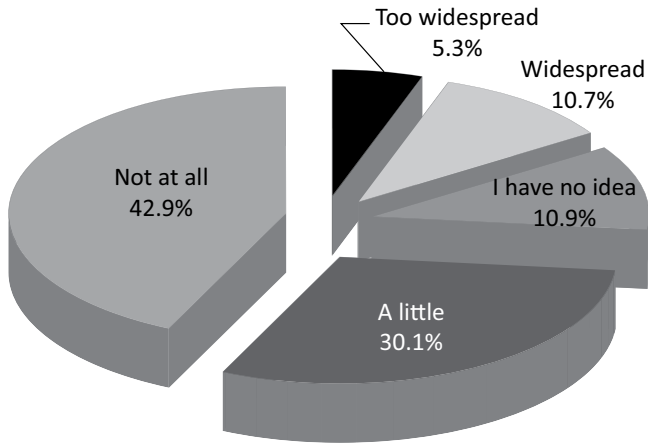
Graph 37 Provision of such Commodities as Papers, Printer Cartridges and Pens by Mediators

For 42.9% of the employees, such commodities as papers, printer cartridges, pens etc. are not provided by mediators. 30.1% think that such situations are occurring rarely, while 16% of the respondents state that provision of such materials by mediators is widespread or too widespread.
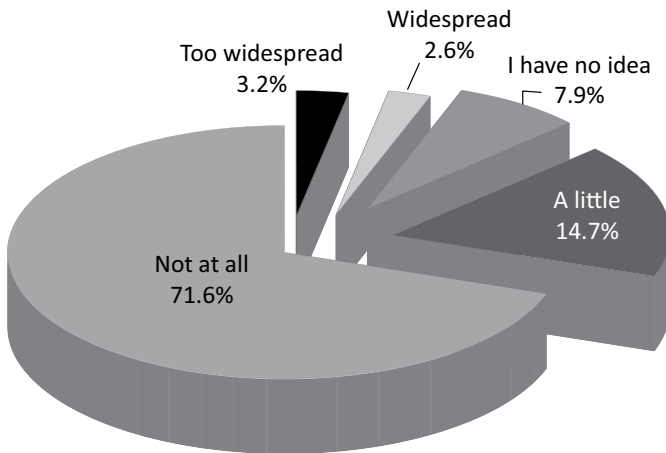
Graph 38. Refusing to Show Title Information to the Related People, even if they Provide Proofs of Their Relations about it

In performance of the public services the public officials should aim at facilitating the daily life of the community, meeting public needs in the fastest and the most active and effective way, increasing the quality of the service, increasing the satisfaction of the community, focusing on the requirement of those benefiting from the service and on the results of services. (Regulation on the Principles of Ethical Behaviour, Article 6). In this regard, the views of employees are asked to what extent "hiding title information from related service user" is widespread.

A great majority of the employees (71.6%) have stated that such behaviour is never seen in the title services while 14.7% think it is seldom. On the other hand, the ratio of those who believe that the mentioned situation is widespread or too widespread is quite low (5.8%).

The managers and other personnel of the public institutions and organisations should perform the public services in accordance with the determined standards and processes (Regulation on the Principles of Ethical Behaviour, Article 7). However, what is a prevalent illness in public organisations is to ask for unnecessary information and documents from the citizens. Following findings are attained concerning the prevalence of requiring unnecessary information and documents in title service units:
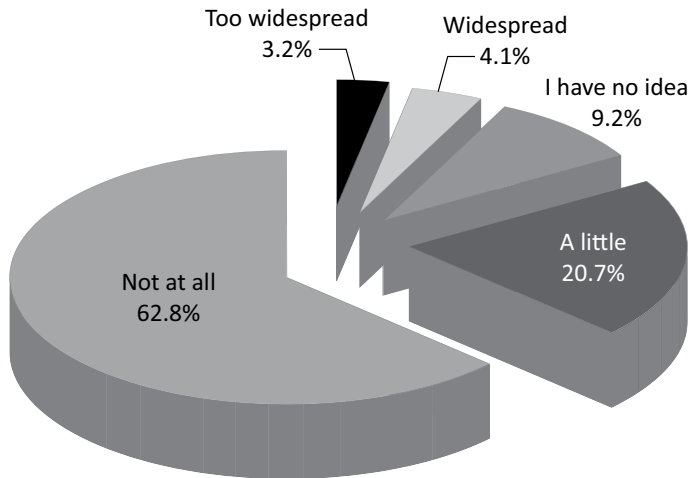
Graph 39. Asking for Unnecessary Information or Documents from Service Users

More than half of the employees (62.8%) think that citizens are not required to provide unnecessary information or documents. The ratio of those who believe that such situations are widespread in the organisation is 7.3%.

Public officials should behave in a way that will establish confidence for the public administration and they should display with their behaviours that they deserve the confidence and reputation required by the duty. They should avoid behaviours that harm the sense of confidence of the community for the public service, raise doubts and impair the principle of justice. They cannot misbehave to those who benefit from the service, neglect their work, perform double standard and be partial (Regulation on the Principles of Ethical Behaviour, Article 10).

In this regard, the employees are asked what they think about the prevalence of following behaviours in the title service units:

- Directing citizens to real estate agents and mediators to do title service procedures,
- Unnecessarily extending a title service process through misdirecting citizens and,
- In order to make service users to feel fed up, presenting title service procedure as too long and too difficult.

As seen in the following graphs, about three fourth of the employees state that first two situations are never observed in the title service units. The proportion of those who think the third situation is never seen is a little lower (66.5%). On the other hand, the proportion of those who believe that such behaviours are widespread or too widespread is quite low.
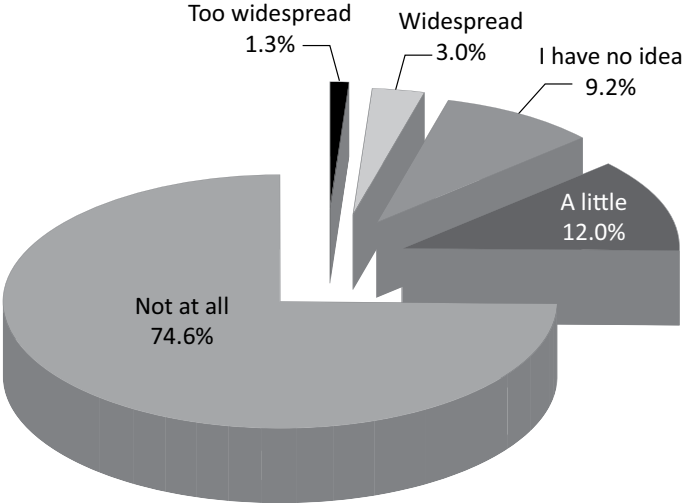
Graph 40. Directing Citizens to Real Estate Agents or Mediators
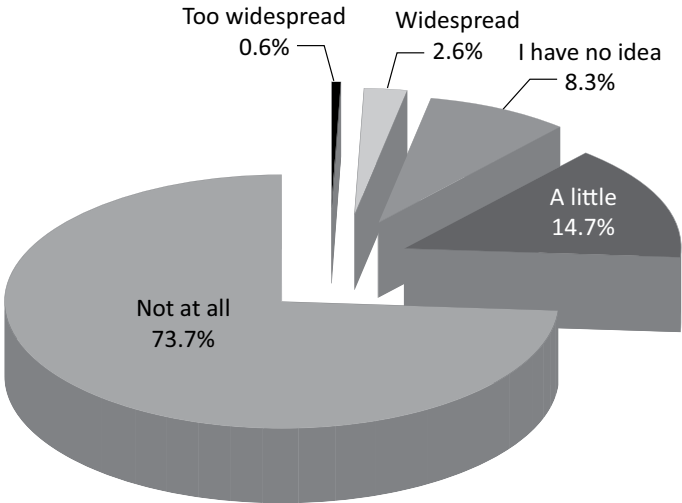
Graph 41. Unnecessarily Extending a Title Service Process through Misdirecting Citizens

Too widespread
0.9%

Widespread
3.6%

I have no idea
10.3%

A little
18.8%

Not at all
66.5%
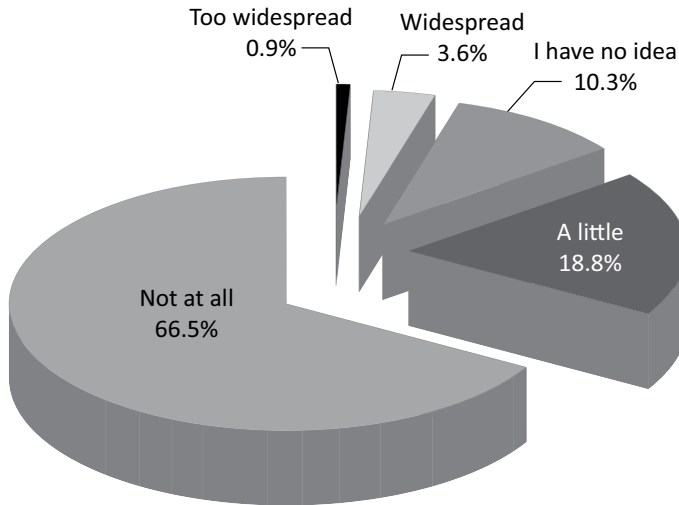
Graph 42. Presenting Title Service Procedure as too Long and too Difficult to Handle in order to Make Service Users to Feel Fed Up

As it is known, public officials' interceding, favouring their relatives, friends and fellow townsman, performing political nepotism, discrimination or nepotism of any kind is contrary to ethical principles (Regulation on the Principles of Ethical Behaviour, Article 14). These non-ethical behaviours which are called as service favouritism are also contrary to the principles of justice, impartiality and equality (Regulation on the Principles of Ethical Behaviour, Article 9).

In this regard, the employees are asked, to what extent such behaviours "discrimination against or favour for somebody for any reasons (relative, wife- husband, political view, friendship etc.)" and "giving priority to real estate agents and mediators in title services" are widespread in title service units.

Too widespread
6.0%

Widespread
11.3%

I have no idea
13.0%

Not at all
41.9%

A little
27.8%
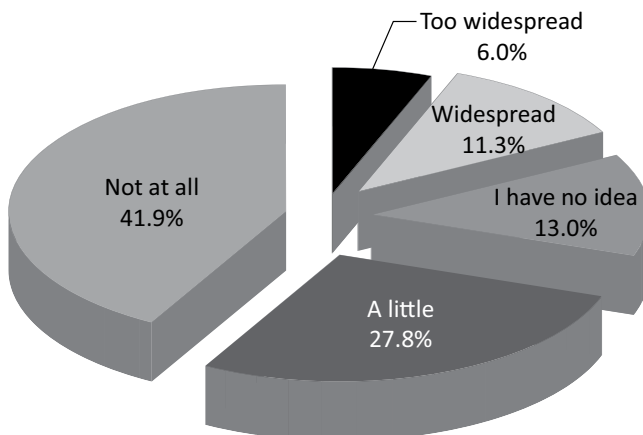
Graph 43. Discriminating against or for Some Citizen Groups for such Reasons as Political View or Being Relative and Friend

For the 41.9% of the employees, there is no "service favouritism" in the title service units. 27.8% of the respondents think that there is a little service favouritism, while 17.3% maintain that service favouritism is widespread in the organisation.
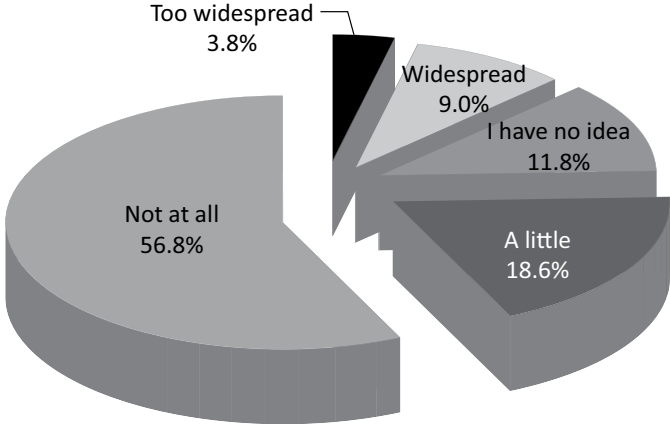
Graph 44. Giving Privilege or Priority to Real Estate Agents or Mediators

12.8% of the employees are of opinion that "giving privilege or priority to real estate agents or mediators" is widespread or too widespread. 18.6% think that it is seldom, while more than half of the employees (56.8%) think that it is never observed in the title service units.

Public officials' deriving benefit in favour of themselves, their relatives or of the third persons by using their duty, title and authority is also contrary to the ethical principles (Regulation on the Principles of Ethical Behaviour, Article 14). "Continuing to work when working hour ends in order to get a private benefit from service users" is a behaviour that can be considered in this context.
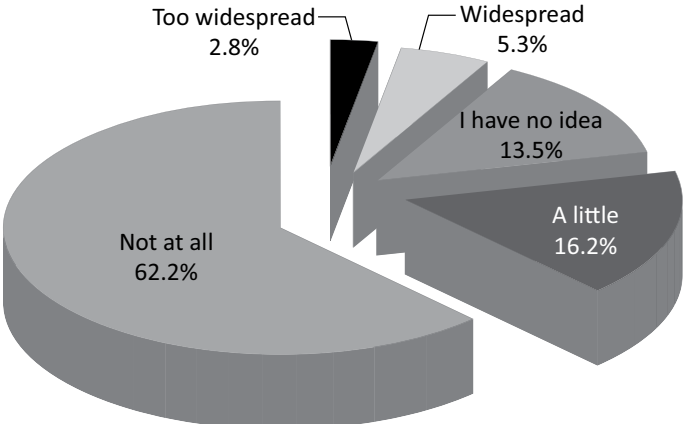
Graph 45. Continuing to Work when Working Hour Ends in order to Get a Private Benefit from Service Users

62.2% of the respondents maintain the view that such behaviours are not seen in title service units. The proportion of those who believe that "continuing to work when working hour ends in order to get a private benefit from service users" is widespread or too widespread is 8.1%.

Public officials, when they are on duty or they leave the duty, cannot use the official or secret information they acquired during performance of their duty or as a result of these duties in order to derive economical, political or social benefits for themselves, for their relatives or for third persons directly or indirectly, cannot explain this information to any institution and organisation except from the competent authorities (Regulation on the Principles of Ethical Behaviour, Article 14). Hence, it is required for the employees of the title service units to maintain the information about the titles and not to give that information to third parties.

Hence, the question, to what extent "providing title information to non-related people" is valid in the title service units, is addressed to the employees.
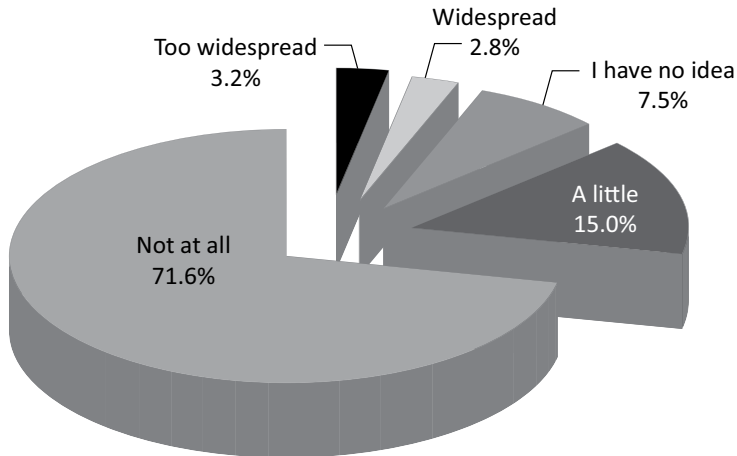
Graph 46. Providing Title Information to Non-Related People

A great majority of the employees (71.6%) assert that title information is not given to unrelated people. 15% think that it is seldom while 6% declare that it is widespread or too widespread.

In Turkish public administration, it is very common for retired employees to act as "mediators" under the name of contractor, commissioner, representative, expert, or petitioner. Former officials using the networks and status they acquired during their former duties provide privileges for third parties.

However, this behaviour violates the ethical principles. Public officials cannot make former public officials benefited from public services in a privileged way and cannot treat them in a privileged manner (Regulation on the Principles of Ethical Behaviour, Article 21).
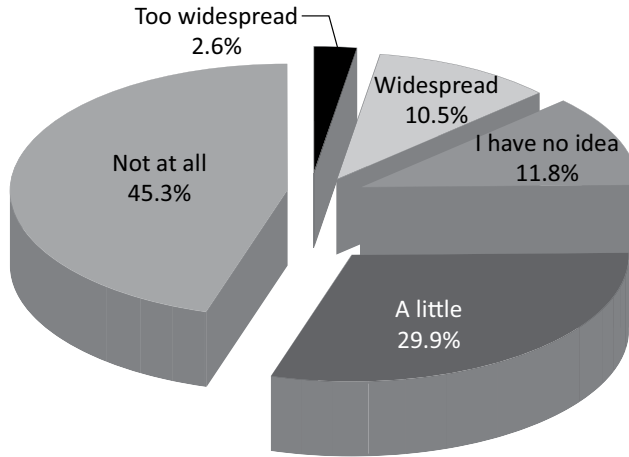
Graph 47. Making Former Public Officials Benefited from Public Services in a Privileged Way

45.3% of the employees do not believe that the people who have retired or left their public duties be benefited from public services in a privileged way and treated them in a privileged manner. The sum of the employees who think that former employees are treated in a privileged manner is 43%.

Another form of the corruption is peculation. Peculation means public officials' use of public sources for personal interests. Peculation is generally thought to be the use of public money for personal purposes, but it is not considered that the use of public goods and sources for personal intends is also contrary to the ethical principles. Yet, public officials' using the public buildings, vehicles and other public domains and sources except for the public objectives and service requirements is not consistent with ethical behaviours (Regulation on the Principles of Ethical Behaviour, Article 16). In this respect, the question, to what extent "using public commodities such as photocopiers and printers for private purposes" is observed in the title service units, is addressed to the employees.
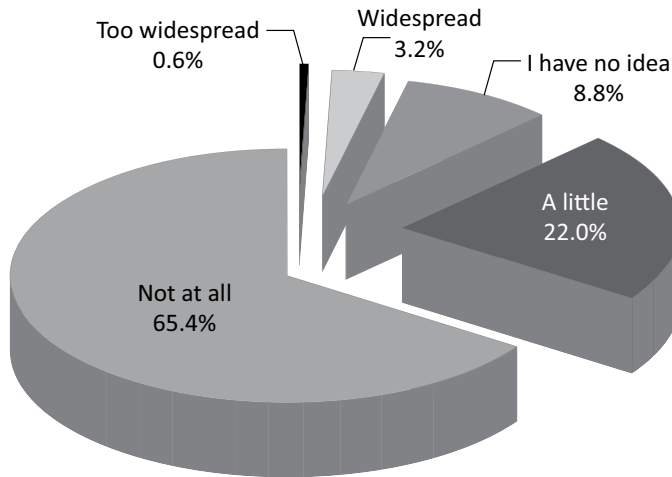
Graph 48. Using Public Commodities such as Photocopying Machines and Printers for Private Purposes

About two third of the employees claim that such a situation is never seen, while 22% believe it is seldom and for 3.8% of the respondents it is to some extent widespread.

On the other hand, even though they are not used for private purposes, public officials should avoid wastefulness and extravagance in using the public buildings, vehicles and other public domains and sources, behave in an effective and economical manner while using the office hours, public domain, sources, labour force and opportunities (Regulation on the Principles of Ethical Behaviour, Article 17).
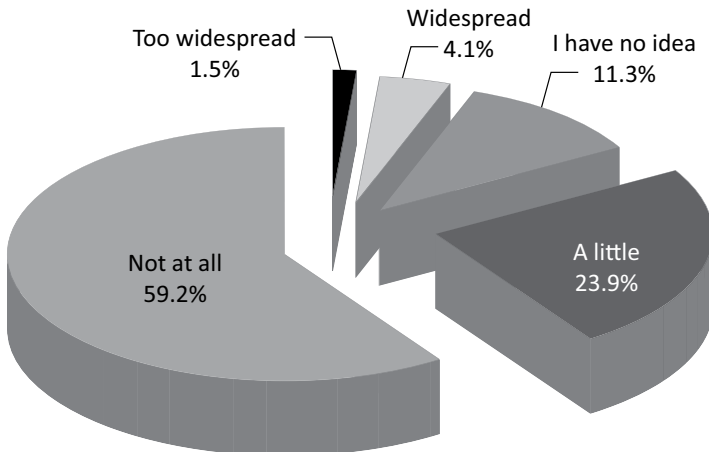
Graph 49. Extravagance in Workplace

More than half of the employees believe that they do not waste and extravagate in using the public buildings, vehicles and other public domains and sources. For 23.9% of the respondents, extravagance is rarely seen, and for 5.6%, it is widespread to some extent.

Citizens' one of the chief complaints about public institutions and organisations is that officials do not treat them decently and respectfully. However, public services are financed by the taxes collected from citizens. Public officials' treating seniors, subordinates, colleagues, other personnel and those benefiting from the service decently and respectfully and giving them necessary attention is a must of the ethical principles (Regulation on the Principles of Ethical Behaviour, Article 11).

About three fourth of the title service employees maintain that those benefiting from the service are not treated badly. The ratio of those who think on the contrary is quite low.
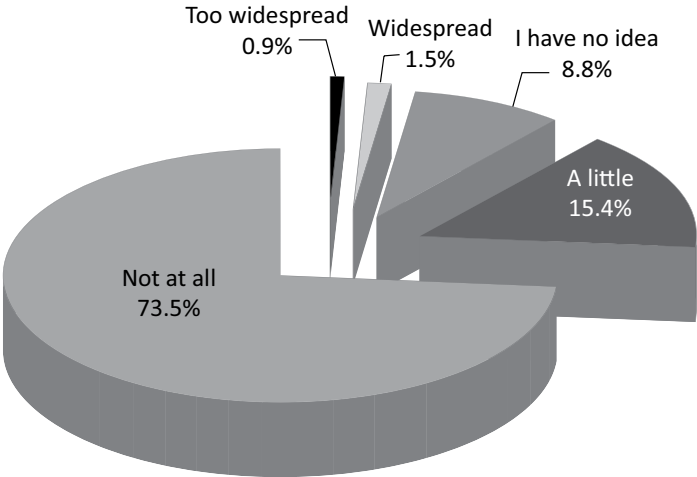
Graph 50. Misbehaviour against Service Users

As it is mentioned above, attitudes of the employees towards informing the top authorities about the non-ethical behaviours have been evaluated and 54.4% of the respondents in varying degrees have stated that they communicate non-ethical behaviours to the top authorities. Now, the prevalence of "hiding faults of superiors or colleagues and not informing the superiors" is asked to the employees.
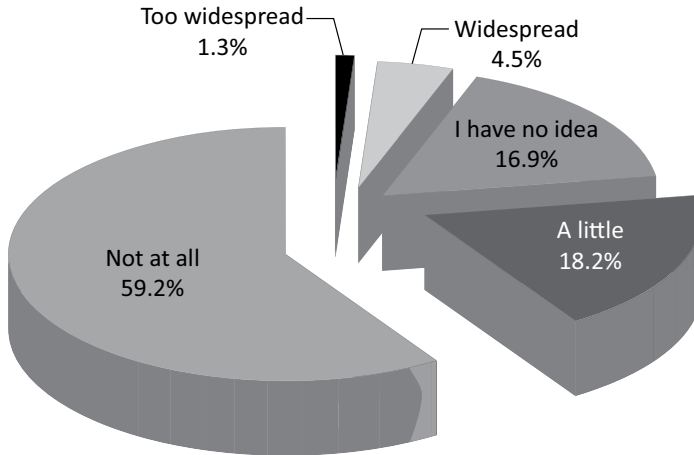
Graph 51. Hiding the Faults of Superiors or Colleagues

Here, a similar result is found out. 59.2% of the respondents believe that the faults and non-ethical behaviours of officials are not covered up. Those who think that such behaviours are widespread constitute 5.8% of the employees.

Prevalence of Non-Ethical Behaviours: Perspective of Citizens

The citizen survey also intends to explore how citizens consider the prevalence of non-ethical behaviours in title service units. Unlike the survey of employees, in the survey applied to the employees, non-ethical behaviours are not listed but three questions are addressed to the citizens in order to find out the prevalence of, ways of and volume of getting unlawful favours or gains.

It is worthwhile to mention an important point before dealing with the questions and findings. Even though it is stated to the respondent that the information about the identities of respondents as well as their private life is not asked in the survey and the private data of respondents participated in this survey will not be shared with any other person or organisation, citizens might be reluctant to express their real opinions about the questions due to three reasons.

Firstly, giving a bribe or a gift to a public official in order to get a favour is a crime for the Criminal Code. Both the one who gives and the one who accepts a bribe are guilty. Secondly, bribery is committed secretly between the parts, and the rule of secrecy is observed as strictly as possible. The ones who involve in the corruption do not easily declare such events. Thirdly, some citizens maintain such a conviction that if they give negative responses in the survey, this may hinder their later processes. These are frankly expressed by some citizens during the interviews.

To find out the prevalence of bribe, gift and baksheesh in the title service units from the perspective of the citizens, following question addressed to the citizens: "Have you ever

given a bribe or unlawful payment to a public official in order to get your actions done or to accelerate your procedures?"
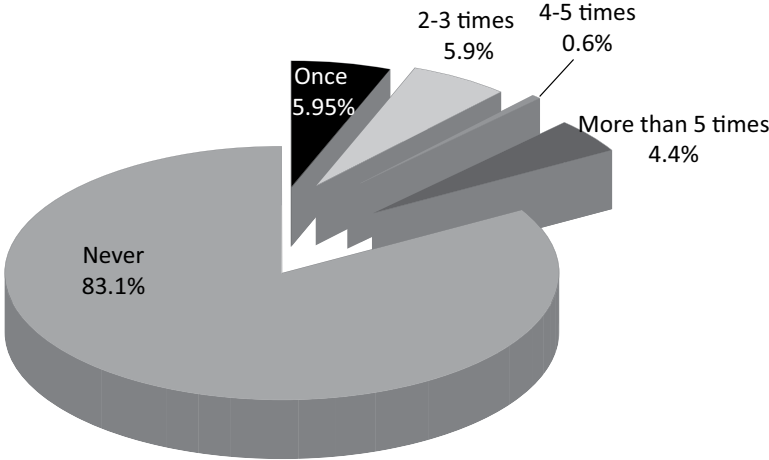
Graph 52. Prevalence of Bribery and Unlawful Payment

A great majority of the citizens (83.1%) stated that they have never given an unlawful payment to a public official so far. The proportion of those who assert that they have given one or more unlawful payments is 16.9%.

Table 2. Frequency of Unlawful Payment According to the Reasons of Being in Title Service Units

			Never	Once	2-3 times	4-5 times	More than 5 times	TOTAL
			The frequency of giving unlawful payment					
The reason for being in the title services	For my own business	Frequency	183	13	10	1	4	211
		%	86,7	6,2	4,7	0,5	1,9	100,0
	For the business of others	Frequency	98	7	10	1	11	127
		%	77,2	5,5	7,9	0,8	8,7	100,0
	TOTAL	Frequency	281	20	20	2	15	338
		%	83,1	5,9	5,9	0,6	4,4	100,0

The reason for being in the title services and the frequency of giving unlawful payment are given in the cross table. As it is seen, 22.8% of those who have come to the service on the name of another person have given one or more unlawful payment to the employees. This is declined to 13.3% for those who have been present for their own business. Again, 8.7% of those who have come to the service on the name of another person have given more than five unlawful payments while this ratio is 1.9% for the ones who are there for their own actions.

In terms of the occupations of the citizens, proportionally, 8.9% of public officials, 16.7% of the workers, 17.8% of self-employed people, 15.7% of others, 10% of mediators, and 30.2% of real estate agents; and with respect to the gender, 18.2% of males and 11.1% females have given one or more unlawful payments.

It is asked the citizens who stated that they have given unlawful payments in which way such a payment is realized.
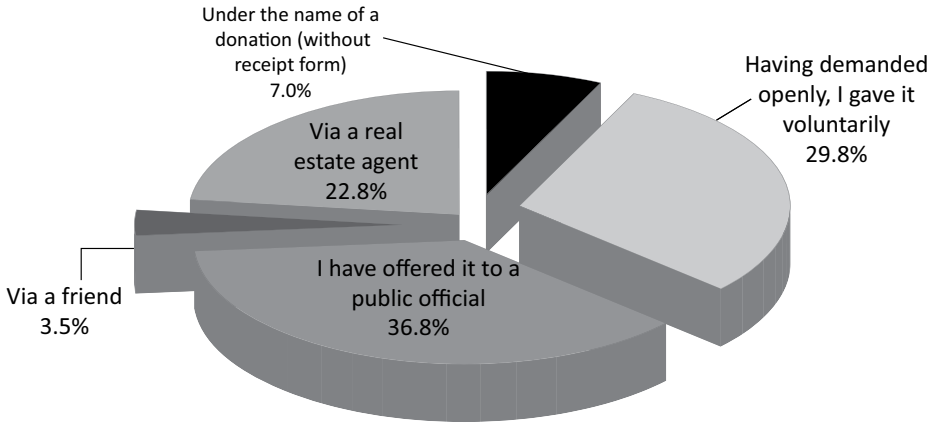
Graph 53. Methods of Giving Unlawful Payment

36.8% of those who have given an unlawful payment have offered it to a public official for accelerating their procedures, and 29.8% have stated that it has been demanded openly, and they have given it voluntarily. The ratio of those who have given an unlawful payment via real estate agents is 22.8%.

Lastly, the question about the amount of the unlawful payment is directed to the citizens.
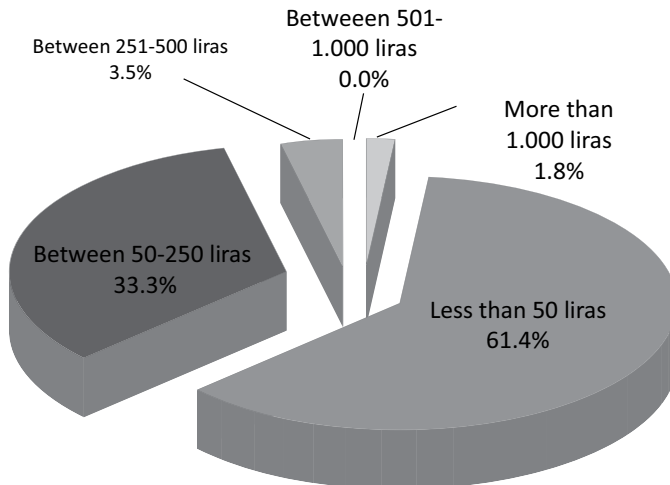
Graph 54. Amount of the Unlawful Payment

According to the findings, the amount of the unlawful payment is generally (61.4%) lower than 50 TL. The ratio of those who state that they have given a payment between 50-250 TL is 33.3%. And the ratio of those who assert that they give an amount over 250 TL is quite low.

During the interviews with the citizens, it is stated that generally an amount between 20-100 TL is given for each action. As it is known, in cases where the amount of gain is not too much, and where unlawful payments are widespread, the amount of the payment gets nearly stabilized; likely, the mechanisms of the payment develops. For these kinds of payments, citizens do not express strong reaction, and tend to consider acceptable. The finding that 36.8% of those who have given an unlawful payment state that they have given it voluntarily in order to make their actions to be done faster and better supports this attitude.

ATTITUDES AGAINST NON-ETHICAL BEHAVIOURS IN TITLE / LAND REGISTRY SERVICES

In this part, the attitudes of citizens and TKGM towards non-ethical behaviours in the title services are to be evaluated.

Attitude of Citizens towards Non-Ethical Behaviours

To measure the attitudes of citizens towards non-ethical behaviours, following question is addressed to them: "If you encounter a non-ethical behaviour or a non-ethical proposal in a title service unit, what would be your reaction?"
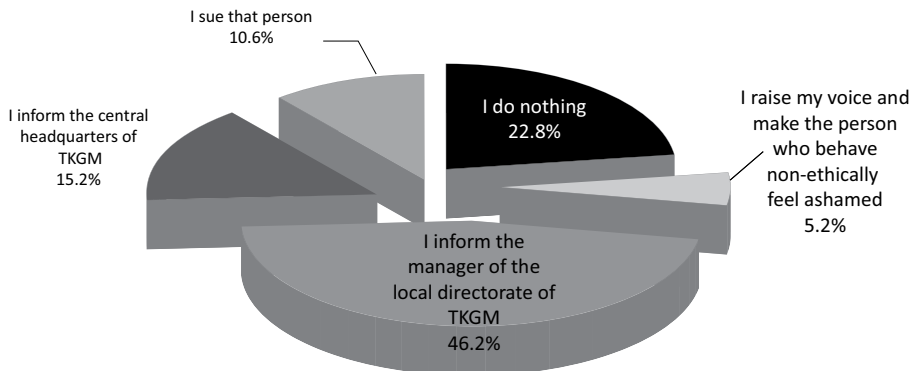
Graph 55. Reactions against Demands of Unlawful Favour or in the Case of Encountering a Non-Ethical Behaviour

According to the findings, about half of the citizens (46.2%) are inclined to forward their complaints to the manager of the local title service unit. About one third of the citizens (33.8%) state that they do nothing. 15.2% prefer to inform the central headquarter of TKGM. And the ratio of those who prefer to raise their voice and make the person who behaves non-ethically feel ashamed is 5.2%.

Next, the following question is addressed to the citizens: "In your opinion, how effective would be to inform the managers of the institution about non-ethical behaviours you have encountered?"
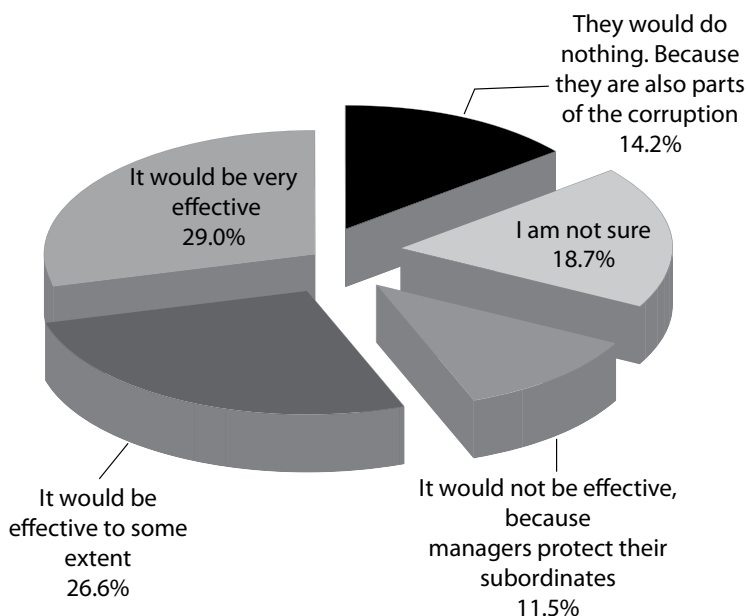
Graph 56. Effectiveness of Complaints

29% of the respondents believe that it would be effective because managers fear of reactions. The ratio of those who think that complaints would be effective to some extent is 26.6%. While 14.2% of the citizens state that the complaints would not be effective because employees cannot do anything without the information of managers, 11.5% of the citizens maintain that it would be ineffective because managers protect their subordinates.

Attitude of TKGM towards Non-Ethical Behaviours

According to top managers of TKGM, one of the most effective means of preventing corruption and other non-ethical problems in title services is audit mechanisms. One out of three inspectors of TKGM spends their times for investigations and the rest for inspections. The organisation aims to increase guidance roles of inspectors in the light of new auditing approach in public administration. However, there are major difficulties in this matter in that training and skills of the existing inspectors are not sufficient to take such a new role. Furthermore, some inspectors, particularly older ones, fail to renew themselves in the direction of the new public management principles. The organisation plans to train its inspectors about new developments in auditing and aims at monitoring these developments more closely. TKGM Board of Inspection strives to make the procedures and activities of TKGM appropriate with legal and ethical principles through such ways as hidden inspections. Hidden inspections by inspectors as well as managers through observing relations between employees and citizens (for instance, presenting themselves as ordinary citizens) have contributed positively on the fight against corruption in the organisation, claimed by interviewees. Recent media coverage about ethical problems in TKGM also confirms this observation.

TKGM Board of Inspectors receives about 600 complaints each year. In addition, about 300 petitions of complaint are sent to governorates, sub-governorates, public prosecutors and regional offices of TKGM, mostly about initiatives of public officials of getting extra profit from their official duties. The Board of Inspectors declares that it examines all the complaint it received and, if seen necessary at the end of the examination process, it opens an investigation about the related public officials. We have seen upon our examination of the registrations of the board of inspectors, inspectors were ordered to perform examinations or investigations 285 times in 2006 and 263 times in 2007. In 2007, inspectors proposed 321 disciplinary punishments and declined to apply any punishment for 242 public officials. Head of the Board of Inspectors argue that the existing legal framework is sufficient to dissuade non-ethical behaviours in TKGM, and alleges that 3 public officials were dismissed out of the organisation by inspectors in 2003 and one official dismissed out per years 2004, 2005 and 2007 because of their non-ethical behaviours.

However, there is an impression that citizens and public officials tend not to communicate to TKGM about corruption and other non-ethical behaviours they come across. In addition, there are some suspects about effectiveness of organisational inspections in public opinion. For example, a significant number of interviewed real estate agents argue that title service units have not been thoroughly inspected over years or inspections are conducted superficially. One reason for this, real estate agents argued that it declared themselves by some title managers, is inadequacy of some inspectors, especially the personnel assigned because of privatizations. Therefore, it is important to make inspection and auditing mechanisms more effective through such ways as utilising information technology more effectively. In order to achieve this, improving the supplies of auditing commission is an important point. Another issue raised by interviewed real estate agents is that, bribery cases they encountered are happening outside of the workplaces. As a result of the recent events such as introduction of TAKBIS system, security cameras, unexpected visits of police officials to title service units and heavy media interest in corruption cases in TKGM, the parties of non-ethical behaviours meet outside of the organisation, therefore it has become more difficult to catch them. One proposed solution by interviewed real estate agents is to constantly monitor the bank accounts and possessions of the title service employees and their managers.

On the other hand, Top managers of TKGM state that bank accounts and possessions of TKGM personnel are already monitored on a regular basis and this practice seems to be effective in preventing corruption cases to some extent.

In TKGM, there is a special call line which complaints about non-ethical behaviours can be communicated to the regional offices and the central headquarters of TKGM. Posters about this line can be found attached to the walls of each title service unit. The related units receive the complaints via this line and communicate to the inspection and auditing units. This line, argued by top managers, functions well in dissuading non-ethical behaviours of title service employees and their managers. Although all complaints received via this line have been analysed carefully, top managers claim, there is a feeling that managers and employees in TKGM act in solidarity in order to cover up cases of corruption and other

non-ethical behaviours and not to communicate the case of bribery and gifts they came across to their superiors.

On the issue of power and potential of title service unit managers to prevent non-ethical behaviours in their workplaces, two divergent views are expressed. First view argues that these managers, if they are willing to do it, can prevent all non-ethical behaviours. A significant number of interviewed managers, real estate agents, citizens and employees strongly were in favour of this view. Second view, on the contrary, claims that for non-ethical behaviours are not occurring inside the workplaces anymore, they become planned and implemented outside of workplaces in a more hidden way, in parallel with the measures taken by TKGM, it become much harder for managers to prevent non-ethical behaviours.

REASONS FOR NON-ETHICAL BEHAVIOURS

In the interviews and surveys, some questions are addressed to employees, citizens and top managers of TKGM about the reasons for non-ethical behaviours. It has to be noted that the replies concerning the reasons for non-ethical behaviours might be very crucial in terms of producing solutions for these problems.

Reasons for Non-Ethical Behaviours: Views of Employees

In the survey, employees are asked for ranking each of the 15 variables consisting of statements about the reasons for non-ethical behaviours as "very effective", "effective", "I have no idea", "not much effective", or "not at all".

When the responses of "effective" and "very effective" are considered together, the factors that more than 50% of the employees observe among the non-ethical behaviours would be listed as follow:

- Insufficiency of social and financial rights of title service employees, relative to other organisations (83.1%),
- Overload in title service workplaces (81%),
- Low level of salaries, low level of overtime payments and working overtime frequently because of heavy workload (78%),
- Citizens yearning for their work to be done as soon as possible without waiting their turn (76.1%),
- Employees have to sign document which require too much responsibility (73.1%).
- Negative image of the organisation in public opinion making people behave in the same direction (68.8%)
- Insufficient internal communication in the organisation (62.7%)
- Inappropriateness of work environment (59.4%)
- Prevalence of such cultural habits of "baksheesh" and gifts" in society (55.8%)
- Existence of real estate agents and mediators (54.7%)

On the other hand, following factors are, for less than 50% of the employees, have an influence on non-ethical behaviours:

- Citizens' encouragement of non-ethical behaviours in order to get their unlawful demands done (45.5%),
- Ignorance among employees about professional rules and ethical principles (45.1%),
- Title service procedures' taking up too long time (44.9%),
- Insufficiency of legal framework to prevent non-ethical behaviours (38.7%).

After this broad comparison, the findings of the survey will be evaluated in detail in the light of the observations and the information acquired through interviews.

72.4% of the employees assert that citizens do not possess sufficient information about title service procedures and it leads to non-ethical behaviours..
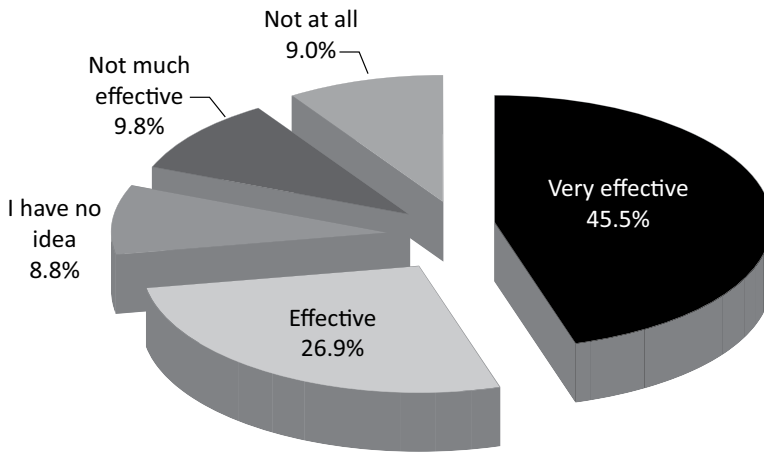
Graph 57. Citizens do not Possess Sufficient Information about Title Service Procedures

During the implementation of surveys, it is really observed that a great majority of service users lack of sufficient information about the title service procedures and so request for such demands that are not in congruence with the rules. For instance, in order to initiate a title service action between seller and buyer both are required to submit originals of their certificate of identity. However, the citizens who do not have the certificate of identity at that time can request for carrying on the process.

Among the reasons for non-ethical behaviours, 78% of the employees consider the low level of salaries, 83.1% see the insufficiency of social and financial rights of title service employees, relative to other organisations.

In the interviews, employees have stated that they are depressed due to overloaded work, that citizens push for their work done as soon as possible without having a tendency to wait in queue, that their works cannot be completed within the regular working hours, that though the employees of other public organisations leave their work place on time, they have to work till late hours, and that their salaries are not adequate. The majority of the employees feel that this is inequity and so see the favours provided themselves in turn of carrying out title service actions as legitimate.
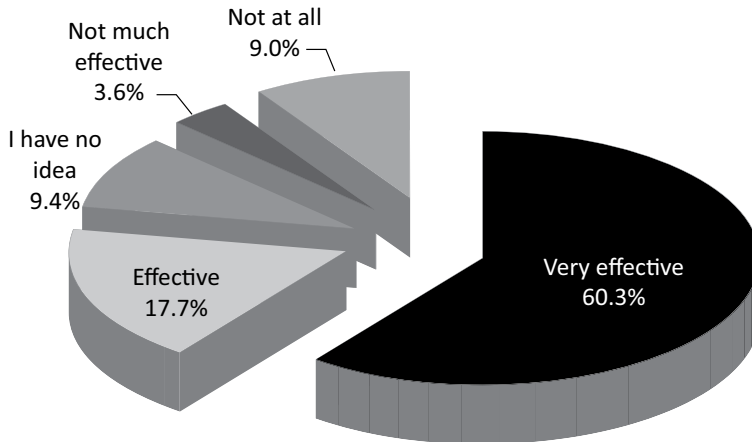
Graph 58. Low Level of Salaries Paid for Employees
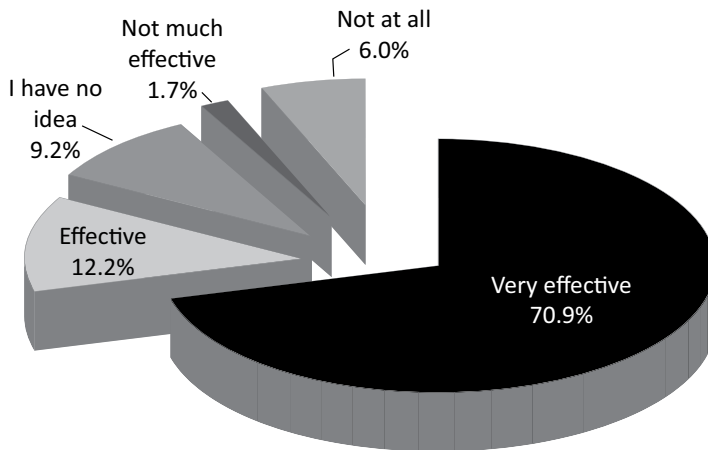
Graph 59. Insufficiency of Social and Financial Rights of Title Service Employees, Relative to Other Public Organisations

A great majority of the employees believe that in case they are paid a sufficient and just salary non-ethical behaviours would be removed from title service units.

62.7% of the employees assert that insufficient internal communication in the organisation leads to non-ethical behaviours.
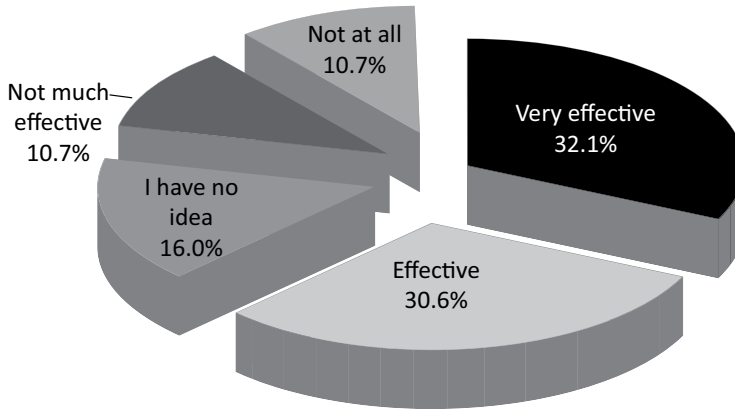
Graph 60. Insufficient Internal Communication in the Organisation

Especially the communication problems observed in the centre-local relations tend to result in the non-ethical behaviours. Due to the fact that consumable materials are not provided by the TKGM in sufficient amounts and at the proper time, their provision by mediators or real-estate agents might be given as an instance for this case.

For 54.7% of the employees, the existence of real estate agents and mediators is causing non-ethical behaviours. It is remarkable that 29.9% of the employees do not think so.
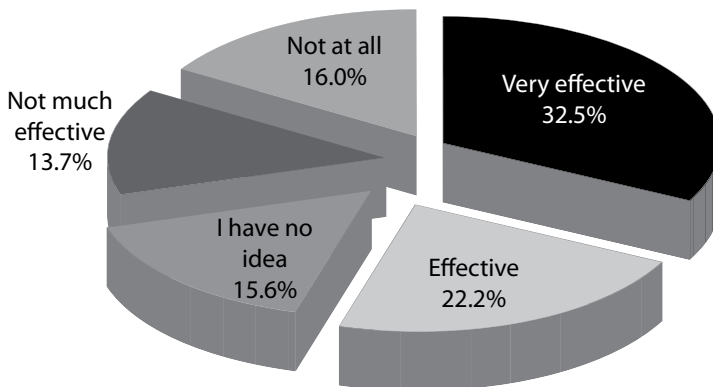
Graph 61. Existence of Real Estate Agents and Mediators

For the 45.5% of the employees, citizens encourage non-ethical behaviours in order to get their unlawful demands done. On the other hand, 35.5% of the employees do not think so, while 19% have no idea or undecided.
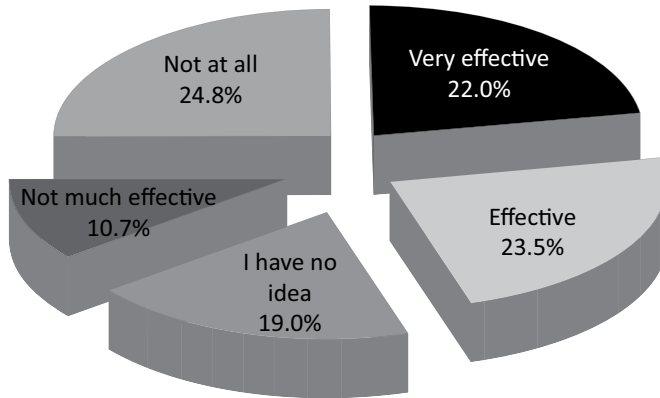
Graph 62. Citizens' Encouragement of Non-Ethical Behaviours in order to Get Their Unlawful Demands Done

The ratios of those who think that legal framework is insufficient to prevent non-ethical behaviours and those who do not are close to each other, respectively 38.7% and 36.1%. However, it is interesting that one fourth of the employees are undecided on this issue.
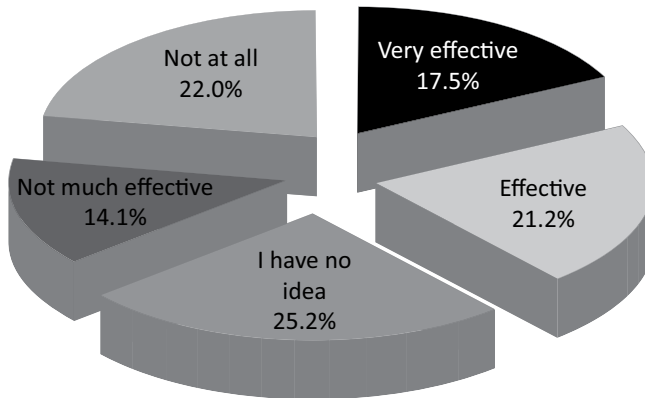
Graph 63. Insufficiency of Legal Framework to Prevent Non-Ethical Behaviours

More than half of the employees establish a positive relationship between the inappropriateness of work place and non-ethical behaviours.

On the other hand, in addition to the negative physical conditions of the work places, it is observed that the service users' getting in touch with the employees directly plays an important role in the formation of non-ethical behaviours. In practice, an action is addressed by the manager or by an official who is authorized by the manager directly to an employee, service user takes the documents directly to the employee, and then both work together on the workbench until the signature stage. In the system of workbench, that all personnel, service users and mediators confront with one another in the same environment makes the auditing difficult, and this in turn paves the way for non-ethical behaviours.
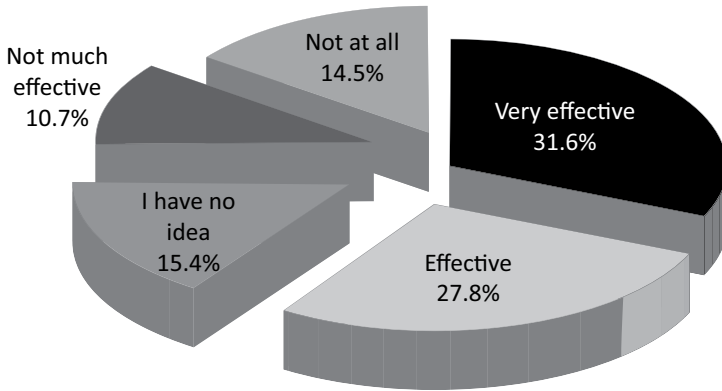
Graph 64. Inappropriateness of Work Environment

76% of the employees see citizens' yearning for their work done as soon as possible and having no tendency to wait in queue as a reason for non-ethical behaviours.
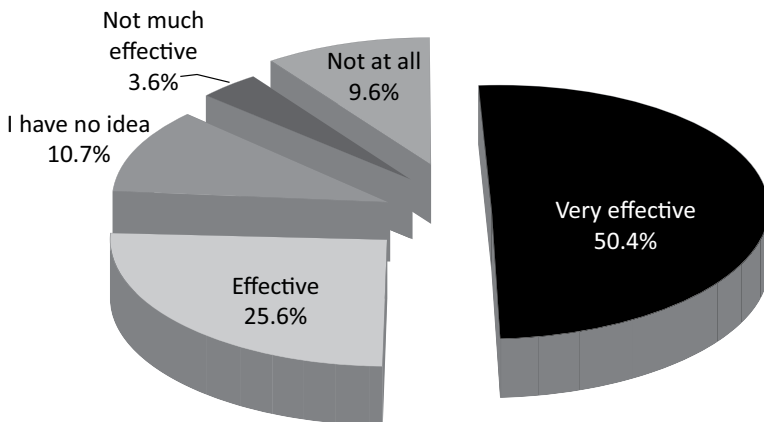
Graph 65. Citizens' Yearning for Their Work done as soon as Possible and having no Tendency to Wait in Queue

During the implementation of the surveys, it is really observed that the citizens who come to the title service units for an action want their procedures be carried out immediately. Researchers witnessed too many discussions between employees and the citizens who think that their own actions are delayed.

73.1% of the employees consider that signing documents which require too much legal responsibility lead to non-ethical behaviours. Majority of the personnel whom interviews were done have stated that the title service employees are signing under the documents having value of great amounts, that due to these processes not only themselves but also their heirs are held responsible, that they might make mistakes in such a hard environment, that they are not paid compensation of fiscal responsibility, and that in such a circumstance they are psychologically deteriorated. As in the case of the insufficient

salary, a great number of the employees believe that they are ignored, hence consider the favours provided them by service users as an insurance for the fiscal responsibilities with which they might possibly confront in the years ahead.
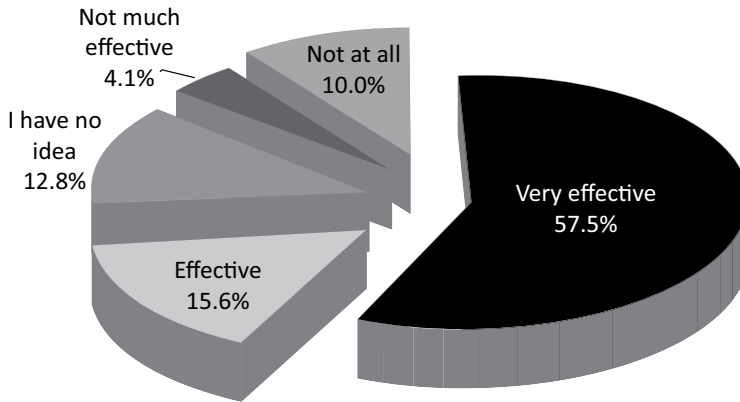
Graph 66. Employees' Signing Documents which Require Too Much Legal and Fiscal Responsibility

81% of the employees see overload in title service workplaces as a reason for non-ethical behaviours.
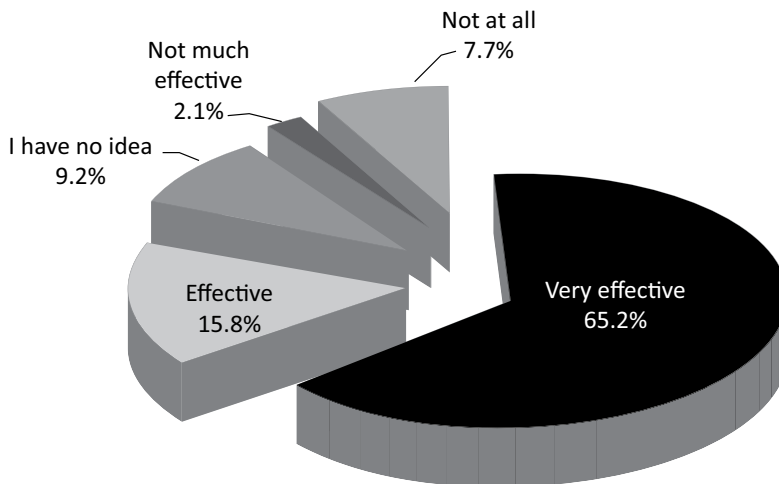
Graph 67. Overload in Title Service Workplaces

At the time of the implementation of the surveys, it was mentioned that the global economic crisis also influenced the real estate sector, and in this regard, the number of actions carried out in the title service units were also drastically decreased. However, it was observed that there was overloaded work in some of the title service units. Since there has not been a healthy personnel planning, it was noticed that there was an excess of personnel in some units whereas there were deficiency of personnel in several units.

As it is known, corruption in economic terms appears in cases the service supplied by the public organisations does not meet the demands for it. In the units where too many applications are done, the ones who wish to benefit from the fast services incline to non-ethical behaviours since the demands cannot be met through current capacity.

Employees however regard title service procedures' taking too long time as an unimportant factor (44.9%) in the growth of non-ethical behaviours. In the interviews, it is stated that title service processes do not take long time in Turkey, a process which is carried out in 2-3 days here, in European countries can be completed in 20-25 days.

Not at all
19.9%

Very effective
20.5%

Not much
effective
17.3%

Effective
24.4%

I have no
idea
17.9%
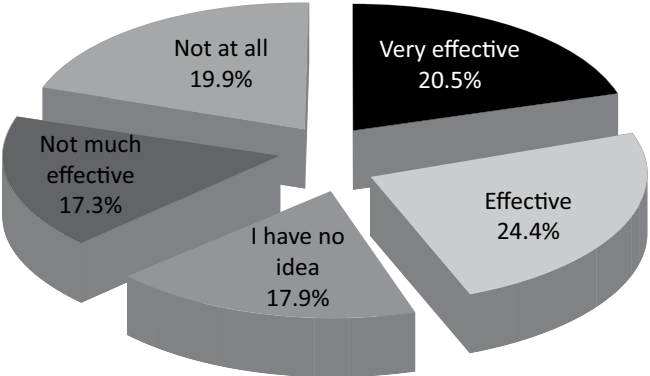
Graph 68. Title Service Procedures' Taking too Long Time

Another reason which is thought to be playing only a slight effect on the emergence of the non-ethical behaviours is "ignorance among employees about professional rules and ethical principles". 45.1% of the employees consider ignorance of professional rules and ethical principles a reason for non-ethical behaviours. It is worthwhile to mention that here the undecided ones constitute the 20.1% of the respondents.

Not at all
17.7%

Very effective
21.4%

Not much
effective
17.1%

Effective
23.7%

I have no
idea
20.1%
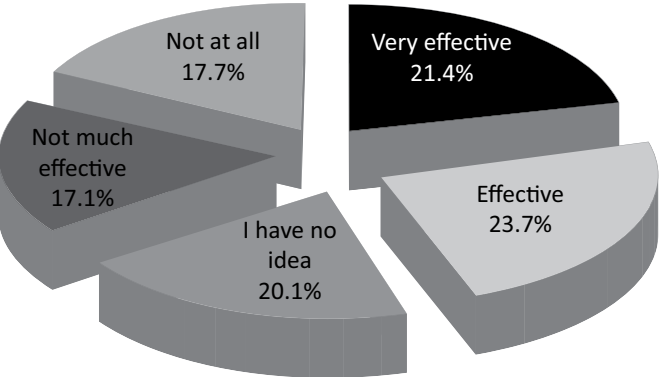
Graph 69. Ignorance among Employees about Professional Rules and Ethical Principles

According to more than half of the respondents, prevalence of such cultural habits like "baksheesh" and gifts" in society is a reason for non-ethical behaviours.
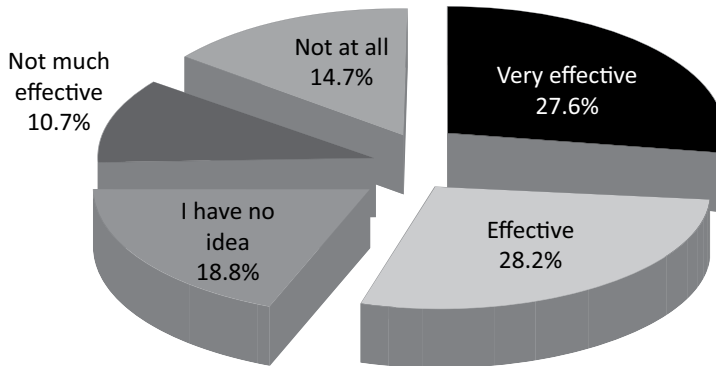
Graph 70. Prevalence of such Cultural Habits like "baksheesh" and gifts" in Society

Some of the managers and employees interviewed have stated that there has not a problem in getting presents by service users and mediators, because giving and taking presents is a nice attribute, for instance when a box of desert presented by a service user is shared among all service users and employees, citizens too become pleased with such an environment.

More than two third of the employees believe that negative image of the organisation in public opinion lead people behave in the same direction.
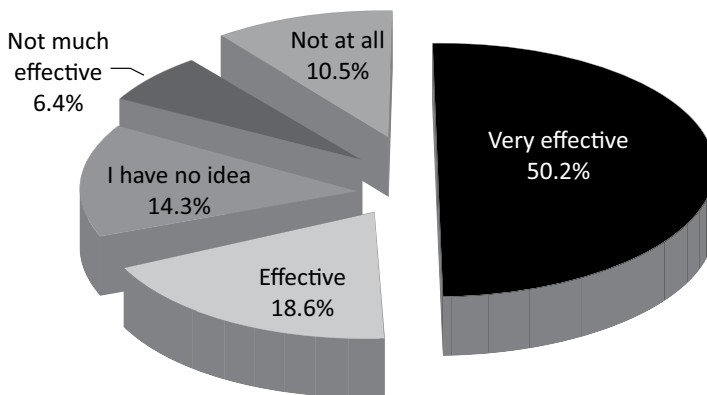
Graph 71. Negative Image of the Organisation in Public Opinion to Behave People in the Same Direction

Indeed, what constitutes the citizens' opinions about the organisation and determines their behaviours towards the organisation is how they perceive the organisation. A citizen who perceives TKGM as a corrupt organisation, when he or she is to carry out an action in a title service unit attempts to give bribe to accelerate the actions even though employee does reject it. That citizen's behaviour entirely stems from the negative reflection of the organisational culture of the title service to the external world.

Reasons for Non-Ethical Behaviours: Views of Citizens

In the survey, the question why non-ethical behaviours occur in the title service units is addressed to the citizens too.

Because it is impossible to get a job done without giving a bribe or provide a favour in this organisation 9.9%

In order to make an unlawful job done 7.7%

In order to get their job done faster 82.4%
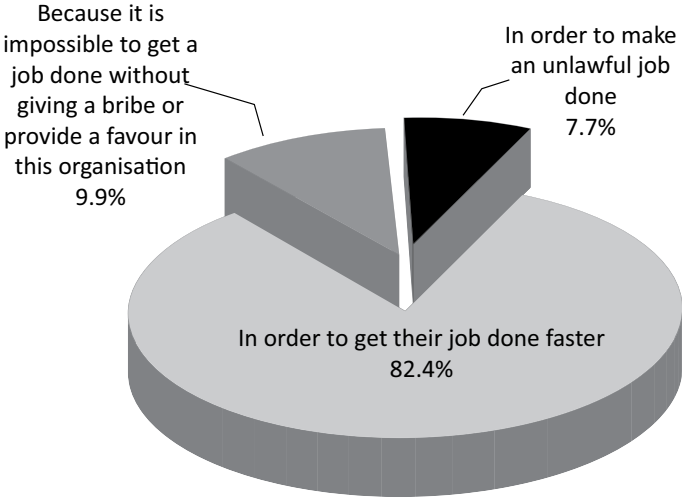
Graph 72. Reasons for Unlawful Payments in Title / Land Registry Services: Citizens' Views

A great majority of the citizens (82.4%) believe that the reason for unlawful payments in title services is that citizens demand for completing their actions in a short time. As it is seen in the graph, the proportion of those who think it is not possible to carry out an action in title service units without an unlawful payment, or of those who think unlawful payment is required for making an unlawful job done are quite low.

Reasons for Non-Ethical Behaviours: Views of Top Managers

Top managers of TKGM stress that major reasons of non-ethical behaviours in the organisation are threefold: real estate is seen as a means of rent, real estate agents and mediators have problematic and undisciplined behaviours and insufficiencies in organisational structure and legal framework.

Real Estate as a Means of Rent

In evaluating sources of non-ethical behaviours, top level managers of TKGM stress that real estate is a perfect investment vehicle in Turkey. They argue that movements in real estate market cause to increase in workload and queues in title service units. A serious workload happens particularly where rent is relatively high in real estate. In this case, in order not to wait in queues and make their works done as soon as possible, citizens use mediators and try to accelerate their own works through providing profits to employees. The roles of mediators and real estate agents in this process are generally negative.

Although real estate is seen a means of rent and investment in Turkey, costs of title operations are relatively low in comparison with other countries. This fact increases real

estate mobility, in that even in periods which serious economic crises occur; changing ownership in real estate hardly slows down. The increase in workload in title service units, in turn, makes to provide quality services more difficult.

Problematical and Undisciplined Stakeholders: Real Estate Agents and Mediators

A major issue raised in interviews in central headquarters of TKGM as well as in title service units is the undisciplined structure of real estate sector. Both top and middle level managers argue that a healthy infrastructure could not be established for real estate agencies. In a sector which about 20 million title operations happen annually, mediation services are put into action by a group of real estate agents whose majority are working without any vocational education, ethical perception or professional discipline and some of them working without registering to a chamber of commerce. They are also not a homogenous group; from retirees of both public employees to private sector workers, from the ones who work in the profession for years to newcomers, persons with almost all ages and with various educational qualifications work in the sector. Their relations with title service employees and managers also vary to a great extent. There is a group of real estate agents who are retirees of managers and employees of title service units. A representative of an Ankara-centred real estate association considers the heterogeneous character of real estate agents as a negative factor in organisational communication and relations between TKGM and Associations of Real Estate Agencies.

Top level managers of TKGM also assert that real estate agents comprise a pressure group with strong political backing and support. They further state that some real estate agents allege corruption in title service units if their demands are not met. Real estate agents and mediators reflect the institutional image of TKGM as negative and title procedures are very difficult to citizens in order to persuade them to become their clients.

In addition, some real estate agents get extra money from their clients by persuading them that they have given bribe to title service employees. For instance, a title service manager told that he saw within a file a piece of paper which lists the costs of title procedures. Interestingly, the list included bribes to employees and the manager. The manager stated, immediately after he/she saw that paper, called the real estate agent to blame him/her. Another manager told another interesting story. An old man came to the manager telling that "O my son, last time I invited to the diner. But today I have not enough Money, please do my business as quick as last time". The manager was surprised and investigated the case. He found that a real estate agent got extra money from the old man by convincing him that he will invite manager of the service unit and other employees.

Top managers of TKGM argue that, by cooperating with some employees, real estate agents tend to use title service units just like it is their own home, even some of them provide extra salaries for some employees. In addition, they tend to recommend their clients to show the value of their properties lower than its real value in order to avoid title taxation costs, but when the real value of the property is learned by title service unit, the citizens face major difficulties against law.

As can be seen, the relations between title service personnel and real estate agents are pretty problematical. Acknowledging that there is a gap on the issue of real estate agencies their works in, TKGM issued a circular about mediation services in title procedures and the role of real estate agents in activities of, in order to bring the profession of real estate mediation under registry and discipline and prevent unlawful and non-ethical behaviours of some real estate agents. Although real estate agencies which work under registration and their associations strongly support this practice, some real estate agents are not willing to obey the requirements of this circular in order to avoid title taxes. For this reason, the problems are still standing unsolved. Top managers of TKGM pronounce that a change in legal framework is necessary to fundamentally solve this problem. A law should regulate the profession and make real estate agents responsible for their acts in title service units on the name of their clients. A draft law regulating these issues has been prepared by involvement of TKGM and is waiting to be enacted in Turkish Parliament (Turkish Grand National Assembly). To bring the profession of real estate mediation under registry and under discipline and to eliminate the unskilled mediators, it is important that this draft to pass into law immediately.

Insufficiencies in Organisational Structure and Legal Framework

Top managers of TKGM further argue that as property is basic human right and therefore autonomy must be a guiding principle of title and title / land registry affairs. Title Law, Law Number 2644 article 28, states that "title procedures cannot be stopped by administrative orders". According to the Civil Code (article 1016) and Titles Decree (article 23), title service unit managers are authorised to decline demands of any kind of title affairs, if they see inappropriate. They may also reject documents of other government organisations. These regulations, that top level managers claim, require an autonomous organisational structure.

Furthermore, existing organisational structure of TKGM is also not sufficient for efficiency reasons. As a requirement of Law 5442, Law on Management of Provinces, there must be at least one title service unit in sub-provinces. For this reason, total number of title service units around the country has reached to 1018. However, because of inadequacy of qualified personnel, managers and title service employees cannot be appointed for some units, particular the ones with relatively low level of workload. At the moment, 35% of title service units are without a manager and 1.3% of units are without any personnel at all. Temporary personnel work in these units, but they face a number of difficulties both in personnel rights matters and in terms of effectiveness of work. For instance, as they temporarily work over there, they do not take themselves as the owners of the works.

Therefore, TKGM's proposal for closing down 280 units with less than 1000 annual operations or at least 92 units with less than 500 annual operations should be seriously considered. However, for political reasons, a resistance against initiatives in this line has been observed in various quarters. As the traditional guard-employee model was seen inadequate because of the fact that there was no middle level layers, the current model was introduced in the Republican Period. Yet, the current structure resemble to the old model in practice. For instance, manager of a title service unit is the sole administrator

in workplace; he/she divides the works among employees and checks all the completed documents at the end. In majority of visited title service units, vice-managers were seen to work with ordinary employees because of inadequacy of personnel. Managers do not or hardly do devolve authority to lower levels in hierarchy because of heavy responsibilities of the managers. In turn, this fact makes managers crushed under heavy workload and in these circumstances managers cannot do supervision and their other managerial duties well.

Regarding legal framework about title procedures, there are many regulations and it would be hard for an ordinary employee or manager to follow changes in these regulations and to apply in works. For instance, TKGM is among most circular - issuing government organisations, and public officials in TKGM must implement them. Some interviewed managers complain about these circulars, as some circulars are with uncertain content and this causes diversities and problems in implementation process.

A number of interviewees in title service units claim that when they face difficulties in providing such commodities as papers and printer cartridges, from time to time these are provided by mediators, even a circular in past that encourages to meet costs of these commodities through local sources was sent to provinces. To be sure, this kind of practices encourages non-ethical behaviours in title service units.

Although top management of TKGM acknowledges that these bad practices happened in past, recently they provide all commodities needed in all units of TKGM are met with the sources received through revolving capital practice and this problem is over thanks to the above-mentioned new initiatives.

EFFORTS OF TKGM TO PREVENT NON ETHICAL BEHAVIOURS

Among the measures which TKGM has recently taken to prevent non-ethical behaviours, to increase quality in services and to develop an ethics culture in the organisation are utilising information technology, reengineering work in, increasing the effectiveness of inspection and audit functions, efforts at registering real estate agents and some measures about human resource issues.

- Title and Cadastral Information System (TAKBIS) is taking procedures in title and cadastral service units into on-line environment. Central headquarters, regional offices and title service units in provinces are interlinked through this system. A large number of title service units in provinces as well as the departments in central headquarters are using this system, and TKGM is striving to establish this system in rest of the title and cadastral service units. TAKBIS permits daily activities of title service units to be monitored in Ankara. From 2008 on, in places where TAKBIS is established, daily activities of title service units are required to be done on-line. In this way, workload of title officials are tried to be balanced, procedures are accelerated and forgeries and other non-ethical behaviours are aimed to be prevented.

- In order to prevent identity card forgeries in title services, a protocol between TKGM and Population and Citizenship Authority about common use of the latter organisation's databases was signed in 2007.

- In order to prevent non-ethical behaviours of employees and managers, to increase security in waiting rooms, and to confiscate burglars in title service units, security cameras have been positioned around common places in service units since November 2007, beginning with busiest units. Today, security cameras have been placed in 214 centres with considerably higher workload. The cameras show entrances, meeting points of citizens with public officials, waiting rooms and contract desks. Although employees reacted against security cameras at first, by the time they got used to this innovation in workplace and have began to see them as a guarantee against burglary and wrong accusations by citizens and media. From 2007 on, 68 forgeries are determined by the help of security cameras.

- TKGM is preparing to establish a service user information system which will show the status of the work of a service user, title procedures, necessary documents for each procedure and workflow in title service units by the aid of LCD screens to be fixed in waiting rooms. By 2007, 20 service units have got this system fixed, while in 2008 this number is targeted to reach 302. Thanks to this system, citizens are anticipated to get more information about the procedures in title service departments and the status of their own work, and thus will less need to offer non-ethical favours or bribes to accelerate the works.

- In 2003, a call line for advice and support, "Alo Tapu-Kadastro", was set up. Demands and complaints communicated by citizens through this line are investigated or

communicated to the related department and the citizen is informed about the result. The main aims of this practice are, claimed by top management, to increase citizen satisfaction, faster and healthier meeting of the needs and expectations of citizens, getting information about employees or managers with unlawful and non-ethical behaviours and providing transparency. Managers of title service units in provinces have been required to put posters about this line to places where citizens can easily see. These posters include telephones, e-mail addresses and web pages of regional offices of TKGM, Central departments of TKGM and the Ministry of Public Works. As citizens have not fully comprehended and persuaded about the nature and working system of this line at the moment, the expected outcomes of this practice are far from being realised.

- In some title service units, queue machines are being tried. The expected outcome of this practice is to encourage service user to wait in queue and do not offer non-ethical proposals to title service employees or managers to accelerate their own works. Further, a pre-application system has been introduced in title service units in order to accelerate workflow, to complete works in one day and thus to increase user satisfaction and to warn citizens for not beginning with incomplete document files. However, assessments by inspectors have shown that pre-application system does not fully work in many title service units in provinces. Therefore, managers of title service units in provinces have been trained about this issue by TKGM, since 2007. This system has been integrated with TAKBIS system, and thus been made easier to monitor on-line. Thanks to pre-application system, all the application forms filled by service users are registered and monitored whether daily activities and works in title service departments are made in accordance with rules and regulations.

- In 2007, TKGM started a new practice in workplaces with heavy workload to limit applications for title works with a timeframe, for example getting applications at morning and afternoon do the only works that its application form was received at morning. The main aim here is to decrease workload and to prevent working after work hours. This practice would encourage citizens to follow their own works in title service units without using mediators, if applied transparently and citizens are informed beforehand.

- In TKGM, as a general rule, managers are not appointed to birthplaces of their own or their spouses. In addition, by 2008, TKGM personnel are began to be rotated to different regions, particularly working at least two years in underdeveloped parts of the eastern and South Eastern Anatolia Regions. Especially, managers who are working in the same place more than 7 years are subject to the rotation practice, while their choices for new workplaces are taken into account. Through rotation practice, TKGM aims to prevent groupings of public officials which facilitate non-ethical behaviours in workplaces.

- Some title service units accept temporary workers from other public organisations such as municipalities, in order to handle the increasing overload in title works.

Further, even if it is relatively rare, there are some workers in title service units in provinces that their salaries are met by public officials using their own pockets or by some third parties. However, organisations which send their personnel to title service units frequently use this opportunity for some non-ethical demands of their own. To prevent this inconvenience, in 2006, TKGM issued an instruction to all title service units in provinces about prohibiting this practice except with permission by governorates in emergency cases.

- In order to prevent cases of forgery in workplaces, TKGM started to give a reward to the public officials who noticed forgeries. In the interviews with top management, 30 of 42 forgery cases were claimed to be noticed by title service employees in 2007 and all of them were given prizes.

- Another key issue which TKGM takes measure about is training public officials in pre-service, in-service and promotion phases. Vocational ethics is also thought in pre-service and promotion training courses. In 2008, 6.132 personnel were received some training, which is almost one third of the total workforce. These training include some courses about preventing forgery in workplaces. However, the organisation has not made any training needs assessment so far and courses in trainings are designed in accordance with foreseen practical needs. Top level management stresses that they give priority to in-service training and each year they designed some morale and motivation practices among employees and managers. For instance, since 2006, they give to successful managers such prizes as extra money and letters of commendation. In addition, the organisation plans to send some personnel to overseas to do research about title service practices abroad.

- In parallel with the increasing attention in public opinion and media coverage about corruption cases in TKGM, top management claim that they begin to make inspections and auditing processes more efficient. In addition to the existing mechanisms and units, a new inspection and assessment unit was established in Title Services Department in Ankara to investigate reports of inspectors as well as information, demands and complaints received through the special complaint line (Alo Tapu) and to monitor workflows in title services in provinces.

- Although a more structured solution with legal backing is still necessary, TKGM is trying to bring real estate agents and the institution of mediators under registration and discipline within the framework of existing legal procedures. TKGM is considering different methods which real estate agents are permitted to follow works of their clients while they work under registration. With a circular (number 2007/4-1642), TKGM permits real estate agents to follow works of their clients in if they present an identity card issued by a chamber of commerce and a contract signed by both real estate agent ant and his / her client to vest real estate agent with authority for a particular work in title service unit. This practice has created pleasure and satisfaction among majority of real estate agents who work under registration and their associations. Yet, some of them claim that this practice has

put into reality to please bigger real estate agencies and to punish smaller ones. In addition, some of the interviewed real estate agents have claimed that circulars of this kind are generally left in paper and not implemented properly, in that in practice almost all real estate agents do work in title service departments, while TKGM managers maintain that they strictly monitor the implementation process. Taking into account the fact that corruption practices and other non-ethical behaviours particularly become dense in the cases that real estate agents and mediators pursue works of their clients, the importance of continuing this kind of measures becomes apparent.

- Although TKGM has not had a strategic plan in force yet, it has prepared a draft strategic plan. Even if it is not satisfactory in a general sense, the organisation has determined some strategic goals about fighting with non-ethical behaviours and developing an ethics culture in the organisation. This could be considered as a sign that TKGM takes issues of ethics and corruption seriously. Furthermore, TKGM issued circulars in different times on such mechanisms of preventing non-ethical behaviours as avoiding misbehaviour to service users, accelerating services and doing works of service users with a smiling face, paying attention to citizen satisfaction, being sensitive to citizen complaints and demands, scrutinizing complaints of service users, informing service users about the procedures in , not providing privileged service to any person including the retirees of the organisation and permitting only real estate agents with legal documents to follow work on the name of their clients. What is interesting here is that these circulars, particularly the ones which are related to ethical matters directly or indirectly, become dense in recent years. This fact shows that the organisation is becoming more sensitive to its negative image in public opinion and struggles to prevent cases of corruption and other non-ethical behaviours.

CONCLUSIONS

The findings of this research study are listed together in this section under the headings of satisfaction level of employees from their profession, the current situation, the corporate image, ethical perceptions, prevalence of non-ethical behaviours and attitudes of TKGM and citizens towards non-ethical behaviours.

An important finding of the research is that a great majority of the employees are not satisfied with title employee profession. 82, 8% of them declared that they would not choose the same profession if they had another chance. This negative attitude of employees about their profession can be attributed to low level of their salaries and other financial rights, heavy workload, unqualified personnel, lack of governmental interest and care about the organisation, inadequacy of good relations between central and line units of the organisation, heavy responsibilities of employees and continuance of their responsibilities even after their retirement and death up to their legatees and negative image of the organisation on the eye of the society.

Findings about **current situation** can be listed as below:

- More than half of the employees find guidance and advisory services and means for communication adequate. However, our observations indicate that information tools and consulting services to inform citizens about the given services are not sufficient. Therefore, citizens tend to use mediators and mediators for title services.

- It is thought that there are precautions against discrimination in the institution. However, more than half of the employees think that the organisation does not act in accordance with equity and equality principles when it comes to recruitment, promotion and relocation practices as well as allocation of social facilities such as housing

- While the organisation taking efforts to improve the physical conditions in workplaces, there are still important difficulties in some centres about this issue.

- There are difficulties in some title service units about assurance of some consumables, maintenance of electronic equipments and paying some bills. In some title service units, those needs are provided by mediators and real estate agents. This situation creates an environment in which the providers are able to demand privileges for themselves

- Social facilities such as catering, transportation and housing are not sufficient according to the employees.

Major findings about **corporate image** can be summed up under these headings:

- More than half of the employees view TKGM as "an institution which governments do not value and show interest". Top managers also agree with this point of view.

- A small amount of the employees perceive TKGM as "an organisation where bribery is prevalent"

- Almost half of the citizens who use title services think that it is possible to do business in title service units without giving bribe to an employee.

- However, a great majority of citizens (almost three quarter of the citizens) believes that there are cases of corruption in title service units more or less.

- More than half of the employees approve the administrators' attempts towards preventing non-ethical behaviours constructive.

- Almost half of the citizens think the efforts of TKGM and managers of title service units in provinces towards preventing non-ethical behaviours constructive. In their points of view, there are no major differences between TKGM and managers of title service units in provinces in terms of their efforts at preventing non-ethical behaviours.

- For a considerable part of employees and top managers, there are communication problems between central headquarters of TKGM and its line departments in provinces.

- Top managers feel that the organisational image of TKGM is negative on the eyes of citizens, public prosecutors and police and that media coverage about TKGM plays a significant role in prevalence of this image.

- Efforts of TKGM's attempts at correcting the negative image of the organisation on the eye public are inadequate partly because of inadequacy of public relations activities of the organisation

- Non-ethical behaviours in various units of TKGM are decreasing significantly in comparison with the past. This can be attributed to operations against corruption by police and measures taken by top management of TKGM.

According to findings of the research, the following points come into prominence on the issue of **ethics perceptions of employees, top managers and citizens**:

- A great majority of employees have information about values and work principles of their organisation as well as ethical principles of title services

- Employees and top executives usually do not tolerate non-ethical actions. Service favouritism and taking gifts and baksheesh are partially tolerated.

- Almost two thirds of the citizens do not tolerate such non-ethical behaviours as bribe, gift and baksheesh. On the other hand, there is a considerable amount of citizens who think that only bribe is bad and giving gift or baksheesh is tolerable.

- More than half of the citizens have the opinion that gift and baksheesh should be accepted as a crime in any case. However an important portion thinks that it

should not be named as crime if it is given voluntarily and without a demand by a public official.

- More than half of the employees are obliged to do non-ethical actions in various frequencies.

- Great majority of citizens do not support providing additional benefits to employees in order to speed up the process.

- More than half of the employees transmit non-ethical behaviours to higher authorities in various frequencies.

- Almost one third of the employees have taken in-service training. However, almost half of them think that the training was insufficient.

- According to top management of TKGM and managers of title service units, bribe and corruption is hardly possible in title service units, but gift and baksheesh are societal realities with a historical background. However, they strongly declare that taking gift and baksheesh are non-ethical behaviours.

Research findings make it possible to come to such conclusions about **prevalence of non-ethical behaviours** in title service units as;

- The most prevalent non-ethical behaviour perceived by the employees is "accepting gift or baksheesh about transactions done which are in fact appropriate to the legal framework". "Favouritism and discrimination with a reason such as being friend, relative, compatriot, etc." and "providing consumable materials such as paper, printer cartridge, pen etc by follow up men" follow this.

- The least common three non-ethical behaviours are "making title deed operations which are against the legal framework on purpose and voluntarily by the employees", "mistreatment of the service using citizens" and "dragging out the process by misleading the citizens".

- Most of the citizens do not provide profit for employees illegally. The most common reason among the ones that provide profits is "providing profit to make their work done better." It should also be kept in mind that some employees ask for profit clearly or it is provided with the mediation of real estate agents.

- More than half of the profits provided to public officials are less than 50 Turkish Liras.

Findings about **attitudes of TKGM and citizens towards non-ethical behaviours** can be summarised as follows:

- Almost half of the citizens that are confronted with a non-ethical behaviour (46. 2%) have the tendency to complain to the director. What is remarkable is that almost one third of the citizens (33. 8%) have acknowledged that they would remain silent in such cases.

- More than half of the citizens believe that complaints towards demands for a bribe would be partially or very effective, as directors are very sensitive about this issue and they would be afraid of any reaction. One fourth of the citizens think that complaints to directors would not be effective, as subordinates cannot perform anything without directors' awareness and superiors protect their employees.

- According to top managers of TKGM, one of the most important instruments to decrease corruption and other non-ethical behaviours in title services is an effective supervision.

- According to top level managers, the organisation seriously acts upon all the complaints it receives. However, they believe that employees tend to hide non-ethical behaviours in their workplaces and to cover the mistakes with a feeling of solidarity.

- After recent corruption operations to title service units by police and measures taken by TKGM, parties of negotiations about non-ethical behaviours are slipped out of the workplaces. Therefore it is getting harder to provide evidence about bribes and corruptions in the workplace.

TKGM has several important problems such as inadequacy of physical conditions in some title service units, inadequacy of qualified personnel, increasing workload, deficiency of salaries, inadequacy of the existing organisational structure, inefficiency and inadequacy of the legal framework, problems in relations with citizens and estate agencies and the negative image of the organisation on the eyes of citizens and media. Some of non-ethical behaviours can rightly be attributed to these problems, while some of them have roots in inherent cultural habits. Table 3 explores the factors which encourage public officials in title services for non-ethical behaviours in five categories.

Table 3. A Categorisation of Factors which Encourage Public Officials in Title Services for Non-Ethical Behaviours

Personal Factors	• Lack or inadequacy of information about vocational ethics principles • Lack of a habit to behave in accordance with vocational ethics principles
Cultural and Social Factors	• Prevalence of such cultural habits as baksheesh and gift • Social status of the employees • Inadequacy of social utilities provided for the employees
Economical Factors	• Insufficiency of salaries and additional payments • Accepting real estate as a tool for investment and rent
Institutional Factors	• The weak image of the institution in public opinion • Disadvantageous working environments and working conditions • Heavy workload • Complicated work processes and procedures • Insufficient organisational structure and legal framework • Insufficient ethics training • Ineffective supervision and auditing practices
Factors about Stakeholders	• Not bounding real estate sector by legal and organisational restrictions • Encouraging unethical behaviours by some real estate agents and middlemen • Proposing some bbribes by business ownersin order to speed up the process • Dealing with the some businesses that other public organisations should take responsibility • Increase in workload of various units of TKGM as a result of some decisions and policies of governments and new developments in public administration

Of course the weights of these factors in non-ethical behaviours vary to a great extent. For instance, employees pay more attention to such factors as inadequate social and economical rights of the title service employees in comparison with personnel of other public organisations, heavy workload, low salaries, citizens' wish to make their work done without waiting for their turn and the fact that employees sign under the assignments that require a greater responsibility. On the other hand, they consider relatively less important such factors as existence of estate agencies and mediators, lack of information about vocational ethics and other ethical principles, encouragement by some citizens for non-ethical behaviours in order to fulfil their unfair demands, long time period for title procedures and inadequacy of legal framework for preventing non-ethical behaviours.

An alternative view about important factors comes from top level managers of TKGM in that they perceive real estate and acts of real estate agencies as a more important factor for non-ethical behaviours in title services. They argue that as real estate is a profitable investment vehicle, mobility in real estate market is always high and this causes intensive workload and queues in title service units. They further claim that citizens tend to force employees to complete their works quickly, to use mediators and real estate agents for this purpose and try to speed up the process by providing some profits. As a result of a perceived lack of a fine basis, corruptive effects of estate agencies and other mediators in this process cannot be effectively prevented. However, TKGM strives to take measures to prevent non-ethical behaviours in its service units and thus to restore the negative image of the organisation and to increase citizen satisfaction. These measures can be categorised as utilising information technology, reengineering work in title service units, increasing the effectiveness of inspection and audit functions, efforts at registering real estate agents and some measures about human resource issues.

SUGGESTIONS

The main aim of this study is to find out problems about ethics issues in title services and to provide concrete and applicable solutions. Before presenting our suggestions for solution, it would be useful to make brief evaluations about strategies for solution.

There are two different approaches on the issue of directing public officials to behave in accordance with ethical principles and standards. The first is "rules ethics" approach in which ethics rules are determined together with their sanctions and these sanctions are applied if someone does not act in line with the determined rules. In this way, public officials are "forced to comply with ethics rules. However, rules ethics are inadequate to lead public officials to behave ethically. For example, accepting gifts are totally forbidden in State Personnel Law (Law Number 657) but this prohibition have not had prevented public officials to accept gifts so far. The second is "virtue ethics" in which virtuous public officials lead to ethical behaviours as a result of their internal motives rather than external rules and inspections. In other words, they would obey ethical principles voluntarily. In order to prevent non-ethical behaviours in title services, measures which are appropriate for these two approaches together should be taken simultaneously. It would be overoptimistic to suggest that non-ethical public officials (Steinberg-Austern, 1996: 79-80) are expected to act ethically without resorting to force in short run. While taking some measures in short term to force title service employees and managers to obey ethical principles is necessary, however, we need further measures to convince them to behave ethically in the long run.

Another significant strategy would be to take measures to wipe out the factors which cause or encourage non-ethical behaviours. As Merton claims that corruption survives in workplaces despite the fact that it is against societal and legal rules and this fact reminds us that it has a hidden function. In other words, if legal and legitimate structures and processes do not exist or are inadequate, new structures and processes fill the gap (Berkman, 1983: 100). In title services, for various reasons, citizen expectations and demands cannot be met adequately and this, in turn, encourages such non-ethical practices as gift and baksheesh. In this way, the personnel who have been provided with some extra profits complete the works of the gift-givers by working hard, and thus the processes are accelerated. The extra profit provided to title service personnel function as a kind of performance-based bonus.

Within the framework of these general explanations, taking into account hitherto presented research findings, our suggestions to improve citizen satisfaction and to prevent non-ethical behaviours in title services are summed up below under the headings of "human resource development and reorganisation", "improving relations with public and with other organisations", "restructuring real estate sector", "revising legal framework", "utilising information technology", " improving work processes" and "increasing the functions of ethic commission".

Human Resource Development and Reorganisation

First of all, TKGM needs to take measures on changing title service personnel's views about their profession, strengthening their connection with the constitution, removing their feelings of being lack of a protector, and increasing their morale and motivation. Within this context, it is important to establish an effective problem-solving and communication mechanism.

One of the measures should be taken immediately is to establish a just and adequate salary regime. Title service personnel must be paid with respect to their responsibilities and their performance, and a balanced salary level must be determined taking both inter-organisational and intra-organisational factors into account. Further, title services personnel should get a share from the revolving capital. Recently, thanks to Law Number 5831 which was enacted on 15.1. 2009, employees and managers working in central headquarters as well as in provinces are given the right of getting a share from their revolving capital until the end of 2012. Although this is a progress in increasing the level of title service personnel, it has not been sufficient for two reasons. First, it is a temporary practice which will end at the end of 2012. Second, it does not establish a relationship between pay and performance.

Another important issue is the need for restructuring TKGM. A revision in the institutional structure and making TKGM an autonomous organisation should be considered. If the organisational structure remains as it is at the moment, more authority must be devolved to lower levels, particularly to the regional offices of TKGM.

In addition, in order to improve organisational and personnel structure, a human resource planning and reorganisation project should be conducted. Within this context, through an organisational analysis, organisational structure of both central and line departments can be revised. The existing organisational structure fails to provide a balance among title service units in terms of both personnel division and workload. Therefore, title service units in some sub-provinces with low population should be abolished. Through work analyses within the context of the proposed project above, duties of each personnel as well as requirements of each position can be determined, work titles can be standardised, the hierarchical structure can be optimised, optimum personnel requirement of each title service unit can be determined, a more balanced division of title personnel among title service units can be provided and the personnel gap in title service unit with heavy workload can filled.

In order to increase skills and qualities of TKGM personnel, TKGM needs to train the existing personnel and to recruit more qualified personnel, particularly graduates of law faculties and public administration departments in the near future. Another strategy can be used to fill the qualified personnel gap is to revise title and cadastral affairs schools; making them 4 years, increasing their capacities and appointing their graduates to newly established title experts positions.

To increase morale and motivation of title personnel, TKGM should such measures as improving social rights of employees, improvement of organisational climate and

improving the qualities of food and travel services. Within this context, selection of the most successful personnel of the month, setting intra-organisational prizes and giving all personnel one day off in their birthdays and wedding anniversaries would be among suggested best practices. In addition, giving prizes to the personnel with exemplary ethical behaviours could facilitate prevalence of such behaviours.

Another ways to prevent non-ethical behaviours in TKGM is to provide trainings of administrative ethics, vocational ethics and ethical values to all title personnel. For example, in-service training programs should include ethics issues. As the role of title service unit managers in both occurrence and prevention of non-ethical behaviours, TKGM needs to work hard on selection and training of managers as well as equipping them with ethical values.

On the other hand, regarding the fact that erosion in such basic societal values of honesty and straightness contributes in a great extent to the increase of corruption and other non-ethical behaviours, an ethical consciousness campaign is needed for the society as a whole not only for public servants. Even, an effective ethics education in various levels of national education system, perhaps beginning with primary schools, must be provided in order to make citizens more conscious about ethics issues and to prevent some problems in service provision resulting from citizens. Because, demand and supply dimensions of non-ethical behaviours go hand in hand.

Developing Relations with Public and with Other Organisations

Findings of this research remind once again that TKGM should take further measures to develop good relations with public and other public organisations and make professional works in this direction. Further, changing positively the image of the organisation on the eyes of media, citizens and other organisations must be a priority for the organisation.

In order to put these aims into reality, TKGM must share its organisational culture with the society. It should communicate its organisational culture to media and service using citizens from time to time, particularly the issues which are related with ethics. In this way, recent improvements in ethics culture of the organisation could be expressed to media and other stakeholders of the title services and thus institutional image can be improved to some extent. In order to further improve institutional image, TKGM can further take such supplementary measures as establishing comfortable sitting and waiting places for citizens in , making the service buildings more suitable for requirements of quality title services, holding ethics principles of the organisation to walls of the service units, accelerating the works of establishing an institutional identity for TKGM project, getting citizen demands and complaints more efficiently and assessing them thoroughly and increasing prevalence of security cameras without giving inconvenience to the employees.

In addition, TKGM should regularly inform its service users, in short and brief style, and make more conscious of title procedures in such matters as basic information about title procedures, how citizens should behave when they face non-ethical behaviours in title

service units, the fact that they can do title works without using real estate agents and other mediators and what will be their responsibilities if they themselves behave non-ethically. In order to change the negative image of the organisation, TKGM should devote more importance to public relations activities. Informing people about the organisation through various campaigns and frequently providing accurate information about the organisation and title services to media organisations would contribute to change the negative image of the organisation to a positive one.

In order to remove feelings of TKGM personnel as being lack of a protector and as the government does not value them, inter-organisational and intra-organisational relations and ties should be more developed. For instance, establishing close ties and good relations with such decision-makers as the Prime Minister, Council of Ministers, individual ministers, the undersecretary and vice-undersecretaries and the general manager should play an important role in meeting the organisations needs. Particularly, the guiding ministry of TKGM, Ministry of Public Works should be more involved in a wide number of issues arisen in TKGM, as it would make easier for TKGM to establish better links with other public organisations.

Restructuring Real Estate Sector

Currently, the profession of real estate agencies have not been disciplined and standardised thoroughly. This situation causes unjust competition among real estate agencies and provides advantage for unregistered real estate agents who do not pay taxes vis-à-vis those who are working under registration and are taxpayers. Furthermore, non-ethical behaviours of the former negatively affect the image of all real estate agents. To solve this problem, a draft law prepared by TKGM in collaboration with major associations of real estate agencies about this issue should be enacted. In this way, real estate agents will be standardised, unregistered work will be prevented, trust in real estate agencies will be increased and complaints by managers of title service units towards real estate agencies will be lessened.

An effective way to decrease workload in title service units and to divide responsibility in title services among shareholders is to make mediators in title services as official and make real estate agents as directly responsible for their acts on the name of their clients. The registered real estate advisors can provide all kinds of title information to their clients and they can do some of the title works. Thus, as real estate agents will be presented in all phases of title procedures, they will also be held responsible in cases of forgery. This system can be put into reality if TAKBIS system becomes accessible to real estate agents.

Revising the Legal Framework

Another important means of preventing non-ethical behaviours in title services is to revise legal framework of title services in accordance with new developments and needs of TKGM. Some steps taken in order to improve efficiency, effectiveness and quality of title services and to prevent non-ethical behaviours frequently have been hindered by the existing legal framework. For example, as Civil Code Article 1007 brings heavy responsibilities for

title service managers and employees, they tend to check every document they receive in detail. This situation slows down the title procedures to a great extent. To accelerate title procedures, a vocational insurance system should be introduced. In this way, works stresses of managers and employees resulting from heavy responsibilities can be lessened and the responsibility of the national treasury can be minimised. However, whether this practice could encourage new kinds of corruption and other non-ethical behaviours should also be taken into account. In addition, a change in the existing legal framework towards increasing the level of punishments for corruption and other non-ethical behaviours could provide relatively more dissuasion. However, it must be kept in mind that implementation of the existing rules are as important as bringing new rules.

Utilising Information Technology

In order to accelerate title services, more utilising information technology and making prevalent such software as TAKBIS which automates title services and decreases the initiatives and powers of employees in title procedures are important, as this kind of software also decrease the chances of non-ethical behaviours. For example, it is not possible to start a new title procedure before completing the existing title procedure. This situation diminishes the tendency to put pressure on a title service employee or to provide a profit in order to accelerate works. However, rapid development of technology requires public organisations to follow the new technology and adapt their existing technology to new ones, as business become faster and easier and capacities to prevent non-ethical behaviours are increased thanks to new technology. For instance, if some documents, such as documents of power of attorneys in written form are taken into on-line form and made appropriate for TAKBIS system or identity cards are designed as appropriate for TAKBIS system, forgeries made by identity cards can be prevented more easily. However, taking into account that new technology created new kinds of corruption, data security must become a priority for public organisations. In addition, a data share system between TKGM and such public organisations as Ministry of Justice, Ministry of Interior, Ministry of Finance, municipalities, public notaries and courts dealing with debt cases would facilitate information sharing among these institutions and would lessen workload in .

On the other hand, payments about title works are currently done in banks which many of them are far away from title service units, in order to keep title service units without any money exchange. Although this practice is useful for preventing corruption, it causes citizen complaints, it slows down title procedures and it causes forgeries of bank receipts. Therefore, a cashier's office could be opened in each title service unit or some mechanisms for on-line money transfer could be introduced to facilitate title payments.

Another monetary problem is that, as there frequently is a lack of confidence between the two parties, money exchange does not happen before the title contract is signed in title service units. Soon after the contract signed, that exchange happens, mostly within title service units. This situation encourages not only thefts and picking pockets but also unregistered money transfer. In some cases, the seller is misdirected as the buyer does not make any payments. TKGM could solve this problem through an agreement with one or more banks, in that buyer can deposit the money and the manager of the title service can

open the system and authorise money transfer soon after the contract is signed and the money can be included to bank account of the seller. This system would prevent cases of theft as well as unregistered money transfer.

Improving Work Processes

Reengineering work processes in the organisation, simplifying some processes, evaluating various proposals for facilitating the works and implementing the appropriate ones, will weaken the reasons of non-ethical behaviours in title service units. A chief factor which causes such non-ethical behaviours as bribery, gift and baksheesh is the fact that title service procedures are so slow. Simplifying work procedures will increase speed in title service procedures and thus will decrease non-ethical behaviours. Although, in comparison with major European states, title service procedures are concluding quickly in Turkey, it would be possible to further accelerate them through reducing bureaucratic procedures and more utilising information technology.

Increasing Role and Functions of the Internal Audit Unit

63th and 64th articles of Law Number 5018 (Public Financial Management and Control Law) define the Notion of internal audit, regulates the profession of internal auditing and describe roles and mandates of internal auditors. In accordance with this legal framework, an internal audit unit has been established in TKGM and several internal auditors have been appointed.

Internal audit is an activity of guidance and advising which is carried out in order to improve economic, efficient and effective use of resources of the organisation. Internal auditing is carried out by independent internal auditors. By doing so, internal auditors might play a significant role in improving efforts of the organisation in ethics field. Particularly, they would monitor newly introduced ethical procedures to be well established and may seek way to improve ethical practices within TKGM.

Increasing Functions of the Ethics Commission

In TKGM, works about developing ethics consciousness is quite new and will need time for their maturation. For instance, in accordance with the legal framework, "Ethics Contract" was signed by all TKGM personnel. However, we have witnessed in our interviews that some employees, even some managers too, are not in aware of such a contract, and some personnel have not comprehended its importance despite they have information about it. As works about ethics in the organisation are not developed well, the functions and activities of the Ethics Commission become more important. According to the instructions issued by Prime Ministry Ethics Council for Public Servants, main functions of ethics commissions are developing an ethics culture in their organisations and continuously improving it, providing advice and guidance about ethical problems and dilemmas which public officials in their organisations encounter and to evaluate ethical practices in their respective organisations. In short, ethics commissions do not have an authority for implementation. The instructions foresee that any complaint for non-ethical behaviour by

public officials other than the ones which directly Prime Ministry Ethics Council for Public Servants involves will be made to disciplinary committees of their organisations. Although decisions of disciplinary committees about existence or non-existence of a violation of ethics rules are communicated to top managers of the organisation, to the public official which was complained about and to the complaining person, however, they are not shared with public.

Yet, as ethics principles and standards are not disciplinary rules, complaints about violation of ethics principles should not be made to disciplinary committees. If ethical principles are transformed into disciplinary rules, public officials who have violated these rules are punished by the disciplinary committees. However, the only sanction which may be applied to public officials who have violated ethical principles is "to condemn those persons". Therefore, ethics commissions who conduct research and evaluations about ethical principles and determining ethical principles and standards for their respective organisations should be empowered to inspect the cases of violations of these principles and to apply sanctions for the responsible public officials. On the other hand, like the authority of Prime Ministry Ethics Council for Public Servants to publish its decisions on cases of violation of ethics principles and the names of the responsible public officials, similar decisions taken by ethics commissions could be published on web pages of the organisation. The instructions should be changed in this line.

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ETHICAL CONDUCT IN LAW ENFORCEMENT

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INTRODUCTION

This report is based on a field research conducted in three major cities, Ankara, Istanbul and Izmir, of Turkey. This research attempts to understand the underlying factors on "street corruption" at traffic services. The purpose of this research also aims to understand the factors as to why street corruption is so widespread in traffic services. To better grasp the depth of the issue, a survey has been carried out with the officers serving at traffic divisions in the major cities mentioned above. In addition to this survey, semi-structured in-depth interviews have also been carried out with the rank and file officers, supervisors and middle managers of the traffic departments.

This research attempts to comprehend the "ethical perception" of law enforcement officers who are brought up within a culture tolerant in offering free drink, food, gift-giving-taking in their dealings with others. This research indicated a connection between mainstream cultural tolerance and a police sub-culture, which is believed to, indirectly tolerate if not feed the "street corruption".

Police officers who accept gifts, food, and small amounts of money, given to them by the people they serve while on duty, tend to be involved into bigger corruption types. Finally, this research provides insight and solutions to police managers, as well as civil authorities who are in search of a policy implications for a better strategy against corruption.[1]

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1 The methodology is discussed in Annex 1

LITERATURE REVIEW

There have been a growing numbers of academic studies and publications on the issue of police ethics, in general, and police corruption, in particular (Lynch, 1999; Kleinig, 1996, 2000). Some of these publications are based on field researches conducted by academics in conjunction with police practitioners in several countries (Klockars and et.al, 2004; Meese III and Ortmeier, 2004). The author of the paper has also made research based publications in the area of police occupational socialization, police ethics and associated fields (Cerrah and Semiz 1998; Cerrah, 2008). In addition, an international symposium (International Symposium on Police Ethics) was organized by Turkish Police Academy and Council of Europe on police ethics on 28-29 November 2001 in Ankara and 27 papers presented in this symposium. In 2002, these papers were published and Cerrah, Çevik and Göksu had articles in that book (Bal and Eryılmaz, 2002).

In addition to these researches and studies conducted by police offices and academics in the field police ethics, some police organizations prepared code of ethics for their members (The Metropolitan Police, 1985). Finally, Council of Europe has prepared, *The European Code of Police Ethics*, with the contributions of all its members (Council of Europe 2001; Cerrah and Eryilmaz, 2001). Council of Europe recommended member states and their law enforcement agencies to prepare their own code of ethics. Recommendations of *The European Code of Police Ethics* involves that police organization should take a proactive steps against corruption.

Although, some police instructors and lecturers, in recent years, have published some books and articles on police ethics there are no comprehensive academic studies based on field research on the issue of police corruption in Turkey. This research, probably, is the first attempt to study police corruption as an academic study based on a field research. Existing publications, in this field, are mostly based on foreign literature not on a field research and primary data, conducted in Turkey. However, as this research has shown issues in police ethics and corruption in Turkey seems to resemble the issues experienced in Europe as well as in other countries (Klockars and et. al. (2004).

USING THE LITERATURE TO DEFINE THE SURVEY

"Although corruption is by no means exclusive to policing and the extent of police corruption is to some degree an index of wider civic corruption, there are, nevertheless, several factors that have made police work particularly vulnerable to corrupt practices" (Kleinig, 1996). Not many occupations involve as much temptations as the law enforcement professions do. A police officer, while conduction his/her routine duties, will be facing a number of tempting situations on a daily base. Yet probably for no occupation it is also needed to meet the ethical demands to that extent. As one of the tasks of the police is to fight economic crimes and corruption, maintaining the integrity of the individual police officer is important not only for the integrity of the police department but also to the society as a whole. So called daily or routine street corruption, at first, seems to be minor and insignificant form of police corruption. Despite the fact that its economic value is not significant, its direct and indirect impacts on large scale corruption may be greater than estimated.

Unless it is controlled by external and internal mechanisms the so called minor corruption will spread like a wild fire and gradually lead to greater corruption. Consequently, the integrity of the entire police department will be in jeopardy. A police force messed up with corruption will not only be ineffective in its fight against the general corruption in the society but also will itself be a part of major corruption. As the police mirror the society, the police corruption also becomes a reflection of the corruption within the society. There is usually a correlation between the police corruption and societal corruption. Major corruption especially involving illegal drug smuggling and organized crime cannot be thought of unless some sort of police corruption is involved.

Consequently, as literature shows that corruption is a huge social problem in all countries, it is also a big problem in Turkey. The searching dimensions of perceiving, defining, seeking solutions to daily corruption in traffic services in Turkey helps police organization to fight against it. However, it is not only a problem of police organization, but also of whole society. If police are receivers of gift, bribe etc., they receive what people give to them, which means both sides are involved in corruption. Thus, it is important to find out the roots of daily corruption whether people offer it or police officers force people to give gifts and bribes. In this respect in the light of literature, questions in survey questionnaire and in interviews are asked to discover the following points as inspiring from literature: a) external and internal factors that result in daily corruption in traffic police; b) the role of control over traffic police officers to prevent daily corruption; c) the role of training in preventing daily corruption in traffic police and finally d) the perception of daily corruption in traffic services by people and police officers.

STREET CORRUPTION

As the terms implies "street/routine corruption" takes place between police officers and members of the public during daily and routine contact. Traffic services are one of the police functions where most frequent and routine police and civilian contacts takes place and involves small amount of material corruption. The differences of perception on ethical issues in general and street corruption in particular are crucial as what one side may see as unethical may not be regarded so by the other. Therefore, it is important to study on this issue and reach to a definition of what is unethical for the members of police service as well as the members of society. Therefore, this research could be accepted as an attempt to analyze and compare the differences and similarities of the police's and people's perception on street corruption. Two parts of perception will be examined:

Police perception of street/routine corruption

Police perception of the street corruption was the most important and troublesome focus of the research project. Although it was usually the members of the public, not the police officers, who initiated corrupt transactions, it is the police officers, as a member of a profession, who are expected to uphold superior ethical standards and perception on any ethical issues. During the research a number of police officers, in different ranks and positions were interviewed, including high ranking police officers working at the Turkish National Police HQ and head of the traffic division in respective cities. Some, not many, police officers working in the traffic services were also interviewed. These interviews have revealed that, there is a general tolerance towards "grass eaters" category (minor) corruption among the lower ranks as well as the high ranking officers.

The following factors have been identified as the underlying reason for the tolerance shown by management ranks.

1. Some police managers believe that it was very difficult, if even not impossible, to detect the street level routine corruption. As they considered the problem too widespread, instead of challenging it, they decided to underestimate its danger and turn a blind eye to the problem.

2. Street level routine corruption was not considered as serious and harmful as large scale organized corruption.

3. Street corruption was an insignificant issue for the management ranks who were already overwhelmed with the routines and major corruption.

4. They were unaware of the corruptive and slippery slope effects of the street corruption in the long term.

5. A significant number of the middle ranking police managers seemed to be tolerant towards food and beverage as long as it is offered by the people.

6. Some police managers even argue that the people, who offer free food and drink to the police, would be offended if police officers refuse to accept it. So it is a way of developing good relationship indeed a necessary method of PR with the society.

Despite the fact that even some of the high ranking police managers have, in an interview, admitted the corruptive impact of accepting foods and beverages offered to police officers, management ranks generally seem to be underestimating slippery slope effects of minor corruption. Some high and middle ranking officer, during the interview, have told their own personal experiences and stories proving how apparently insignificant and minor corruption had affected their performance when they were in early years of their career.

Public perception of street/routine corruption

Public perception of the street corruption is very important. However, it is the members of the public who usually try to bribe the police to evade harsher fines. For this reason, we have tried, by asking a set of questions to the members of the public to find out their perception on routine corruption. We have noticed that, although anonymity had been granted and the questionnaire was also anonymous, some commercial drivers such as taxi drivers, bus and truck owners were reluctant to fill out the questionnaire. We had to find people we know and ensure that the police will not find out about the identity of those who cooperated with the researchers.

The police and publics' perception on ethical issues were investigated based on the following questions:

- Can you describe **"tempting situations"** a police officer may be facing daily?
- How can we **"categorize"** police officers daily **"ethical dilemmas",** such as the gratitude, gifts, free food, pay-offs, free-services, sex?
- What is the role of **"ethical training"** in pre-service basic police training "on preventing routine corruption"?
- What is the role of the **"departmental control"** (supervisory level) on police corruption?
- Is there a relationship between the **"individual corruption"** and **"departmental corruption"?**
- What is the role of the **"integrity testing system"** in controlling the police corruption?
- What is the **"role of local civilian authorities"** in preventing and detecting police corruption?
- What is, if any, the "**role of the external anti-corruption mechanisms"?**

Before the research began we first established what training was provided to police officers to prepare them to deal with such situations.

POLICE ETHICS: POLICY AND TRAINING

There is no ethical policy statement, other than the Turkish version of the European Code of Police Ethics in Turkey. Turkish police have slightly modified and adopted the European Code of Police Ethics as its own code of ethics, in 2007. It has been circulated through the police organization and every member of the Turkish Police force is expected to know and uphold the principles of the code. However, police education system needs to convey these principles to new recruits as well as serving police officers. To be able to disseminate these ethical principles to the entire force and put them into practice there is a need for intensive educational activities. But these ethical principles are abstract concepts. In order to materialize these ethical principles in real life, it is needed to be explained to the serving officers. Otherwise it will remain in printed materials only as a piece of advice.

"Police Ethics" is taught, since 2005, in Faculty of Security Sciences and all Police Training Schools as a compulsory course, for (14 weeks) one semester. Professor and instructors' use existing and available academic material on police ethics in their courses. European Code of Police Ethics and its Turkish version (Turkish Police Code) are also used as a supplementary educational material. But all these formal police ethics education needs to be enhanced with the organizational stand. Otherwise, formal ethics education given in police educational institutions will fade away against a very strong organizational resistance stemming from a police culture tolerant to corruption.

Existing police disciplinary code is including only the formal sanction for ethical violations. Presently, only the police investigate the police in case of an ethical violation. As it will be explained in forthcoming pages of this report, "integrity testing" is not systematically used in controlling of traffic officers and it is believed that using integrity testing is impossible in Turkey.

Police ethical training, until police educational system has a compulsory police ethics course in 2005, was limited with informal advices given to police cadets by some trainers and senior officers. This kind of informal training lacks the realities of everyday policing and was far from being satisfactory. This research is an attempt to understand and analyze underlying causes of street corruption. The findings of this research will be reflected to the police training in general and traffic services in particular.

Routine corruption committed by traffic officers is, to some extend, a reflection of the wider corruption within the police organization. Individual corrupt practices are grown and tolerated within a subculture which is tolerant towards corruption if it does not feed it. Therefore in order to understand the individual acts of corruption committed by traffic police officers, one has to be familiar in Turkish police subculture and its impact on police corruption. The following account attempts to explain the link between the corruptive police sub-culture and street corruption in general and traffic corruption in particular.

POLICE CULTURE AND STREET CORRUPTION

Professional solidarity, among members of all public service institutions is prevalent in Turkey. This phenomenon is certainly not unique to law enforcement agencies, but can be observed among other public service personnel as well. This kind of solidarity which is observable in many other professions, in fact, derived from the very social structure of Turkish society, and extends into national solidarity which is in turn reminiscent of clan solidarity. Such expressions of solidarity are especially common inside law enforcement agencies, in which the *'blue wall of silence'* –the name is given for the reason that the police uniforms in U.S.A. are blue- or the *'code of silence'* is a very common occurrence according to police literature.

Neither is professional solidarity limited to the heads of the civilian administrative offices or the personnel of law enforcement services. Even among different professional groups such as academics or doctors, a similar form of solidarity known as the *'white wall of silence'* can be observed (Kleining, 2000). Professional solidarity can be defined as concealing or failing to expose a wrongdoing committed by a colleague against a citizen or the public as a whole.

Claiming that a phenomenon much attested in international police literature such as professional solidarity, does not exist at all among Turkish law enforcement agencies is both unconvincing and methodologically flawed. In fact, in the case of Turkey, professional solidarity is renowned and highly evident among law enforcement personnel. In Turkey, public employee or collegial solidarity is observed among all public personnel in general, and among the personnel of the uniformed security organizations in particular. This solidarity hinders the effective operation of internal control mechanisms. In this light, civilian control and civilian oversight by the members of civil society over public services is an extremely important issue.

Judging from this resistance coming from the very senior police management ranks, we can conclude that a majority of the members of TNP will be very reluctant to face the realities of minor corruption within the daily police service. Below are the findings from the quantitative survey. The survey underlines that members of TNP should recognize that there is an urgent need to demonstrate political determination and more pressure from the political and civilian authorities. Present internal control mechanisms seem to be ineffective and also senior police managers do not seem to be brave enough to face the problems by researching the underlying causes of the corruption.

THE ANALYSIS OF STAFF SURVEY ON DEVELOPING ETHICAL AWARENESS CONDUCTED IN TRAFFIC SERVICES OF THE THREE MAJOR CITIES (ANKARA, ISTANBUL AND IZMIR) IN TURKEY

General Information

Table 1: The Gender Rate of Staff Involved in Survey

		Frequency	Percentage	Valid Percentage
Valid	WOMEN	56	9,8	10,1
	MEN	500	87,6	89,9
	Total	556	97,4	100,0
Invalid	-1	15	2,6	
Total		571	100,0	
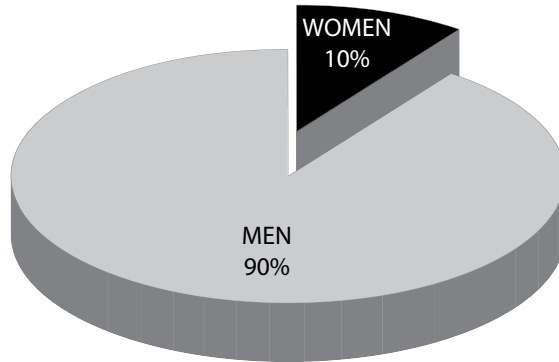
As it is seen in table, 90%of the staff attending the survey are men and the remaining 10% are women. This shows that the majority participated in the survey are men.

Table 2: The Unit in Which the Staff Work

		Frequency	Percentage	Valid Percentage
Valid	HIGHWAY TRAFFIC PATROL	46	8,1	8,5
	URBAN TRAFFIC POLICE	498	87,2	91,5
	Total	544	95,3	100,0
Invalid	-1	27	4,7	
Total		571	100,0	
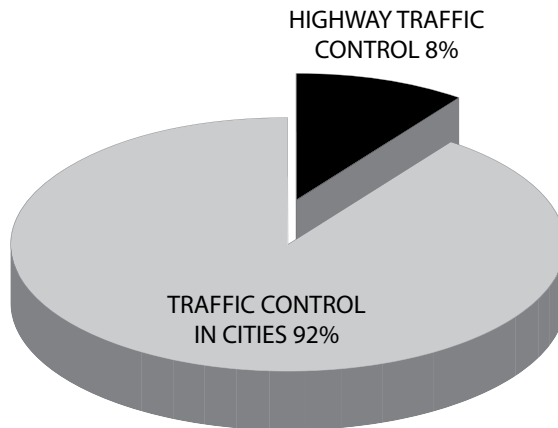
As it is seen in table, 91.5% of staff in the survey works inner traffic control units and 8.5% work in outer control units.

Table 3: The Schools in Which the Staff Were Pre-educated and Trained

		Frequency	Percentage	Valid Percentage
Valid	POLICE SCHOOLS BEFORE 2001	328	57,4	59,4
	POLICE PROFESSIONAL HIGH SCHOOLS AFTER 2001	123	21,5	22,3
	POLICE EDUCATION CENTER	101	17,7	17,6
	Total	552	96,7	100,0
Invalid	-1	19	3,3	
Total		571	100,0	

POLICE EDUCATION
CENTER 18%

POLICE
PROFESSIONAL
HIGH SCHOOLS
AFTER 2001
22%

POLICE SCHOOLS
BEFORE 2001
60%
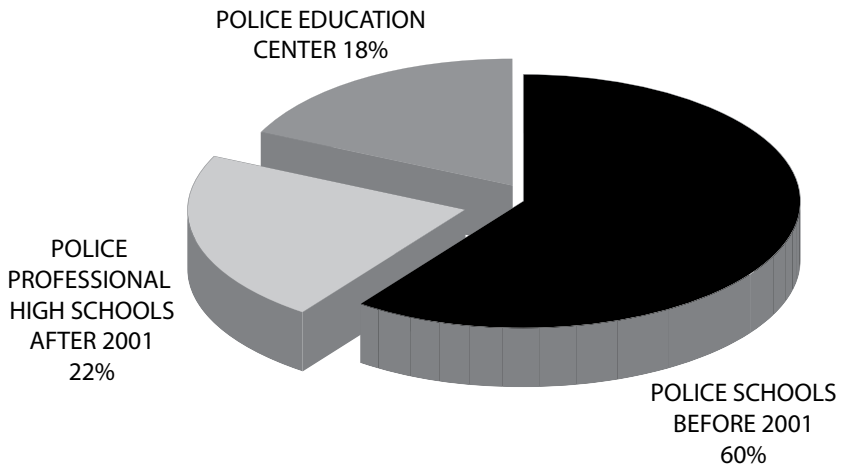
As it is seen in the table, more than half of the staff in the survey were educated and trained in the police schools before 2001. The rest were educated and trained in police professional high schools after 2001 and in police education centres after 2005.

Table 4: Additional Income

		Frequency	Percentage	Valid Percentage
Valid	None	411	72,0	72,0
	Yes	160	28,0	28,0
	Total	571	100,0	100,0

The majority of the staff in the survey has no additional income.

Table 5: Whether the Spouse Work or Not

		Frequency	Percentage
Valid	YES	95	16,6
	NO	476	83,4
	Total	571	100,0

The spouses of the majority of the staff in the survey (83.4%)do not work.

Summary

In parallel with the General Directorate of Turkish National Police, the staff participated in the survey are mostly male (90%). 91.5% of the staff participated work in the "urban traffic police" unit, while 8.5% work as "highway traffic patrols". More than half of the staff participated in the survey (59.4%) are graduates of police schools which deliver 9-months-training and they are comparatively older. Today, in police schools there is 2-years-training.

The spouses of 83.4% of the participants do not work and about three quarters do not have an additional income. Therefore, most of the participants make a living from only their salaries.

After this point, the participants answered questions about whether they had enough education on ethics, and whether they are being inspected or not.

Ethical Education

Table 6: Whether Any Education and Training on Accepting or Refusing a Gift or Bonus was Provided by Police Training Units or Not

		Frequency	Percentage	Valid Percentage
Valid	YES	299	52,4	53,0
	NO	265	46,4	47,0
	Total	564	98,8	100,0
Invalid	-1	7	1,2	
Total		571	100,0	
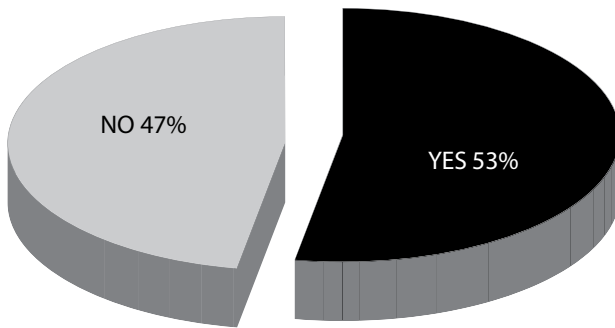
More than half of the staffs participated in the survey (53%) says that they received courses on accepting or refusing a gift or bonus in traffic services.

Table 7: Whether Any Education and Training on Accepting or Refusing a Gift or Bonus Has Been Provided After Starting to Work in Traffic Services

		Frequency	Percentage	Valid Percentage
Valid	YES	211	37,0	37,5
	NO	352	61,6	62,5
	Total	563	98,6	100,0
Invalid	-1	8	1,4	
Total		571	100,0	
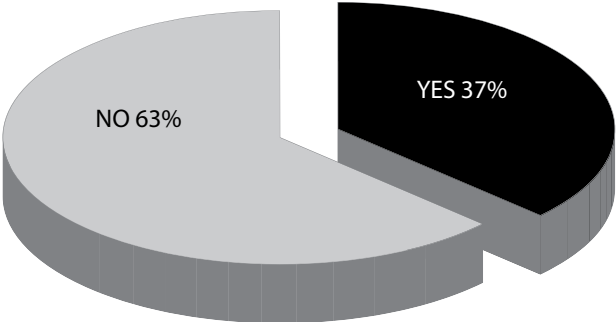
It is seen in the table that %62.5 of the staff in the survey states that they have not received any course or training on accepting or refusing a gift or bonus after starting to work in traffic services.

Summary

When the two tables above are evaluated together, it is perceived that the ethical education is inadequate and it is necessary to overcome this lack of education. Half of the participants in pre-service training do receive this education and training; however, the rate at in-service training reduces to one third.

Inspection

Inspecting Citizens

Table 8: Conducting Fine Procedure in Each Violation of Traffic Rules

		Frequency	Percentage	Valid Percentage
Valid	0 Never applies	13	2,3	2,5
	1	7	1,2	1,3
	2	14	2,5	2,7
	3	8	1,4	1,5
	4	12	2,1	2,3
	5	69	12,1	13,1
	6	27	4,7	5,1
	7	61	10,7	11,6
	8	96	16,8	18,2
	9	39	6,8	7,4
	10 Always do apply	182	31,9	34,5
	Total	528	92,5	100,0
Invalid	-1	43	7,5	
Total		571	100,0	
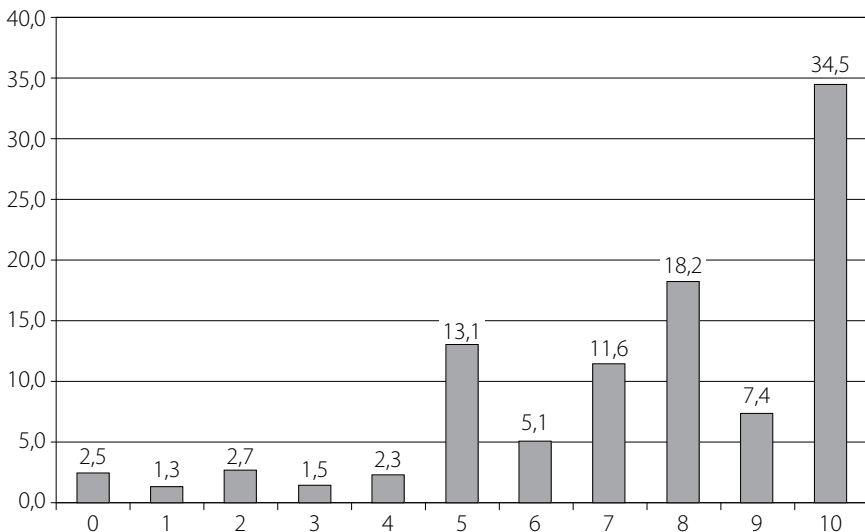
The tendency of the staff to let off a fine against traffic violation is quite high. When "5" is taken as the neutral answer, it is seen that 76.8% say "I conduct fine procedure", while 10.3% say they do not.

Inspection by the Superiors

Table 9: Whether the Participants are Controlled by High Rank Officers on Accepting or Refusing a Gift or Bonus in the Traffic Services

		Frequency	Percentage	Valid Percentage
Valid	YES	235	41,2	41,7
	NO	328	57,4	58,3
	Total	563	98,6	100,0
Invalid	-1	8	1,4	
Total		571	100,0	
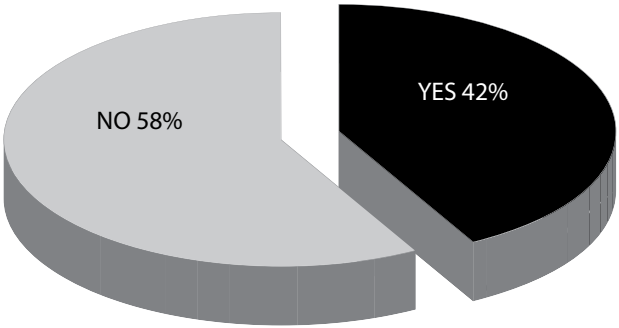
More than half of the staff in the survey (%58,3) stated that they have not been inspected by their high rank managers on accepting or refusing a gift or bonus in the traffic services from citizens.

Table 10: Integrity Test by High Rank Managers on Whether Receiving Bribe or Not Without Any Complaint by Citizens

		Frequency	Percentage	Valid Percentage
Valid	YES	164	28,7	29,4
	NO	394	69,0	70,6
	Total	558	97,7	100,0
Invalid	-1	13	2,3	
Total		571	100,0	
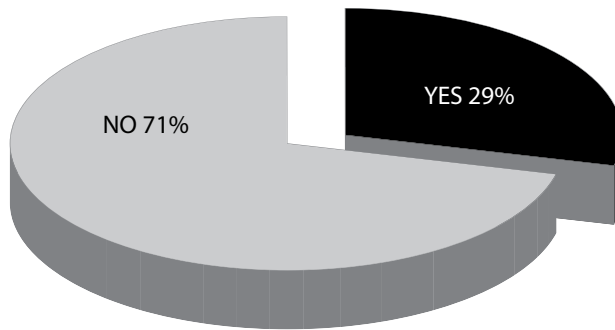
The majority of the staff in the survey (%70.6) stated that they have not been inspected by their high rank managers on whether accepting or refusing bribe in the traffic services from citizens without any complaint.

When these two tables are evaluated together, it is seen that the police officers are being inspected by their managers neither on bribery ("no" 71%), nor on gifts they receive ("no" 58%).

Self-monitoring

Table 11: What the Officers Do When They Witness a Colleague Behave Unethically?

		Frequency	Percentage	Valid Percentage
Valid	I WARN HIM/HER	492	86,2	89,9
	I REPORT TO MY SUPERVISORS	33	5,8	6,0
	I DO NOTHING	16	2,8	2,9
	OTHER	6	1,1	1,1
	Total	547	95,8	100,0
Invalid	-1	24	4,2	
Total		571	100,0	
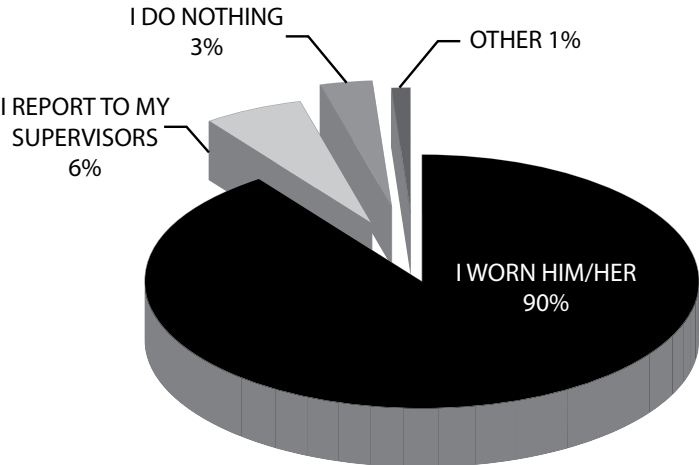
90% of the staff in the survey stated that they remind their colleagues when witnessing misconduct.

Table 12: The Reasons Why the Staff Do Nothing Regarding Their Colleagues' Misconduct

		Frequency	Percentage	Valid Percentage
Valid	EVERYONE ALREADY MISCONDUCTS	1	0,2	4,8
	THE FEAR OF BEING MARGINALISED	4	0,7	19,0
	BOTH ABOVE	9	1,6	42,9
	OTHER	7	1,2	33,3
	Total	21	3,7	100,0
Invalid	-1	550	96,3	
Total		571	100,0	
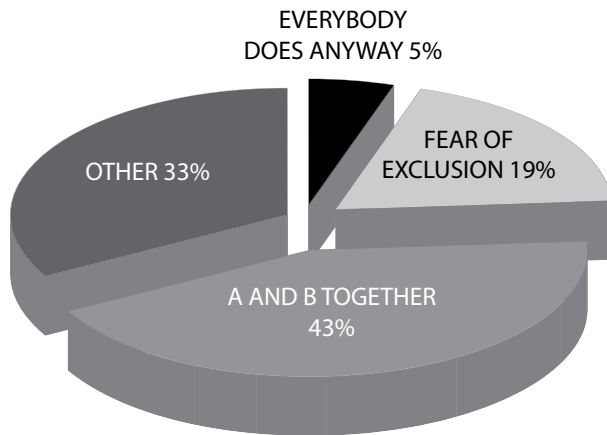
The staffs who say that they do nothing when witnessing a colleagues' misconduct worry to be marginalized by others. However, the figure is insufficient to comment properly.

Reasons of Routine Corruption and the Effect of Citizens

Table 13: The agreement rate on whether it would affect the behaviour of the police officer when a citizen had given a police officer a gift or bonus; then, one day that police officer has to fine that citizen

		Frequency	Percentage	Valid Percentage
Valid	0 Never affects	314	55,0	56,1
	1	28	4,9	5,0
	2	23	4,0	4,1
	3	23	4,0	4,1
	4	6	1,1	1,1
	5	52	9,1	9,3
	6	16	2,8	2,9
	7	24	4,2	4,3
	8	9	1,6	1,6
	9	15	2,6	2,7
	10 Affects too much	50	8,8	8,9
	Total	560	98,1	100,0
Invalid	-1	11	1,9	
Total		571	100,0	
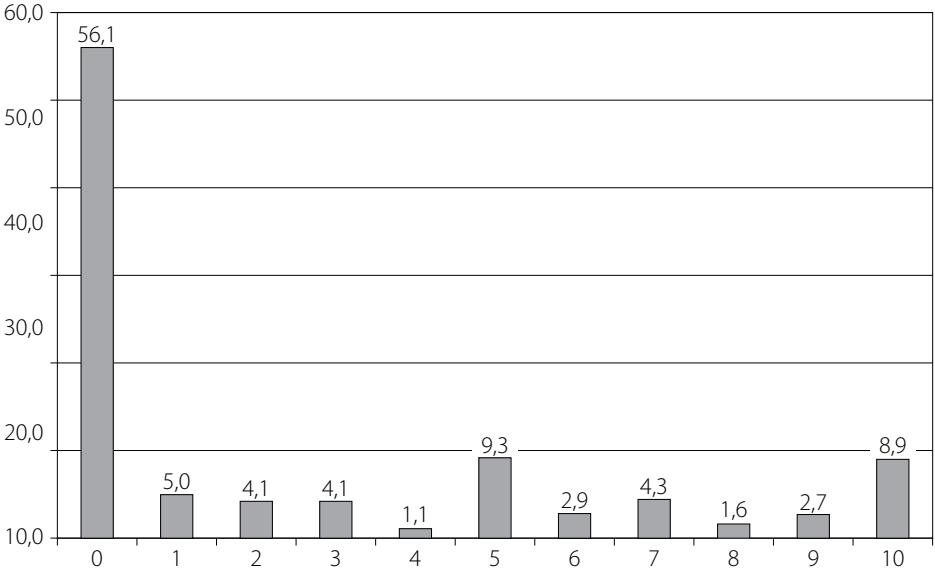
More than half of the staff in the survey agrees that giving a gift or bonus to a police officer by a citizen does not have too much effect (%56.1 never affects).

Table 14: The agreement rate on whether it would affect the behaviour of the police officer on fining when he/she discovers that the person he/she is fining is a relative or close friend

		Frequency	Percentage	Valid Percentage
Valid	0 Never affects	243	42,6	43,2
	1	40	7,0	7,1
	2	43	7,5	7,6
	3	35	6,1	6,2
	4	33	5,8	5,9
	5	75	13,1	13,3
	6	20	3,5	3,6
	7	16	2,8	2,8
	8	12	2,1	2,1
	9	17	3,0	3,0
	10 Affects too much	29	5,1	5,2
	Total	563	98,6	100,0
Invalid	-1	8	1,4	
Total		571	100,0	
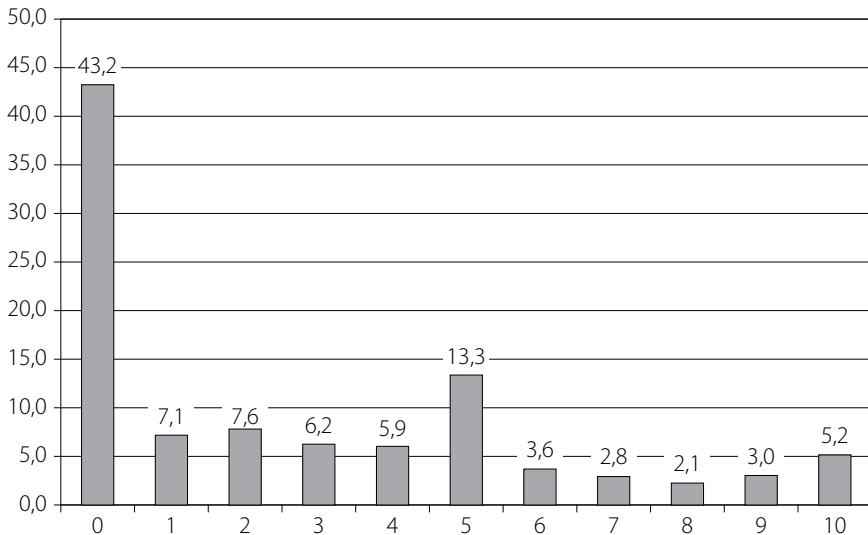
When a police officer has discovered that the person he/she is letting off with a fine is a relative or close friend, more than half of the staffs in the survey believe that this relationship does not affect the police officers' behaviour on fining (%43,2 never affects). However, the most negative opinion (never affects) is 13% lower than the previous question. When "5" is taken as the neutral answer, 70% says "never affects" for both questions.

Table 15: The agreement rate on whether it would affect the police officers' behaviour on fining when he/she discovers that the person he/she is fining is a police officer

		Frequency	Percentage	Valid Percentage
Valid	0 Never affects	106	18,6	18,8
	1	17	3,0	3,0
	2	23	4,0	4,1
	3	29	5,1	5,1
	4	23	4,0	4,1
	5	85	14,9	15,1
	6	24	4,2	4,3
	7	28	4,9	5,0
	8	40	7,0	7,1
	9	41	7,2	7,3
	10 Affects too much	148	25,9	26,2
	Total	564	98,8	100,0
Invalid	-1	7	1,2	
Total		571	100,0	
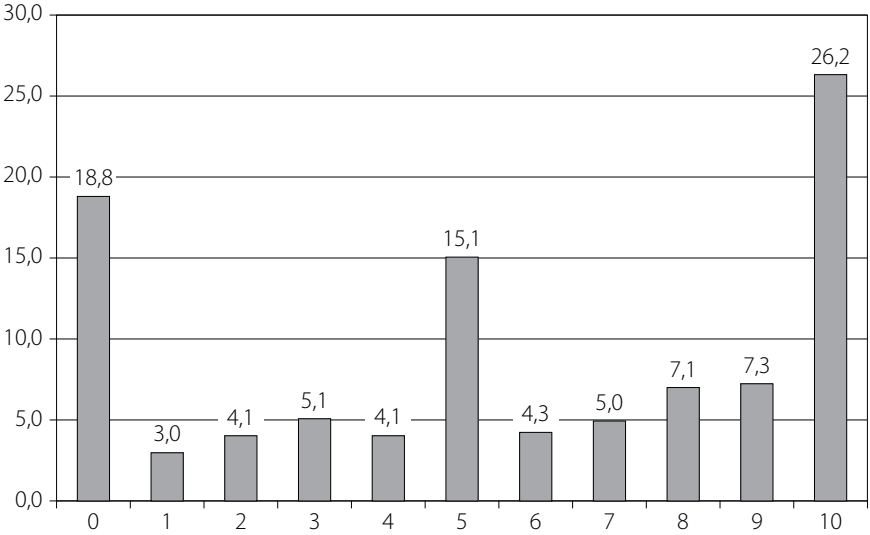
When a police officer has discovered that the person he/she is letting off with a fine is a police officer, it is not agreed whether this affects the police officers' behaviour on fining (%19 never affects, %15 no idea, %26 affects too much). Thus, it can be said that police officers seem not to fine their colleagues. When "5" is taken as the neutral answer, 50% say "it affects" while 35% say it does not.

Table 16: The agreement rate on how it would affect the police officers' belief on insufficiency of salaries when a police officer has received a gift, some goods or money from people during the duty

		Frequency	Percentage	Valid Percentage
Valid	0 Never affects	288	50,4	52,0
	1	18	3,2	3,2
	2	17	3,0	3,1
	3	23	4,0	4,2
	4	12	2,1	2,2
	5	48	8,4	8,7
	6	9	1,6	1,6
	7	15	2,6	2,7
	8	17	3,0	3,1
	9	8	1,4	1,4
	10 Affects too much	99	17,3	17,9
	Total	554	97,0	100,0
Invalid	-1	17	3,0	
Total		571	100,0	
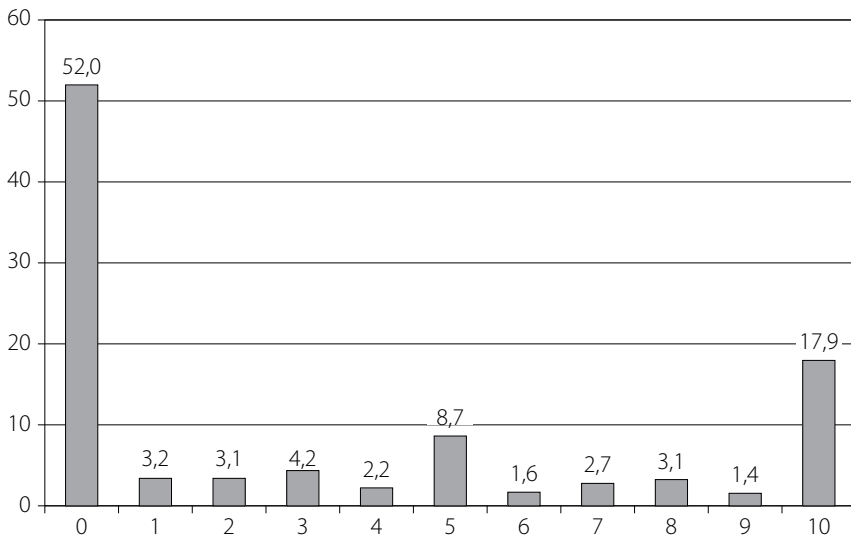
When a police officer has received a gift, some goods or money from people during the duty, the majority of the staffs in the survey believes that this does not affect too much the police officers' belief on insufficiency of salaries (%52 never affects). When "5" is taken as the neutral answer, 65% say it affects, while 27% say it does not. Therefore, the sufficiency of salaries is seen to be an important subject. Increasing the salaries was the 6th ranking item (35.4%) in the preventive measures against corruption suggested by the drivers.

Table 17: The agreement rate of whether it would affect the police officers if they knew that their managers accept the gifts given to their posts by companies

		Frequency	Percentage	Valid Percentage
Valid	0 Never affects	218	38,2	38,8
	1	26	4,6	4,6
	2	15	2,6	2,7
	3	15	2,6	2,7
	4	8	1,4	1,4
	5	67	11,7	11,9
	6	9	1,6	1,6
	7	20	3,5	3,6
	8	20	3,5	3,6
	9	16	2,8	2,8
	10 Affects too much	148	25,9	26,3
	Total	562	98,4	100,0
Invalid	-1	9	1,6	
Total		571	100,0	
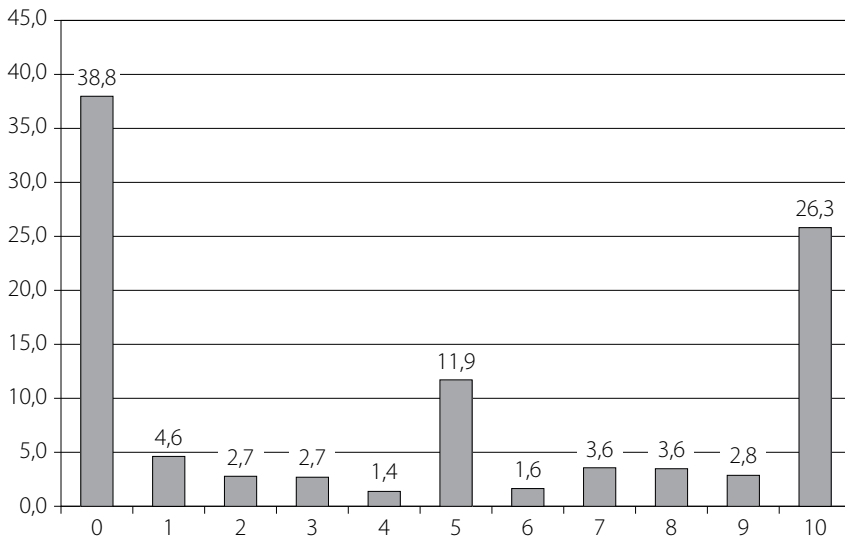
The staffs participated in the survey have different views about how it affects their attitudes on acceptance of gifts and money from people when senior high rank police managers have received big gifts for themselves or their posts from companies, while it is known by police officers. While the rate of those who think of "never affects" is 39%, the rate of those who think of "affects too much" is 26%. When "5" is taken as the neutral answer, 50% say it does not affect while 38% say it does.

the staffs in the survey have different views that this affects the police officers'

Table 18: The agreement rate of whether it would affect the drivers when police officers asks indirectly for gift or money from people they control in the traffic

		Frequency	Percentage	Valid Percentage
Valid	0 Never affects	203	35,6	36,4
	1	11	1,9	2,0
	2	11	1,9	2,0
	3	22	3,9	3,9
	4	13	2,3	2,3
	5	66	11,6	11,8
	6	23	4,0	4,1
	7	26	4,6	4,7
	8	29	5,1	5,2
	9	25	4,4	4,5
	10 Affects too much	128	22,4	23,0
	Total	557	97,5	100,0
Invalid	-1	14	2,5	
Total		571	100,0	
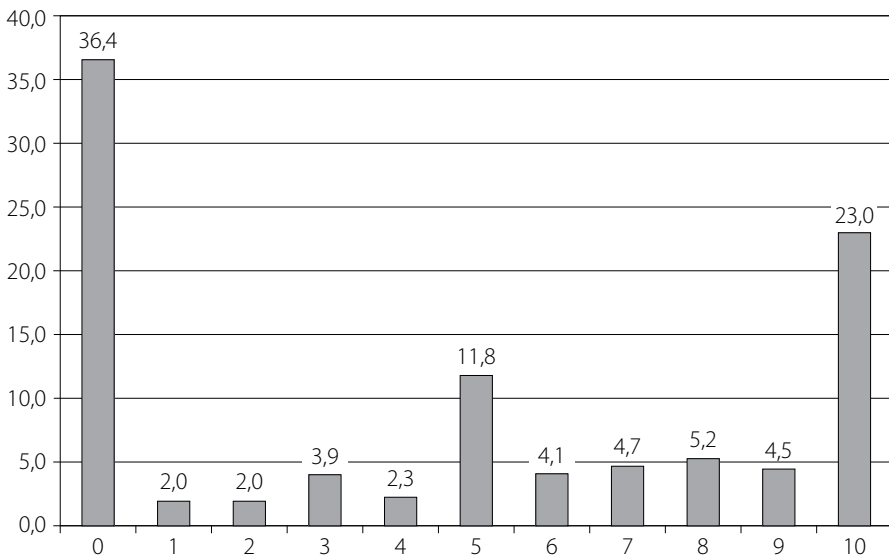
When police officers intimate that they expect gift or money from people they control in the traffic, a notable rate of the staff in the survey agree that it "affects too much" (%23) and the rate of the staff in the survey agree that it "never affects" is %36.4. Thus, the amount of those who thinks it "affects too much" is quite high. When "5" is taken as the neutral answer, 47% say it does not affect, while 42% say it does.

Table 19: The agreement rate of how much it would affect the police officer to accept the gift or bribe offered to him/her by a driver expecting to be evaded from a traffic fine

		Frequency	Percentage	Valid Percentage
Valid	0 Never affects	373	65,3	66,7
	1	34	6,0	6,1
	2	20	3,5	3,6
	3	16	2,8	2,9
	4	8	1,4	1,4
	5	43	7,5	7,7
	6	16	2,8	2,9
	7	15	2,6	2,7
	8	7	1,2	1,3
	9	6	1,1	1,1
	10 Affects too much	21	3,7	3,8
	Total	559	97,9	100,0
Invalid	-1	12	2,1	
Total		571	100,0	
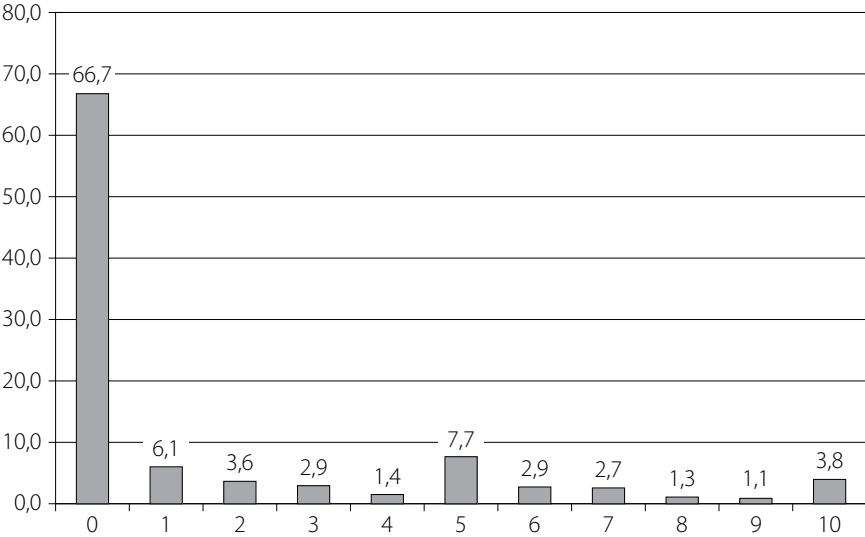
The vast majority of the staff participated in the survey do not agree that offers from drivers affect the acceptance of police officers (never affects %66.7). When "5" is taken as the neutral answer, 81% say it does not affect, while 12% say it does.

Ethical Perception

Table 20: What police officers think about accepting bonus and gift on duty from the drivers to whom police officers serve

		Frequency	Percentage	Valid Percentage
Valid	0 Too wrong	446	78,1	79,6
	1	34	6,0	6,1
	2	9	1,6	1,6
	3	16	2,8	2,9
	4	9	1,6	1,6
	5	25	4,4	4,5
	7	8	1,4	1,4
	8	6	1,1	1,1
	10 Exactly right	7	1,2	1,3
	Total	560	98,1	100,0
Invalid	-1	11	1,9	
Total		571	100,0	
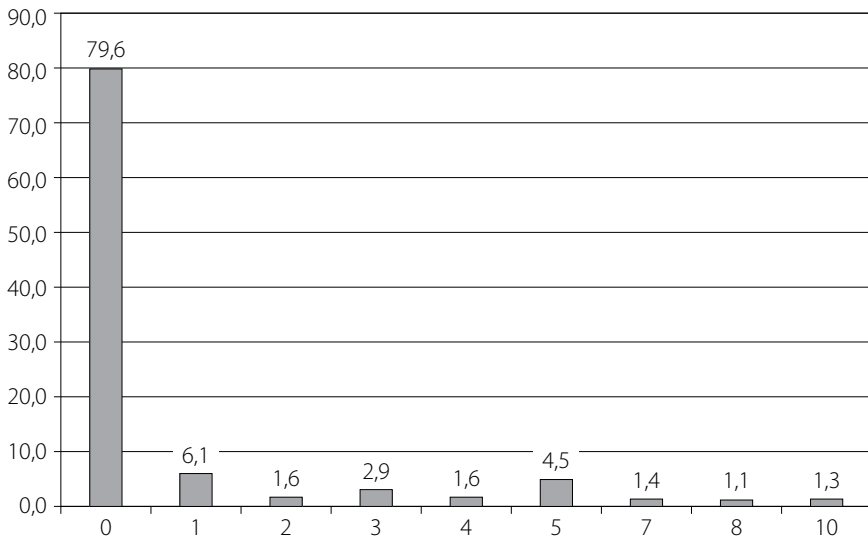
The huge majority of the staffs participated in the survey find the acceptance of a bonus or a gift too wrong (too wrong %79.6). When "5" is taken as the neutral answer, it is seen that 92% say it is wrong, while 4% say it is right.

Table 21: What police officers think about accepting money on duty from the drivers to whom the police officers serve

		Frequency	Percentage	Valid Percentage
Valid	0 Too wrong	505	88,4	90,7
	1	22	3,9	3,9
	2	3	0,5	0,5
	3	3	0,5	0,5
	4	4	0,7	0,7
	5	10	1,8	1,8
	6	3	0,5	0,5
	7	2	0,4	0,4
	8	2	0,4	0,4
	9	1	0,2	0,2
	10 Exactly right	2	0,4	0,4
	Total	557	97,5	100,0
Invalid	-1	14	2,5	
Total		571	100,0	
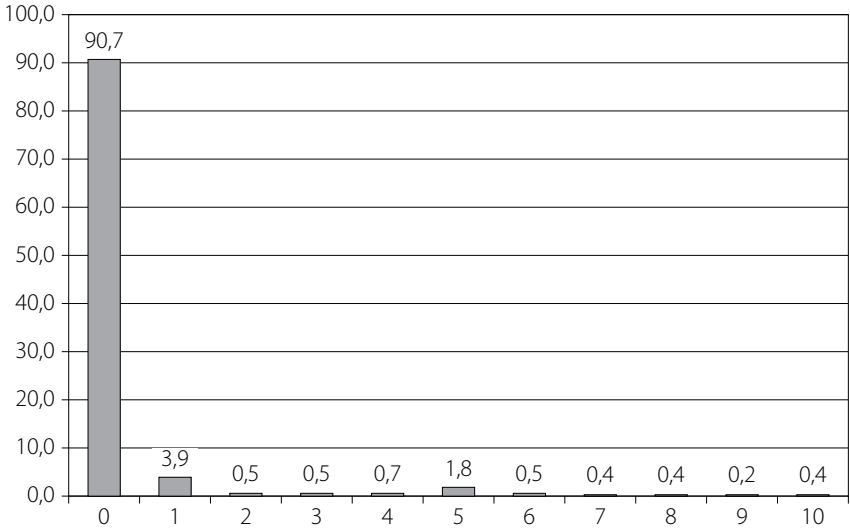
The huge majority of the staffs participated in the survey find the acceptance of some money too wrong (too wrong (%90.7). When "5" is taken as the neutral answer in the scale, it is seen that 96.3% think it is wrong, while 2% think it is right.

Table 22: What police officers think about accepting bribe on duty from the drivers to whom the police officers serve

		Frequency	Percentage	Valid Percentage
Valid	0 Too wrong	514	90,0	91,0
	1	20	3,5	3,5
	2	4	0,7	0,7
	3	5	0,9	0,9
	4	6	1,1	1,1
	5	8	1,4	1,4
	6	2	0,4	0,4
	7	3	0,5	0,5
	10 Exactly right	3	0,5	0,5
	Total	565	98,9	100,0
Invalid	-1	6	1,1	
Total		571	100,0	
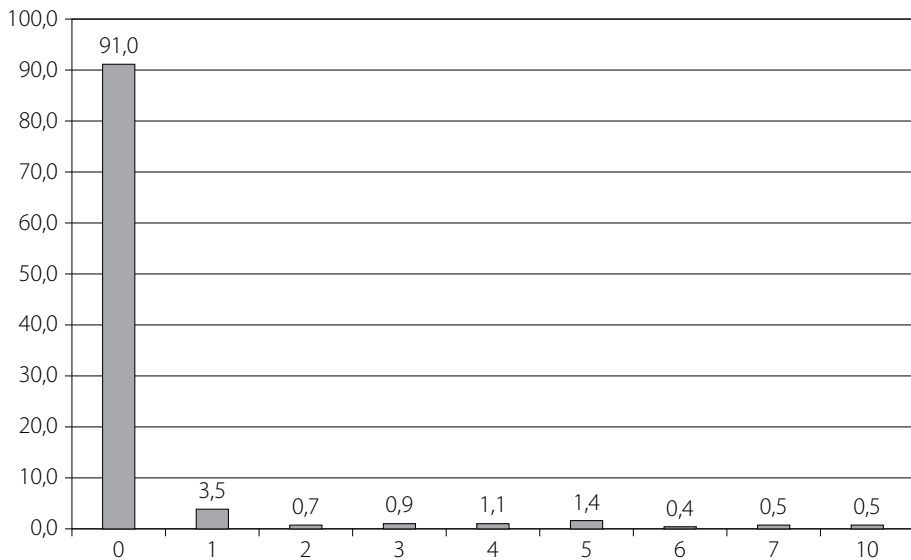
The huge majority of the staff participated in the survey find the acceptance of bribe too wrong (too wrong (%91). When "5" is taken as the neutral answer in the scale, it is seen that 97.2% think it is wrong, while 1.4% think it is right.

When the three questions are evaluated together, it can be concluded that accepting the offered "money" seems to be perceived more as bribery (too wrong 90.7% and 91%). In the question on accepting a bonus or gift, the percentage of the extreme answer, "too wrong", reduces to 79.6%. There is a more than 10% difference.

Table 23: What the police officers think about a traffic team accepting some cheap drinks food e.g., without exaggerating or demanding more, from shops along where that team work on duty

		Frequency	Percentage	Valid Percentage
Valid	0 Too wrong	294	51,5	52,3
	1	33	5,8	5,9
	2	40	7,0	7,1
	3	39	6,8	6,9
	4	29	5,1	5,2
	5	70	12,3	12,5
	6	15	2,6	2,7
	7	13	2,3	2,3
	8	8	1,4	1,4
	9	3	0,5	0,5
	10 Exactly right	18	3,2	3,2
	Total	562	98,4	100,0
Invalid	-1	9	1,6	
Total		571	100,0	
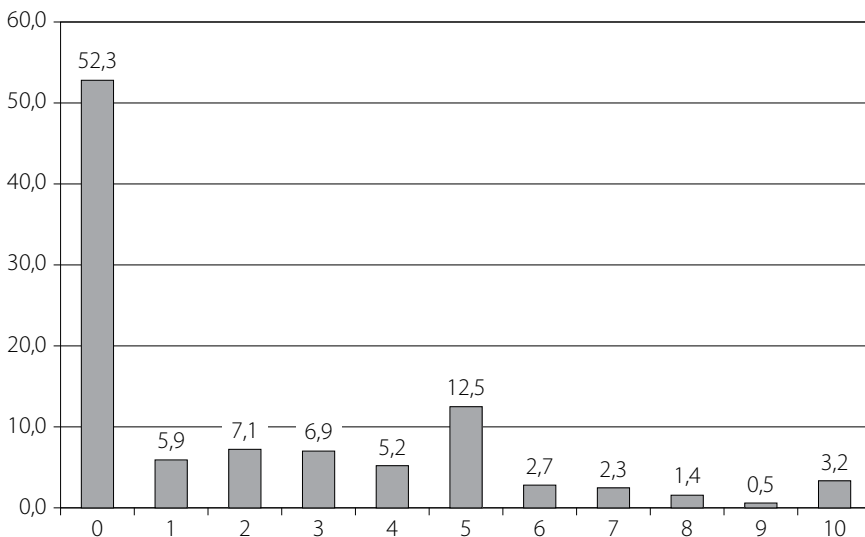
More than half of the staffs participated in the survey find the acceptance of cheap drinks, food e.g., without exaggerating or demanding more, from shops along where that traffic team work on duty too wrong (%52.3). However, this percentage is not a complete opposition. In other words, the perception of this as bribery is less. When "5" is taken as the neutral answer in the scale, it is seen that 77.4% answered "wrong", while 10.1% answered "right".

Table 24: How it is perceived when a traffic police officer accepts some cheap drinks, food e.g. from shops along where that police officer work on duty. Then, one of those owners of the shops violates a traffic rule.

		Frequency	Percentage	Valid Percentage
Valid	0 Too wrong	419	73,4	74,3
	1	32	5,6	5,7
	2	27	4,7	4,8
	3	18	3,2	3,2
	4	6	1,1	1,1
	5	22	3,9	3,9
	6	11	1,9	2,0
	7	4	0,7	0,7
	8	5	0,9	0,9
	9	2	0,4	0,4
	10 Exactly right	18	3,2	3,2
	Total	564	98,8	100,0
Invalid	-1	7	1,2	
Total		571	100,0	
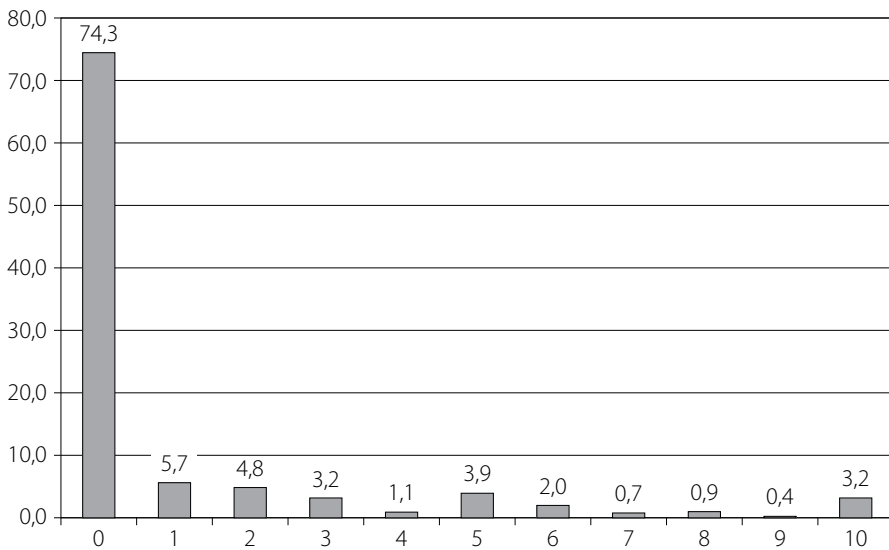
The majority of the staffs participated in the survey find the police officer not fining a shop owner who has already provided food or drink him too wrong (too wrong (%74.3). When "5" is taken as the neutral answer in the scale, it is seen that the percentage of "wrong" is 89.1% and the percentage of "right" is 7.2%.

When the two tables above are evaluated together it is seen that; the perception of the police officers' not fining the people from whom they accepted the gifts and bonuses as something wrong is much more than the perception of offering these gifts and bonuses as wrong. Therefore; when it is compared to money, the perception of gift giving is perceived less as bribery

Table 25: How it is perceived when a traffic police, who is respected by the owners of restaurants, bars, pubs e.g. where that officer works, is presented some gifts, food and drink by them for the New Year's Eve, for religious feast days etc. as a promotion for traffic services.

		Frequency	Percentage	Valid Percentage
Valid	0 Too wrong	323	56,6	57,4
	1	42	7,4	7,5
	2	31	5,4	5,5
	3	25	4,4	4,4
	4	25	4,4	4,4
	5	58	10,2	10,3
	6	9	1,6	1,6
	7	17	3,0	3,0
	8	10	1,8	1,8
	9	2	0,4	0,4
	10 Exactly right	21	3,7	3,7
	Total	563	98,6	100,0
Invalid	-1	8	1,4	
Total		571	100,0	
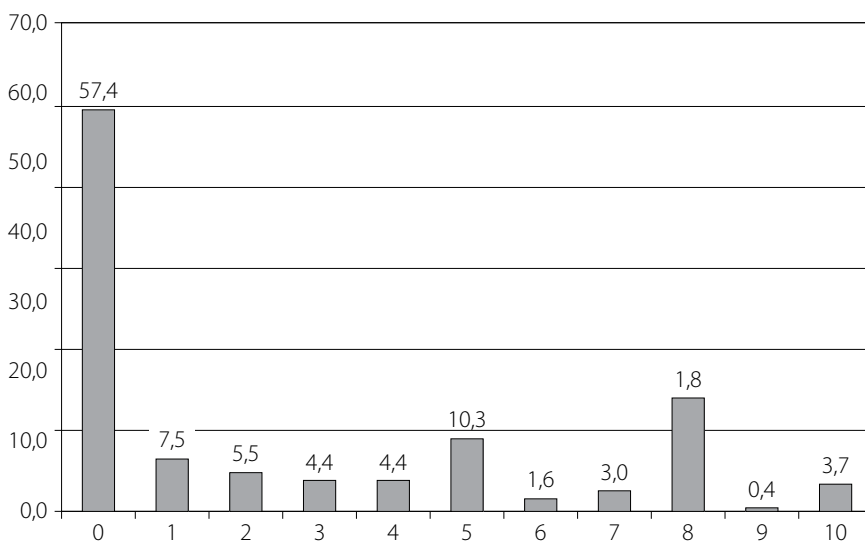
The majority of the staffs participated in the survey think that it is wrong that owners of restaurants, bars, pubs e.g. where that respected officer work give presents, gifts, food and drinks etc. to him/her for the New Year's Eve, religious feasts etc. as a promotion for traffic services (too wrong %57.4). When "5" is taken as the neutral answer in the scale, the answers are 79.2% "wrong" and 10.5% "right".

Table 26: How it is perceived when a traffic police officer regularly goes to restaurants, bars, pubs etc. where s/he works, and does not pay.

		Frequency	Percentage	Valid Percentage
Valid	0 Too wrong	439	76,9	77,7
	1	29	5,1	5,1
	2	16	2,8	2,8
	3	14	2,5	2,5
	4	13	2,3	2,3
	5	27	4,7	4,8
	6	3	0,5	0,5
	7	5	0,9	0,9
	8	3	0,5	0,5
	9	2	0,4	0,4
	10 Exactly right	14	2,5	2,5
	Total	565	98,9	100,0
Invalid	-1	6	1,1	
Total		571	100,0	
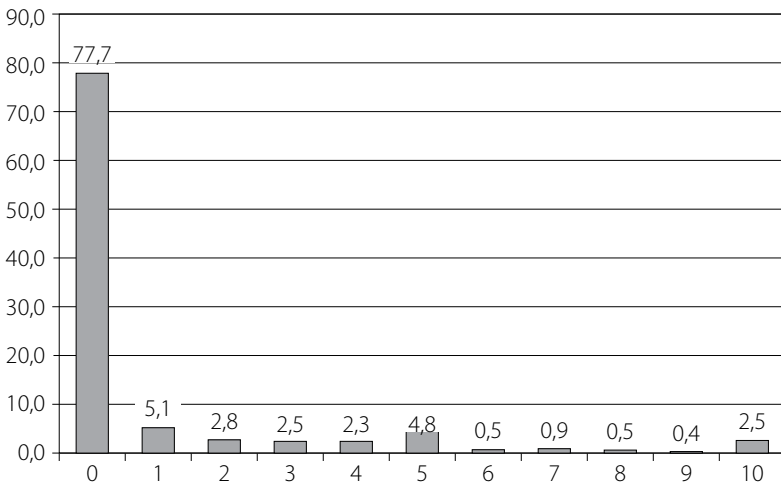
The vast majority of the staffs participated in the survey find it too wrong that police officers go to restaurants, bars, pubs e.g. where those officers work and have food and drinks without paying (too wrong %77.7). When "5" is taken as the neutral answer in the scale, the scores are as 90.4% "wrong" and 4.8% "right".

When the two tables above are evaluated together, it shows that the percentages of perceiving the acceptance of the offerings by the citizens themselves ("too wrong" 57.4%; total "wrong" 79.2%) as wrong; are less than the percentages of perceiving the usage of materials without paying as wrong ("too wrong" 77.7%; total "wrong" 90.4%). This leads us to conclude that the voluntary gift giving is perceived as normal.

Table 27: How is it perceived when a traffic police officer does not carry on any traffic fine procedures even though he/she sees a violation of traffic rules; without having any benefit from this.

		Frequency	Percentage	Valid Percentage
Valid	0 Too wrong	240	42,0	43,0
	1	18	3,2	3,2
	2	37	6,5	6,6
	3	30	5,3	5,4
	4	29	5,1	5,2
	5	86	15,1	15,4
	6	19	3,3	3,4
	7	11	1,9	2,0
	8	8	1,4	1,4
	9	5	0,9	0,9
	10 Exactly right	75	13,1	13,4
	Total	558	97,7	100,0
Invalid	-1	13	2,3	
Total		571	100,0	
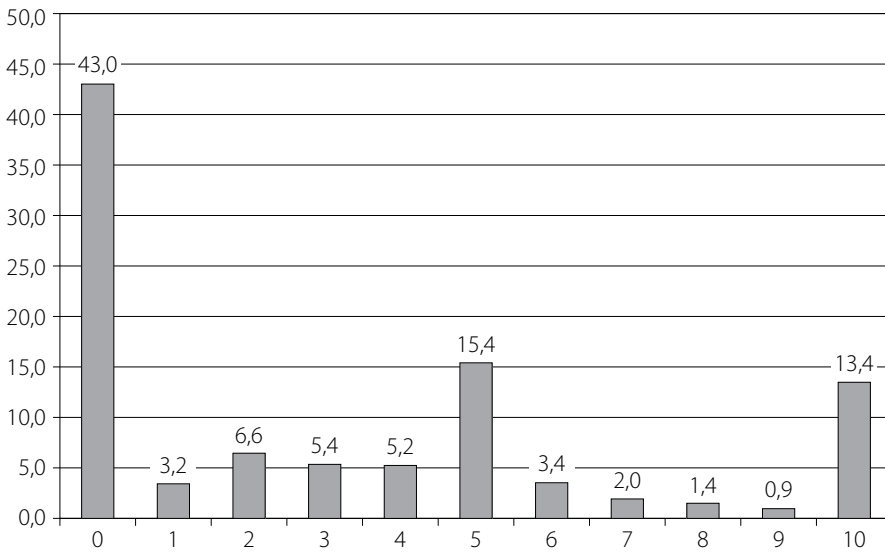
The nearly half of the staffs participated in the survey find wrong that police officers do not fine the driver without gaining anything (too wrong %43). When "5" is taken as the neutral answer in the scale, the scores are as 63.4% "wrong" and 21.1% "right".

Table 28: How it is perceived when a traffic police officer stops a driver for over-speed and informs the driver that he will fine him. However, the driver offers a bribe that is a half or less of the fine to police officer if he does not fine.

		Frequency	Percentage	Valid Percentage
Valid	0 Too wrong	496	86,9	87,6
	1	26	4,6	4,6
	2	8	1,4	1,4
	3	7	1,2	1,2
	4	5	0,9	0,9
	5	16	2,8	2,8
	6	1	0,2	0,2
	7	2	0,4	0,4
	8	1	0,2	0,2
	9	1	0,2	0,2
	10 Exactly right	3	0,5	0,5
	Total	566	99,1	100,0
Invalid	-1	5	0,9	
Total		571	100,0	
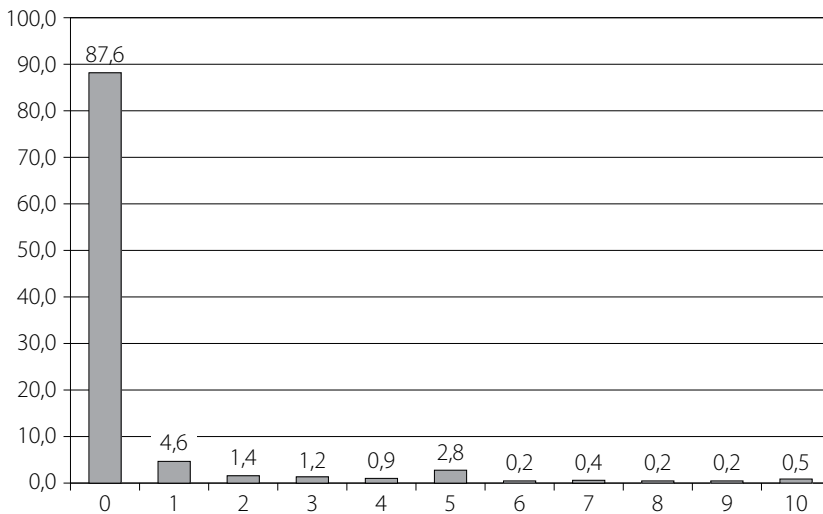
The huge majority of the staffs participated in the survey find the acceptance of bribe for not fining a driver for fast driving too wrong (too wrong %87,6). When "5" is taken as the neutral answer in the scale, the scores are as 95.7% "wrong", and 1.5% "right".

When the two tables above are evaluated together, while the participants perceive not fining the traffic rules violator as "too wrong" with the percentage of 43%; they perceive acceptance of bribery offer that is a half or less of the fine as "too wrong" with the percentage of 87.6%. When "5" is taken as the neutral answer in the scale, 95.7% find it wrong, and 1.5% find right. Therefore, not taking any fine procedures against cash is perceived more a bribery than not taking any fine procedures against nothing.

THE ANALYSIS OF "CITIZEN SURVEY" CONDUCTED IN TRAFFIC SERVICES OF MAJOR CITIES (ANKARA, ISTANBUL AND IZMIR) IN TURKEY

General Information of Citizen Participants

Table 29: Educational backgrounds of the participants

		Frequency	Percentage	Valid Percentage
Valid	Literate	2	0,4	0,4
	Primary School Graduate	98	20,2	20,4
	Secondary School Graduate	92	18,9	19,1
	High School Graduate	176	36,2	36,6
	2 Years' Vocational School Graduate	48	9,9	10,0
	University Graduate	65	13,4	13,5
	Toplam	481	99,0	100,0
Invalid	-1	4	0,8	
	Sistem	1	0,2	
	Total	5	1,0	
Total		486	100,0	
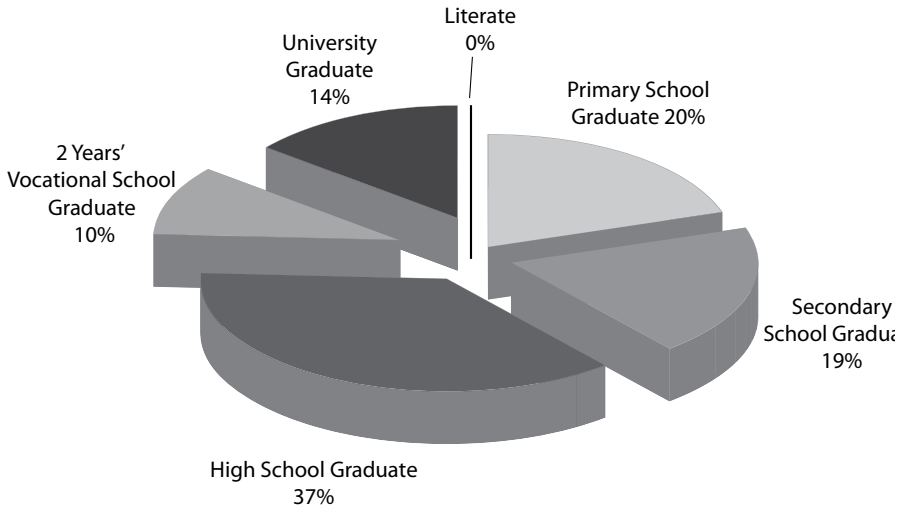
Among the participants, there are citizens from each level of educational background.

Table 30: The categories of the participants

		Frequency	Percent	Valid Percent
Valid	own car	244	50,2	53,2
	taxi driver	22	4,5	4,8
	lorry/TIR driver	102	21,0	22,2
	minibus driver	27	5,6	5,9
	bus driver	10	2,1	2,2
	Other	54	11,1	11,8
	Total	459	94,4	100,0
Missing	-1	26	5,3	
	System	1	0,2	
	Total	27	5,6	
Total		486	100,0	
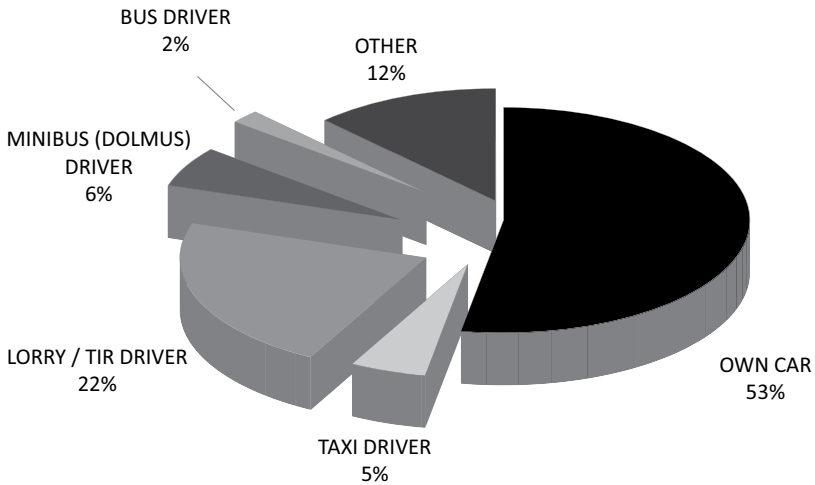
The driver category percentages of the participants are given above. More than half of the participants (53%) drive their own cars.

Attitude and Behaviour on Traffic Stop

Table 31: Whether the participants were stopped by a traffic police officer due to a claim of driver mistake or automobile deficiency in the last 2 years.

		Frequency	Percent	Valid Percent
Valid	Yes, I was stopped	290	59,7	60,2
	No, I was not stopped	192	39,5	39,8
	Total	482	99,2	100,0
Missing	-1	3	0,6	
	System	1	0,2	
	Total	4	0,8	
Total		486	100,0	
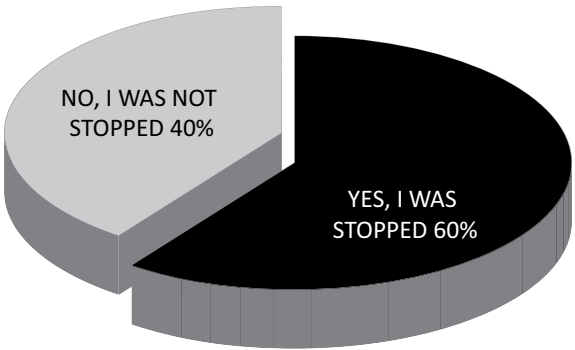
60% of the participants were stopped by the police in the last 2 years.

Table 32: (If the answer to the question B2 is "yes") what they did after being stopped

		Frequency	Percent	Valid Percent
Valid	-2	191	39,3	40,7
	I did what the officer asked from me	124	25,5	26,4
	I rejected	30	6,2	6,4
	I called a friend	4	0,8	0,9
	I accepted the penalty given	87	17,9	18,6
	proposed bribery	7	1,4	1,5
	I accepted the bribery proposal of the officer	19	3,9	4,1
	Other	7	1,4	1,5
	Total	469	96,5	100,0
Missing	-1	16	3,3	
	Sistem	1	0,2	
	Total	17	3,5	
Total		486	100,0	
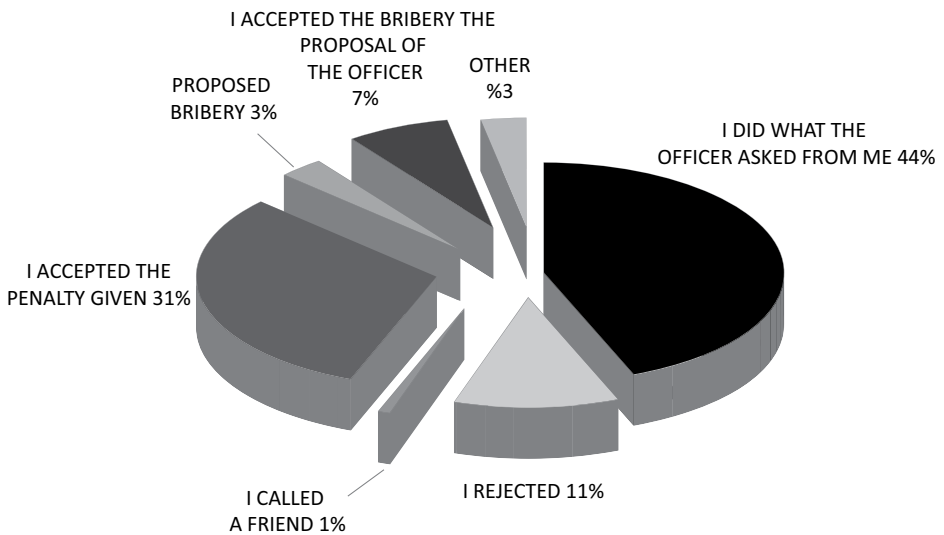
About the half of the stopped drivers done what the officer asks them to do (44%), and one third of them (31%) accepted the fine given. The percentage of the drivers who proposed bribery is 3%; while the percentage who accepted the proposal of bribery is 7%.

Table 33: (If the answer to the question B2 is "no") what would they do if they were stopped.

		Frequency	Percent	Valid Percent
Valid	-2	12	2,5	4,0
	would do what the officer asks	139	28,6	46,6
	would object	32	6,6	10,7
	would call a friend	3	0,6	1,0
	would accept the penalty given	66	13,6	22,1
	would propose bribery	10	2,1	3,4
	would accept the bribery proposal of the officer	13	2,7	4,4
	Other	23	4,7	7,7
	Total	298	61,3	100,0
Missing	-1	187	38,5	
	System	1	0,2	
	Total	188	38,7	
Total		486	100,0	

WOULD ACCEPT THE BRIBERY PROPOSAL OF THE OFFICER 5%

WOULD PROPOSE BRIBERY 3%

OTHER 8%

WOULD ACCEPT BRIBERY 23%

WOULD DO WHAT THE OFFICER ASKS 49%

WOULD CALL A FRIEND 1%

WOULD OBJECT 11%
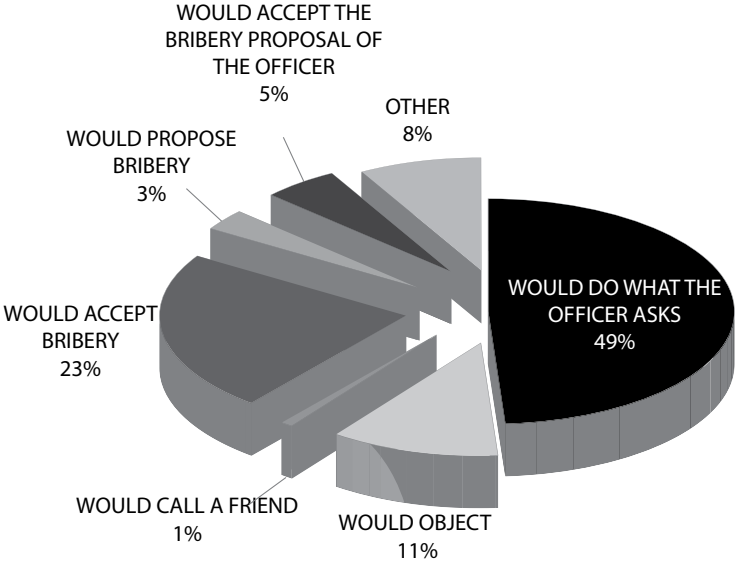
The participants who were not stopped were asked what they would do if they were stopped. Nearly half of them (49%) said "they would do what the officer asks"; quarter of them says that they would accept the fine. The percentage of the drivers who would propose bribery is 3%; while the percentage who would accept the proposal of bribery is 5%.

The participants who answered the question (Table 32) are the drivers who had already been stopped by the traffic police some time before. The participants who answered the question (Table 33); however, are the drivers who had not been stopped. They are asked what they "would" do if they "were" stopped. No participant answered both questions. When the two tables above evaluated together, it shows that the drivers who did not stopped would act similarly to drivers who were stopped.

Table 34: Whether the traffic police officers penalized the participants in the last 2 years.

		Frequency	Percent	Valid Percent
Valid	-2	1	0,2	0,2
	YES	267	54,9	55,4
	NO	214	44,0	44,4
	Total	482	99,2	100,0
Missing	-1	3	0,6	
	System	1	0,2	
	Total	4	0,8	
Total		486	100,0	
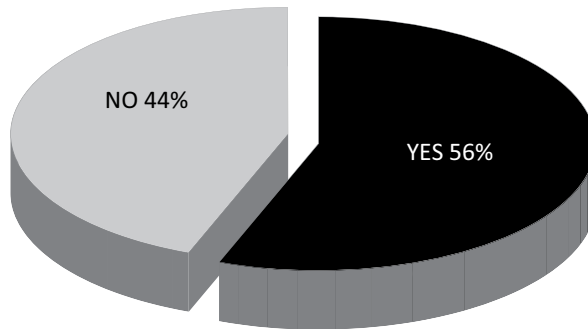
It seems as if there is a contradiction between the 56% that is seen in this Table, and the 60% that we saw in the question "Have you been stopped?" However, this contradiction is due to the fact that sometimes the penalties are not given by stopping the drivers but by sending the penalties to the addresses of them.

Table 35: Whether there was some kind of an illegal or unethical demand (i.e. bribery) from the officer.

		Frequency	Percent	Valid Percent
Valid	-2	215	44,2	45,5
	YES	70	14,4	14,8
	NO	188	38,7	39,7
	Total	473	97,3	100,0
Missing	-1	12	2,5	
	System	1	0,2	
	Total	13	2,7	
Total		486	100,0	
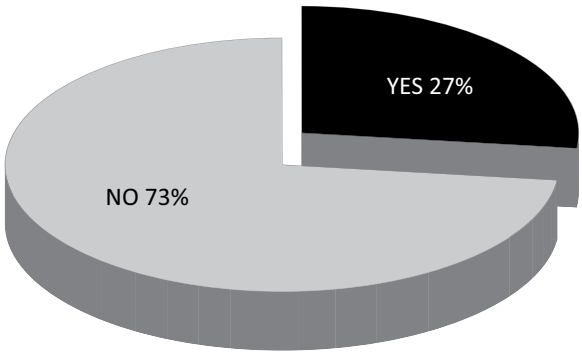
As seen in the Table, the participants seen as "-2" (215 people) did not answer this question because of the previous one. Among the ones who did answer, only 70 people answered "yes" and 188 people answered "no". Among the ones who answered "yes"; 27% stated that there was a proposal from the police officer. The majority (73%) stated that there was not.

Table 36: Whether the Stopped Drivers Accept the Bribery Offer of the Police Officer

		Frequency	Percent	Valid Percent
Valid	-2	403	82,9	85,6
	YES	55	11,3	11,7
	NO	13	2,7	2,8
	Total	471	96,9	100,0
Missing	-1	14	2,9	
	System	1	0,2	
	Total	15	3,1	
Total		486	100,0	
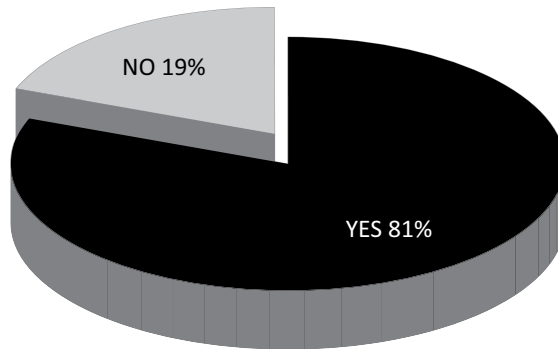
81% of the drivers to whom the police officers had offered bribery accepted the offer. It is noteworthy that four fifth of the drivers accepted the offer.

Table 37: Whether the citizens accept the penalties and pay for them whenever they are found guilty for violating the traffic rules.

		Frequency	Percent	Valid Percent
Valid	0 I never do pay for them	26	5.3	5.7
	1	4	0.8	0.9
	2	8	1.6	1.7
	3	8	1.6	1.7
	4	5	1.0	1.1
	5	23	4.7	5.0
	6	12	2.5	2.6
	7	11	2.3	2.4
	8	17	3.5	3.7
	9	21	4.3	4.6
	10 I always do pay for them	324	66.7	70.6
	Total	459	94.4	100.0
Missing	-1	26	5.3	
	System	1	0.2	
	Total	27	5.6	
Total		486	100.0	
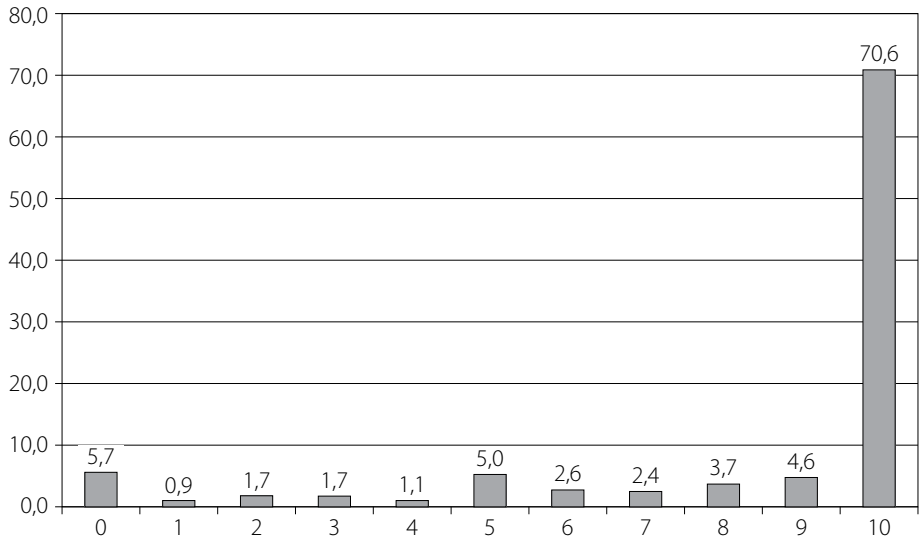
The great majority of the participants accept their penalties and pay for them (I always do pay for them 70.6%). However, a minority state that they do not (I never do pay for them 5.7%).

Table 38: Whether the citizens propose money or goods to the police officer in order not to pay for the fine, whenever they are found guilty for violating the traffic rules.

		Frequency	Percent	Valid Percent
Valid	0 I never do propose	317	65.2	69.5
	1	17	3.5	3.7
	2	14	2.9	3.1
	3	13	2.7	2.9
	4	22	4.5	4.8
	5	21	4.3	4.6
	6	4	0.8	0.9
	7	7	1.4	1.5
	8	8	1.6	1.8
	9	1	0.2	0.2
	10 I always propose	32	6.6	7.0
	Total	456	93.8	100.0
Missing	-1	29	6.0	
	System	1	0.2	
	Total	30	6.2	
Total		486	100.0	
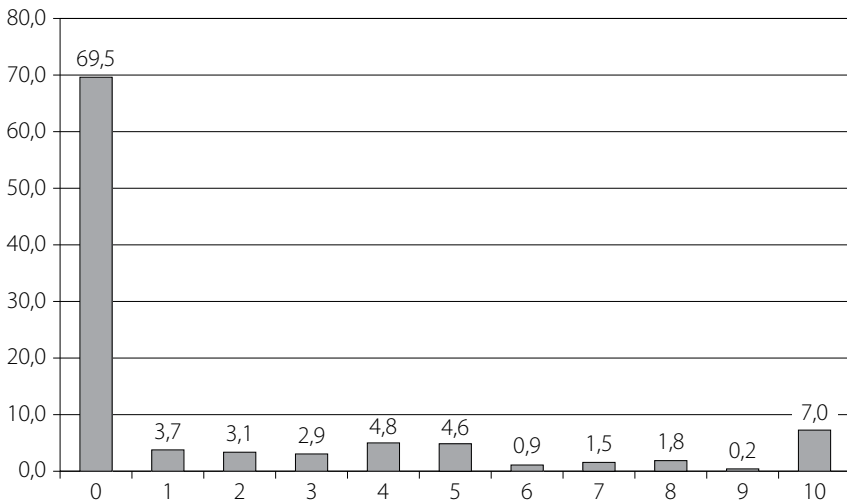
An important percentage says that s/he will propose money or goods (I always propose 7%); however, a great majority states that they will not propose money or goods (I never do propose 69.5%). When "5" is taken as the neutral answer, more than one tenth of the participants (11.4%) state that they will propose money or goods in order not to pay for the fine.

When these two tables are evaluated together we get similar results. While 69.5% say they never offer bribe, 70.6% say they would pay for the fine if they violate a traffic rule.

The results of these two tables are similar to the results of the previous two.

Ethical Perception of Citizen Participants

Table 39: The evaluation of how ethical it is when the police officer is proposed even a little amount of money by the citizens s/he serves to, while s/he is on duty

		Frequency	Percent	Valid Percent
Valid	0 Highly Unethical	367	75,5	79,6
	1	25	5,1	5,4
	2	18	3,7	3,9
	3	13	2,7	2,8
	4	7	1,4	1,5
	5	6	1,2	1,3
	6	3	0,6	0,7
	7	3	0,6	0,7
	9	2	0,4	0,4
	10 Totally Ethical	17	3,5	3,7
	Total	461	94,9	100,0
Missing	-1	24	4,9	
	System	1	0,2	
	Total	25	5,1	
Total		486	100,0	
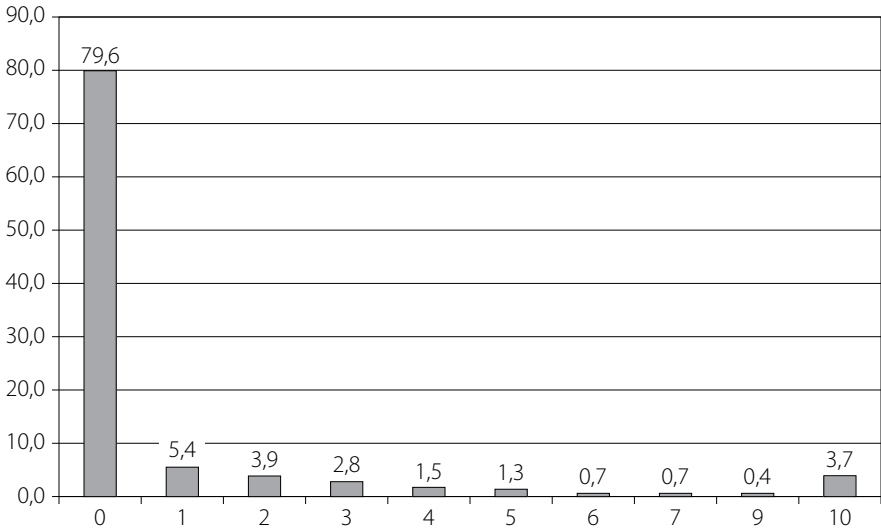
As seen, a great majority finds it totally unethical to propose even the smallest amount of money to the traffic officer (Highly unethical 79.6 %). When "5" is taken as the neutral answer, the rate of "wrong" is 93.2% and the rate of "right" is 5.5%.

When this question is asked to the police officers, 91% say "highly unethical", 0.4% say "totally ethical". When "5" is taken as the neutral answer in the police survey, the rate of "wrong" is 96.3%, and the rate of "right" is 1.9%. Therefore, it is seen that the ethical sensibility of the police officers is higher than the citizens'.

Table 40: The evaluation of how ethical it is when the driver proposes money or goods that is worth the half or less of the fine to be given by the officer because of over speed.

		Frequency	Percent	Valid Percent
Valid	0 Too wrong	349	71,8	75,7
	1	26	5,3	5,6
	2	16	3,3	3,5
	3	16	3,3	3,5
	4	10	2,1	2,2
	5	12	2,5	2,6
	6	4	0,8	0,9
	7	4	0,8	0,9
	8	4	0,8	0,9
	9	1	0,2	0,2
	10 Exactly Right	19	3,9	4,1
	Total	461	94,9	100,0
Missing	-1	24	4,9	
	System	1	0,2	
	Total	25	5,1	
Total		486	100,0	
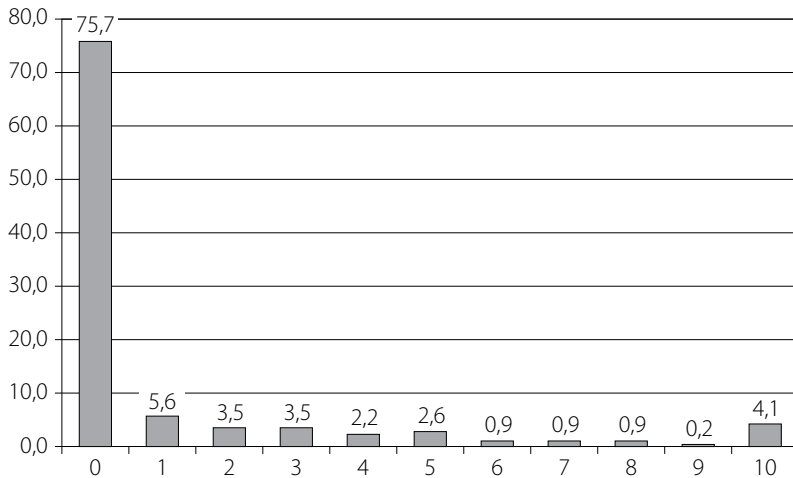
As seen, a great majority finds it totally unethical to propose even a "small amount of money" to the traffic police officer (highly unethical 75.7%).

In the question, the people mentioned (who propose money to the police officer) do not have to be drivers. The mentioned people are the people who the police officer serves to, and who propose money to the police officer while s/he is on duty (for some reason). The people mentioned in the question (Table 40), on the other hand, are people who are drivers and who have been stopped by the police for some reason.

When "5" is taken as the neutral answer, 90.5% of the participants find it wrong when the driver proposes money or goods that are worth the half or less than the fine to be given by the officer because of over speed, while 7% find it right. When "5" is taken as the neutral answer in the police survey, 95.7% find it wrong and 1.5% find it right. Therefore, it is seen that the ethical sensibility of the police officers is higher than the ethical sensibility of the citizens.

Table 41: The evaluation of how ethical it is when the owners of businesses such as restaurants or coffeehouses award the police officer who is highly respected by the people in the region with gifts or meals for such reasons as religious festivals or the New Year's Eve.

		Frequency	Percent	Valid Percent
Valid	0 Highly unethical	250	51.4	53.8
	1	28	5.8	6.0
	2	21	4.3	4.5
	3	21	4.3	4.5
	4	19	3.9	4.1
	5	36	7.4	7.7
	6	12	2.5	2.6
	7	14	2.9	3.0
	8	10	2.1	2.2
	10 Totally Ethical	54	11.1	11.6
	Total	465	95.7	100.0
Missing	-1	20	4.1	
	Sistem	1	0.2	
	Total	21	4.3	
Total		486	100.0	
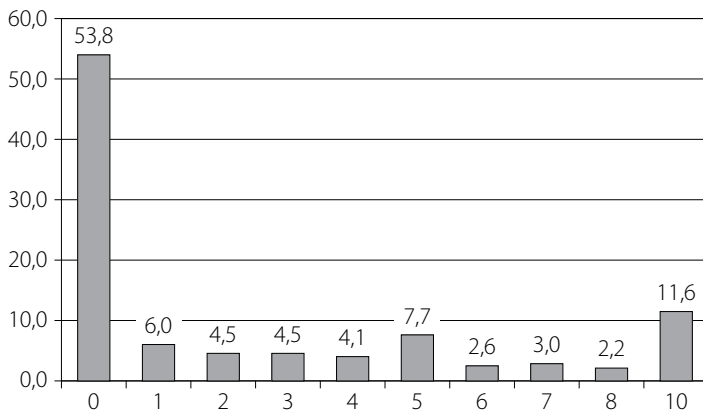
As seen the participants find it unethical when the owners of businesses such as restaurants or coffeehouses award the police officer who is highly respected by the people in the region with gifts or meals (highly unethical 53.8%); and a noteworthy amount of citizens find it ethical (totally ethical 11.6%).

The answers of the police officers are 57.4% "highly unethical", and 3.7% "totally ethical". When "5" is taken as the neutral answer in the scale, the answers of the citizens' rate as 72.9% wrong, and19.4% right; while the answers of the police officers rate as 79.2% wrong and 10.5% right.

In conclusion, it is seen that the ethical sensibility of the police officers is higher, and this situation is perceived a relatively smaller bribery. For example, one fifth of the citizens find gift giving right.

Table 42: The evaluation of how ethical is it when a traffic officer accepts a honouring or a gift from the citizens while on duty.

		Frequency	Percent	Valid Percent
Valid	0 Highly unethical	295	60.7	63.2
	1	30	6.2	6.4
	2	31	6.4	6.6
	3	26	5.3	5.6
	4	15	3.1	3.2
	5	23	4.7	4.9
	6	4	0.8	0.9
	7	5	1.0	1.1
	8	4	0.8	0.9
	9	1	0.2	0.2
	10 Totally ethical	33	6.8	7.1
	Total	467	96.1	100.0
Missing	-1	18	3.7	
	System	1	0.2	
	Total	19	3.9	
Total		486	100.0	
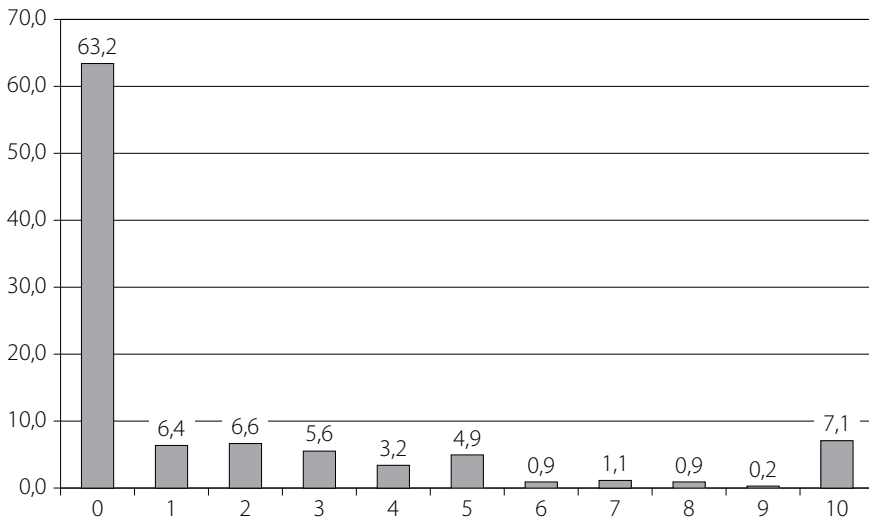
While most of the participants find it unethical when an officer accepts gifts or honouring (highly unethical 63.2%); an important percentage finds it ethical (totally ethical 7.1%). The answers of the police officer participants are 79.6% "highly unethical", and 1.3% "totally ethical".

When "5" is taken as the neutral answer in the scale, 85% of the citizens say that it is wrong and 10.2% say it is right; while 91.8% of the police officers say it is wrong and 3.8% say it is right. In conclusion, the ethical sensibility of the police is higher in this question as well.

Table 43: The evaluation of how ethical is it when a traffic officer demands a small amount of money from the citizens while on duty.

		Frequency	Percent	Valid Percent
Valid	0 Highly unethical	391	80.5	83.2
	1	29	6.0	6.2
	2	13	2.7	2.8
	3	11	2.3	2.3
	4	5	1.0	1.1
	5	6	1.2	1.3
	6	2	0.4	0.4
	9	1	0.2	0.2
	10 Totally ethical	12	2.5	2.6
	Total	470	96.7	100.0
Missing	-1	15	3.1	
	System	1	0.2	
	Total	16	3.3	
Total		486	100.0	
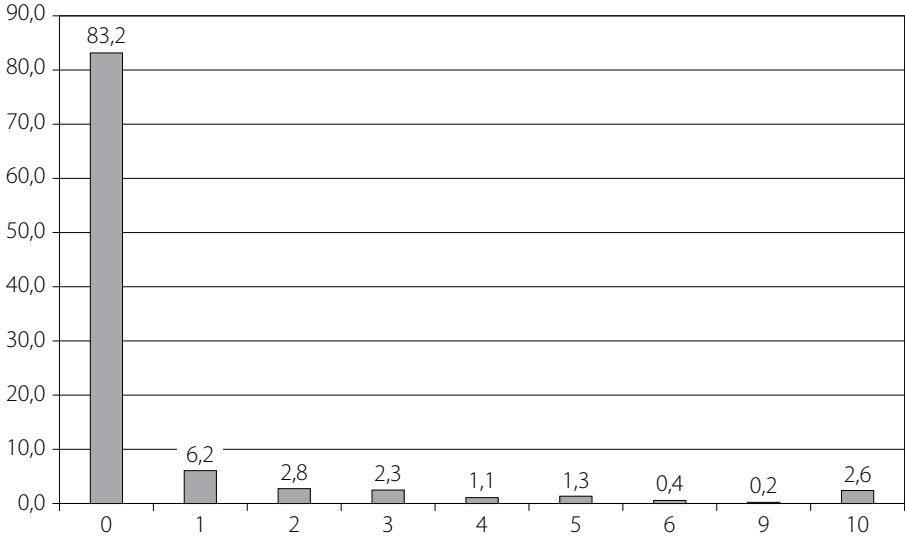
The great majority finds it unethical when the police demand even a small amount of money from the citizens (highly unethical 83.2%). When "5" is taken as the neutral answer, 95.6% say it is wrong and 3.2% say it is right. Therefore, demanding money from the citizens or accepting the money of the citizens is perceived relatively more unethical than gift giving.

Table 44: The evaluation of how ethical is it when a traffic officer accepts the bribery proposed by the citizens, when on duty.

		Frequency	Percent	Valid Percent
Valid	0 Highly unethical	384	79.0	82.1
	1	30	6.2	6.4
	2	14	2.9	3.0
	3	10	2.1	2.1
	4	5	1.0	1.1
	5	8	1.6	1.7
	6	3	0.6	0.6
	8	3	0.6	0.6
	9	2	0.4	0.4
	10 Totally ethical	9	1.9	1.9
	Total	468	96.3	100.0
Missing	-1	17	3.5	
	System	1	0.2	
	Total	18	3.7	
Total		486	100.0	
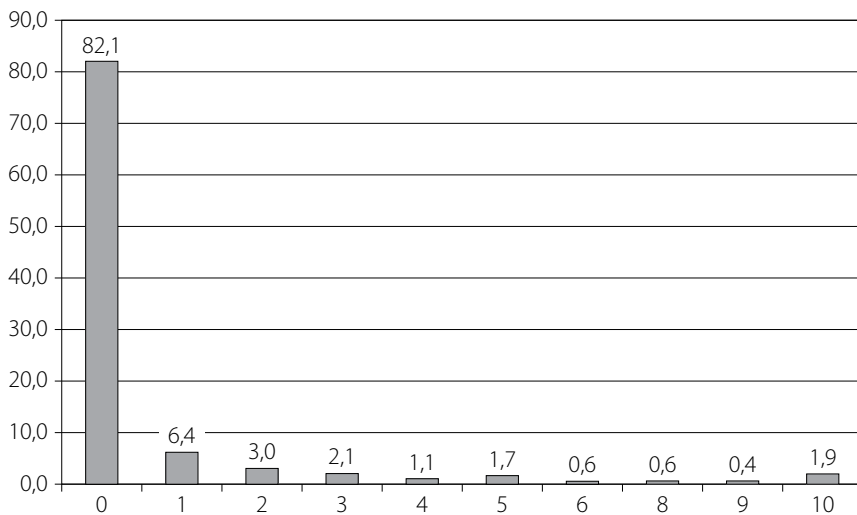
The majority finds it unethical when the traffic officer accepts the bribery proposed by the people s/he serves to (highly unethical 82.1%). 91% of the police officers answered this question highly unethical while 0.5% answered totally ethical. When the two tables above are evaluated together, it is seen that the citizens find it equally unethical when the police officers demand bribe or when the citizens offer bribe without any demand from the police officer.

When "5" is taken as the neutral answer in the scale, 94.7% of the citizens find it wrong and 3.5% find it right; while 97.2% of the police officers find it wrong and 1.4% find it right. Therefore, it is seen that the ethical sensibility of the police is slightly higher.

Table 45: The evaluation of how ethical is it when the business enterprises on the route of a traffic patrol propose them small-value gifts such as food or beverage.

		Frequency	Percent	Valid Percent
Valid	0 Highly unethical	292	60.1	63.2
	1	32	6.6	6.9
	2	19	3.9	4.1
	3	18	3.7	3.9
	4	16	3.3	3.5
	5	29	6.0	6.3
	6	7	1.4	1.5
	7	9	1.9	1.9
	8	10	2.1	2.2
	9	1	0.2	0.2
	10 Totally ethical	29	6.0	6.3
	Total	462	95.1	100.0
Invalid	-1	23	4.7	
	System	1	0.2	
	Total	24	4.9	
Total		486	100.0	
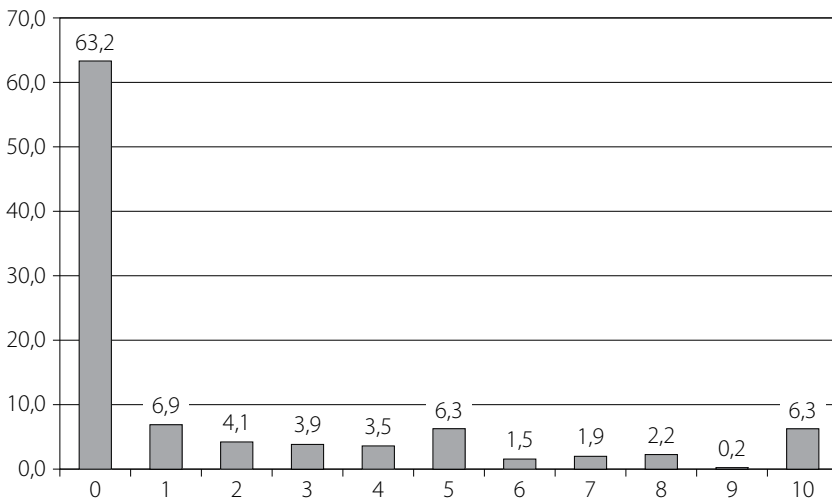
Even though the majority states that they find it unethical when the business enterprises on the route of a traffic patrol propose them small-value gifts such as foods or beverages (highly unethical 63.2%); an important percentage finds it ethical (totally ethical 7.1%). When the answers given are compared to those of the police officers, it is seen that 52.3% of the police officers find it highly unethical and 3.2% find it totally ethical.

When "5" is taken as the neutral answer in the scale, 81.6% of the citizens say it is wrong and 12.1% say it is right; while 77.4% of the police officers say it is wrong and 10.1% say it is right. However; it is significant that in both groups about 10% of the participants find honoring correct.

Table 46: The evaluation of how ethical is it when a traffic police, who sees a violation of traffic rules, does not apply any criminal procedure even though s/he has no gain of it.

		Frequency	Percent	Valid Percent
Valid	0 Highly unethical	186	38.3	41.1
	1	18	3.7	4.0
	2	16	3.3	3.5
	3	14	2.9	3.1
	4	7	1.4	1.5
	5	31	6.4	6.8
	6	6	1.2	1.3
	7	12	2.5	2.6
	8	11	2.3	2.4
	9	5	1.0	1.1
	10 Totally ethical	147	30.2	32.5
	Total	453	93.2	100.0
Missing	-1	32	6.6	
	System	1	0.2	
	Total	33	6.8	
Total	486	100.0		
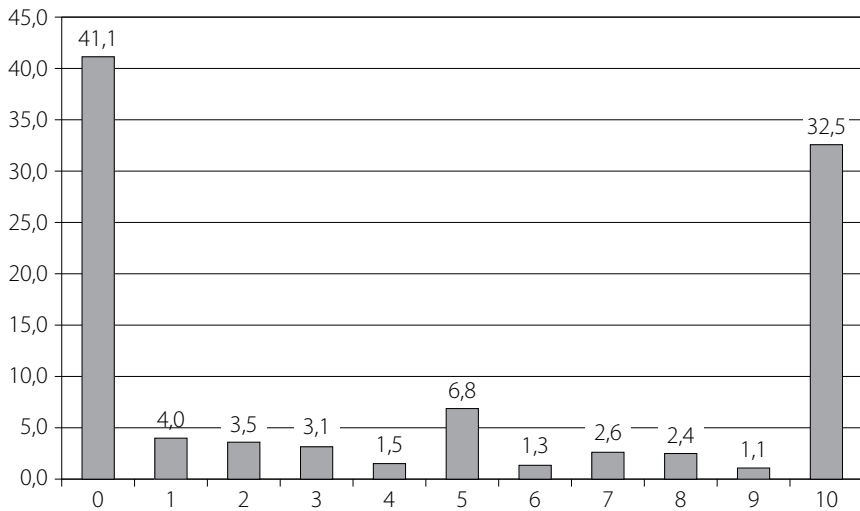
There is no big differences between the participants who do and do not find it ethical when a traffic police officer, who sees a violation of traffic rules, does not apply any criminal procedure even though s/he has no gain of it (highly unethical 41,1%; totally ethical 32.5%).

The rate of the police officer participants who say it is highly unethical is 43%, and the ones who say totally ethical is 13.4%. The question on which the answers of the police officers and the citizens had most diverted opinions is this one.

When "5" is taken as the neutral answer in the scale, 53.2% of the drivers find it wrong and 39.9% find it right; while 63.4% of the police officers find it wrong and 21.1% find it right.

Table 47: The most marked options on the question what can be done against the routine corruption in traffic services? (For the participants can mark more than one option, the percentages here should be handled one by one).

Number of the participants: 485

Option of Solution	Frequency	Percentage
The traffic penalties should be applied equally (to everybody without exception; i.e. the police officers, the soldiers, the attorneys etc.)	361	74.4
The supervision in traffic should be done with technological devices	281	57.9
The traffic behaviour awareness of citizens should be increased by media and practical trainings (the awareness of everybody have to obey the rules and providing the social supervision by informing the ones who do not)	281	57.9
The citizens should accept the penalties and should not involve in bribery	271	55.9
Penalties other than monetary penalties should be given (i.e. traffic education or rehabilitation penalties)	203	41.9
The salaries of the traffic personnel should be increased	172	35.4
The money amounts of traffic penalties should be decreased	140	28.9
The money amounts of traffic penalties should be increased	115	23.7

As seen from the table, the citizens chose the option "the traffic penalties should be applied equally (to everybody without exception; i.e. the police, the soldiers, the attorneys etc.)" most, with the percentage of 75%. Besides, they supported the option "The supervision in traffic should be done with technological devices" with the percentage of 58%. The option "The traffic behaviour awareness of citizens should be increased by media and practical trainings (the awareness of everybody have to obey the rules and providing the social supervision by informing the ones who do not)" was chosen with the percentage of 58%. At the same time, with the percentage of 56%, the option "The citizens should accept the penalties and should not involve in bribery" was chosen. 42% of the participants chose the option "Penalties other than monetary penalties should be given (i.e. traffic education or rehabilitation penalties)". The interesting point is that only 35% of the participants think that the salaries should be increased, contradicting with the general claim that low salaries are the reason for bribery. The options about increasing or decreasing the level of the penalties have not been much respected. In this context, the participants who believe that they should be decreased are 29%, while the participants who think they should be increased are 24%.

In conclusion, the participants attached priority to the options of justice in penalizing, firm supervision with technological devices, and the citizens not to propose bribery to prevent unethical cases in traffic services. However, only some of the participants think that it would be useful if the salaries are increased, and some alternative solutions other than monetary penalties are applied. A certain group thinks that it would be useful if the penalties are aggravated, while another group thinks that it would be more useful if the penalties are lightened.

THE EVALUATION OF THE SURVEY DATA

All the tables of the survey can be summarized as follows:

According to police personnel survey;

- The first subject concerned about is education. It is seen that the ethical education of the staff is insufficient both in pre-service and in in-service trainings.

- Secondly, it is seen that the superiors do not supervise the staff sufficiently about gift giving or bribery. It is stated that rather than supervision, the staff has a self-control system by which they "warn" each other.

- The reasons of bribery and the effect of the citizens are evaluated differently. The rate of the citizen affecting the procedure to be taken by offering something or happening to be an acquaintance when stopped for violating a traffic rule is 17-20%; while the rate of the effect if the stopped driver is a police officer is 50%. It can be interpreted from here that there is a professional interaction and solidarity among the police officers.

- Another subject concerned about was the effect of the salaries on bribery among reasons for bribery. Three fourth of the participants do not have an additional income; moreover, the spouses of 85% do not work. Even though it is seen that insufficient salary itself is not the only matter effecting bribery; it will affect the staff by the rate of approximately ¼.

- The effect of the fact that some people, institutes or companies help police managers by providing official cars or furnishing is believed "not to affect" bribery by more than half of the participants; one third of the participants think it will. Therefore, it is very important to be careful about providing and receiving "institutional benefit".

- According to the police officers participated in the survey, when the police officers or the drivers hint anything about offering or accepting bribery in their communication; if it is the police officer who implies that s/he expects bribery, the rate of the citizens being affected is 50%; however, if it is the driver who offers bribery, the police officers are affected with the rate of 80%.

- Another matter of concern in the survey was perception. It is perceived as "unethical" with the rate of; 92% when the police officer accepts the gifts of the citizens, about 97% when the police officer accepts money. Therefore, the rate of perceiving gift giving and accepting money as bribery is quite high.

- Moreover, accepting the gifts and honouring of the storekeepers who work nearby is perceived as wrong by 77% and right by 10%; and not penalizing these people is perceived wrong by 90% of the participants. Therefore, proportionally, not penalizing is perceived as more unethical than accepting the gifts and honouring. Even on special days, gift giving is perceived wrong by 80% of the participants.

- Not fining the drivers in return for money is seen wrong by 96% and right by 1.5% of the participants; therefore, is perceived as bribery.

When we take a look at the driver participants the outcomes are as follows:

- 10% of the drivers have bribed or told that will bribe if stopped; so there is this potential. 75% states that they will do what the police officer demands. ¼ of the stopped drivers state that bribery had been demanded from them and 80% of them accepted the demand. In the interviews, the drivers stated that the first offer usually was from their own, for they thought they were faulty. In the survey, 11.4% stated that they will offer money or goods if they violate a rule, in order not to pay for the fine.

- The outcomes of the survey on the perception of ethics of the drivers are as follows: It is perceived as wrong with the rate of 93% when the citizens offer little money to the traffic officer; and with the rate of 90.5% when the citizen offers money or goods half the worth of the fine. This shows that the ethical perception is quite high. However, the perception of the police is higher. For example, the police find both wrong with the rate of 96%.

- Gifts given to the police officers by the citizens nearby is perceived 73% wrong and 19% right by the citizens; while 79% wrong and 10.5% right by the police officers. As it is seen, the citizens find these kinds of gifts relatively less unethical. The ethical sensibility of the police is; therefore, higher.

- The police accepting these gifts are perceived more unethical (85%). The fact that the rate in the police officers' survey is 92% shows that the sensibility is higher.

- It is perceived wrong by 96% of the citizens when the police officers demand money from the citizens. The rate of the police officer participants' perceiving demanding money wrong is 97%.

- Whereas 53% of the citizen participants find it wrong and 40% find it right when the police officers do not fine a faulty driver without any gain from it; the rates of the police officer participants were 63% wrong and 21% right. The greatest collision between the answers of police officers and the citizens was in this question. This is because the question is directly about the benefit of the drivers.

- According to the survey data; when the police officers and the drivers are compared; it is seen that in general, the ethical sensibility of the police officers is higher than the ethical sensibility of the drivers.

CONCLUSION AND EVALUATION

The data that were reached through the methodology used and the reasons found out through interviews and surveys held with police officers and citizens, throughout the process of the research, have been listed below. According to the findings of this research which aims to measure the "ethical perception" of the staffs who working in the traffic services and the citizens, the sources of the problem can be categorized into two as "institutional" and "individual".

The police and publics' perception on ethical issues were investigated based on the following questions.

"Temptations" a police officer may be facing daily

A traffic police officer, unlike his/her counterparts working in a desk duty, works under pressure from his/her colleagues and public to accept things given or offered to him/her. Every day, his integrity is tested several times, in many different ways. While he is under pressures to accept food, beverage or even cash, he works without adequate supervision and control. In other words, on the one hand he/she is offered a number of different amounts of material benefits, on the other, he is not adequately supervised.

"Tempting situations", include the following, are shown in the results of survey concerning free food, beverages, small amount of regular cash in tables from 21 to 28 and from 42 to 46.

Free food and beverages

Police officers, while working in a specific location, are routinely offered, food and drink (tea-coffee and beverages) by café owners or private business owners nearby. If a police officer wants to buy something, they usually do not accept the money, even if the police officers insist to pay for it. This kind of practice gradually becomes routine and police officers habituated not paying for the food they receive and after a while do not even attempt to pay for it. This societal tolerance gradually turns into some kind of pressure. Police officers who do not accept free food are, seen as antisocial by some people. They are also seen as zealot or nuisance among other police officers. In other words, police officers who are not receiving free food find themselves under pressure from the society as well as from his colleagues. What is more, it is also profitable not to pay for the food during the day.

However, free food and drinks offered by the people are not always a manifestation of well known Turkish hospitality. The people who offer free food and services to the police expect some direct and indirect benefits in return.

During the interviews with commercial drivers some of them were cursing the police for their regular visits to "stop" (dolmuş durağı[2]). They said that "They (traffic officers) too often visit us (dolmuş durağı) every day and have their meal here without paying

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2 Minibus (Dolmuş) and buses travels on a specific route called "line" (hat). First and last stops at each end are called (Durak) where minibuses wait for their turn to begin the service.

anything. Some police officers even come to "dolmuş stops" while they are off duty and have the minibus drivers to buy cigarette and drinks for them. One bus drives said that;

"We offer coffee and food not because we willingly offer them, but because we have to. Otherwise, at every occasion they will stop and give us a ticket. The offering of food has nothing to do with generosity and hospitality. Actually we hate even to give them a cup of tea. What is more, when they visit us they do not wait for us to make an offer. They usually order the food they want to eat and we just have to buy it. This has nothing to do with hospitality. It is all about trying to avoid the tickets they may be giving us unless we give them food."

Free food and beverages offered to traffic officers does not mean that they will not give a ticket to commercial drivers. Police officers have to give certain amount of tickets every day to prove their supervisors that they are doing their job.

Small amount of regular cash flow

In addition to the regular providing of food, beverages, cigarettes, and sometimes beers to traffic officers, especially commercial drivers such as bus and minibus drivers, said that they collect money on a daily base to give the traffic units serving along the route. Amount of money varies between the bus and minibuses from 10-20 Turkish Liras per day. The amount collected from the commercial drivers is given to traffic officers on a weekly or fortnight period, to minimize the risk of being caught. Apart from this regular pay offs, commercial drivers has to collect additional amount of many before the New Year to give as cash to the traffic teams for the drinks and food. Additional amount of money is also collected, in the eve of the two religious festivals (Ramadan and Kurban) to be distributed to traffic officers. However, some bus and minibus drivers said that they do not have any information about who exactly gets the money. But, they did not have any information if the money collected were distributed among the management ranks. Some commercial drivers spoke highly about the integrity of the new generation of ranking officers, graduates of Police Academy.

Police officers are offered money, by the private car owners, to evade, greater fines. However, the research has also found that, this type of corruption was getting less and less every day. As the police officers, especially officers in the big cities, did not know, who the drivers exactly were, they were not taking a risk by asking for a bribe. Sometimes, depending on the quality of the car, and the appearance of the driver, if they were sure that the driver was not a government official or a powerful figure, they may very rarely ask for bribes. But generally they do not take risks by asking for bribes from private car drivers.

Police officers daily "ethical dilemmas", such as the gratitude, gifts, free food/beverages, pay-offs and free-services. Police uniform means power and authority and this has unique attraction for some people, especially some young women in big cities. Some young women find uniformed police officers working in "motorcycled units", (Dolphins) very attractive. Therefore, in addition to "ethical dilemmas/tests, such as the gratitude, gifts, free food, pay-offs, mentioned above, members of some specific units within traffic department face unique tempting situations. Officers working in "motorcycled units" wear very impressive

and attractive uniforms. Motorcycle they use also has an impressive appearance. Some young women, in big cities, approach to these officers with a particular interest. A police officer has to make a decision between his relatively old wife and very beautiful attractive women. A relationship with a young and beautiful woman, in addition to a legitimate wife and kids, means more expenses to cover. Additional money a police officer needs to maintain his regular family and a new relationship/affair requires additional money, which could be earned by bribe. A ranking officer stated his concern about the danger of family breakdown of police officers working in these units and he said that "a special care needed to control and prevent these officers from the temptation of women."

Role of pre-service "ethical training" in preventing routine corruption.

The results of survey concerning ethical training are shown above in tables 9 and 10. Police ethics courses and ethical training offered in pre-service police training is relatively new. Police ethics course has been a part of the curriculum since 2005. Most of the police officer serving in traffic units today have graduated from police school before 2005 and therefore, have not received formal ethical training when they were at police schools. Yet some of the instructor might have warned them about ethical awareness. But this informal education would be very weak and ineffective against a police-subculture which is extensively tolerant and not sensitive enough towards ethical issues. Some of those interviewed states that existing police education lack proper ethical training. They also think that the ethical training given in police schools do not prepare them to the realities of policing in the streets. Some stated that, ethical training they received was limited by some instructors warning them about the danger of taking minor benefits and bribes from the people. Over all almost all of those whom interviewed finds the existing ethical training far from being satisfactory.

Role of the "departmental control" (supervisory level) on police corruption

The results of survey concerning free food, beverages, small amount of regular cash are shown above in tables in 8, and from 11 to 17. None of those who were interviewed has mentioned about the existence of any systematic "departmental control". Departmental control mechanism is nonexistent. However, some ranking officer, following a complaint, or randomly detects their offices. This control is limited to the following an allegation of corruption, if there is one. Some times ranking officers watch the practice of traffic officers from distance and tries to figure out if they are taking bribes or not. In short, this research has not found any systematic departmental control mechanisms.

Relationship between the "individual corruption" and "departmental corruption"

The results of survey concerning free food, beverages, small amount of regular cash are shown above in table 19. As most of the corrupt practices take place between police officers and drivers who are both happy from this interaction. Naturally, most of the corrupt practices do not come to the attention of the senior management. Senior management

does not want to see the problem unless there is an official complain about it. In other words, corrupt practices take place under the indirect tolerance of senior management. What is more, none of the interviewed ranking offices seem to regard having a cup of tea and coffee from the citizen an ethical issue. Ranking officers, who are expected to set ethical standards for the police officers themselves, accept free food and gifts. And some of them, rather then seeing this as an unethical practice, regard this some kind of public relations. Some of them are even worried upsetting people by not accepting the gratitude and gifts given by people. Some ranking officers said that some times gifts are given in bulk and they justly distribute them between their officers.

In short, ranking officers and management rank themselves are not seem to be very sensitive about ethical issue. What is more, a great deal of needs of traffic division, such as car and building maintenances, is met by private citizens. And this is a rule and common practice rather then being en exception. The needs of police stations and traffic units are systematically covered by private citizens. This is not limited with police service. Even some other public services very often apply to private citizens and this is generally defined as the "use of local resources"(!) (mahalli imkanların kullanımı).

A police manager who covers the needs of his unit and department from the citizen with informal ways are usually considered as a successful manager. If a traffic vehicles needs maintenance, it is supplied by private persons: When a traffic car needed new tires it is also supplied by a private business man. Construction of traffic headquarters and even the regular maintenance expenses are covered by private citizens and in return they expect some kind of benefit and tolerance from the police.

Police officers regularly observe that the police organization itself is supplying its needs from private individuals; they also gradually habituated supplying their personal needs from people. One commercial (bus) drive told that, he bought 4 tires for a police officers' private car and a computer for his son.

"Role of local civilian authorities" in preventing and detecting police corruption

As traffic department is a part of national police organization, it is organized as a national service not a local one. Therefore, elected local civilian authorities do not have any involvement in traffic services other than having the right to lay, like any other citizen, a complain about corruption. As they are not a part of the traffic services they are also not a part of the solution. However, sub governors who are the primary civilian authority over the police department lack the personal and capacity to conduct an effective control. So the detection of the traffic services are only left to the police management ranks only.

Role of the external anti-corruption mechanisms"

The research has not found any external anti-corruption mechanisms other than the civilians' right to make an official complain. Detection of corruption in traffic services, like any other policing functions, is only left to the police organization itself and the management ranks are too busy to conduct effective control.

Following account tries to show that corrupt practices committed by police officers can not be seen as purely individual acts. In fact, these acts are the fruits of poisonous tree, in other words the reflection of a corrupt society and police organization. The authorities who are really keen in addressing the issue of corruption within the police service in general and traffic departments in particular have to take into consideration the wider causes of police corruption. Focusing, on the individual police officer is way of adapting the "rotten apple" approach. The issue of corruption is not a matter of a few rotten apples but the fruits of a poisonous tree.

Unless the underlying causes of the corruption is identified and addressed the so-called anti-corruption measures deployed by the authorities will have to be reactive and punitive. Purely punitive measures targeting the individual corrupt police officers are bound to fail. This method is not any different from the previously used and failed methods. Previously used punitive methods seem to be ineffective to produce long lasting results. After an allegation of corruption a couple of officer will be arrested and some of those arrested will be fired. As long as the existing system lacks systematic control, it will soon turn new and decent officers into corrupt ones. Within a couple of years we will be back to the same point where we were before.

To cut it short, there is a strong and urgent need to develop an effective "integrity testing system". Controlling the police officers' integrity should have a priority and it should be a rule rather than an exception. Every police officer, when they join the service, should be aware of the fact that their integrity can and will regularly be tested while they serve.

The effects of the "Institutional Factors" on ethical problems

Bribery is an event that happens with the free will of both the giver and the receiver; and both parties that take part will have to pay for the conscientious and punitive results of it. However, this definition does not mean that the institutional responsibilities of the police organisation in which these kinds of relationships take place, are abolished. The professional members of an institution should reach some standards with "training" by their institution and whether they keep the standards or not should be observed. The authorities who do not provide proper "training" and "supervision" are as responsible for the briberies that take place in the traffic services. The only responsible for the problems that were not dealt with before are, surely, not the police chiefs of today. However, the chiefs of today do not have the right of transferring these problems to the future without handling them.

As an institutional factor, even a scientific research as this one has been approached with suspicion; and the high-level managers of the Turkish General Directorate of Security has taken too much time to give permission to it.

At the cities where the questionnaires and the interviews were conducted, even the general approach was helpful and positive; it was observed that some high-level managers had some worries.

One of the reasons that lay beneath the fact that the high-level managers' approach to scientific studies with suspicion is that the situation that will emerge at the end of the

survey may harm their personal performances. Some of the high-level managers are not aware of the fact that it is their responsibility to indentify and solve a problem, if exists. The present managers actually, become directly responsible for the forthcoming problems for they do not let solve them; even if they were not directly responsible for the ones before them. A high-level manager is not the one that transfers the piled problems of the past to the coming terms piling them up more; but the one that works hard to solve them.

The effects of the institutional factors (police culture) on personal ethical problems

In this research study; it is seen that some of the high-level police managers, who are at the influential levels to affect the institution's culture, know the importance and necessity of letting these kinds of studies to be conducted; whereas some others do not. Some managers of the first group see these research studies essential for the diagnosis and treatment of the illness and want the results to be shared with the public. The others in the first group however, want the results to be confidential within the institution, for it will damage the image of the Turkish Police.

It is seen that the second group of high-level managers perceive these kinds of scientific studies as "studies which try to find out and reveal their dirt" and they do not seem to be helpful.

In the scope of the research, it is realized that the "ethical sensibility" that was identified at police official level should also be reviewed at the high-level managers' level. It is especially seen that the people at higher ranks receive lots of gifts. Even though these are tolerated as it may be the reflection of Turkish culture of receiving and giving gifts; the possibility of this having a negative effect on the sensibility of professional ethics should be kept in mind. It is clear that neither can these mid and high-level managers, who accept the gifts by their subordinates or citizens, demonstrate proper "ethic leadership" to their officers; nor can they be good examples for their subordinates about not accepting the treats or little gifts that are proposed.

It is also stated in the interviews done with a police officer, a superintendent and a high-level traffic manager that even a cup of tea they drink without paying for it caused trouble between them and the citizens.

For the first and most important step to be taken by the Turkish Police Organization about the ethics violation and fighting against corruption, the high-level managers should have an institutional attitude on ethics implementation and being good examples, in this way this will be assimilated into a sub-culture of the police as a "rising value". Namely, ethical sensibility and honesty should become a rising value in the institution. The subordinates should not have any doubt about the ethical sensibility and honesty of their provincial directors and traffic directors.

The tradition of compensating the needs of institution by using "local resources".

It is seen that the security institutions compensate some needs such as "reconditioning", "reparation" and "building" by the citizens and they collect financial aids from the citizens. Even if it is not seen that much, it is also seen in the developed countries that sometimes they do it systematically and under control; however the Turkish Police Organization does it very generally and without any control. This situation is known not only by the high-level authorized people in the Turkish Police Organization; but also by the provincial civil authorizes and political offices, they are even advocated. It is a general implementation that the Turkish Police Organization such as some other organizations compensates their needs using the local facilities (!).

Even if it is to compensate the needs of the institution, a regular relationship with the citizens as "demand and receive" has risks of degeneration. The compensation of the consumable material by the citizens, which normally should be provided by the government, may have a bad effect on the security service members even if they themselves are honest people. Some traffic managers, with whom interviews were done, stated that the toners for the printers were not provided so they had to demand them from the people and institutions that they think to be "honourable".

The interviewed staffs agrees with the fact that when the police officers and the subordinates are commanded to demand help from the citizens by their high-level managers, this will lead them first to "gain the habit of demanding"; then "gain the tendency of providing their personal needs from the citizens".

It is also seen that the people who identify themselves with the state at first start this demand-receive relations to compensate the needs of their institutes, however in time, they use it to compensate their own needs.

The effects of the "personal factors" on the emergence of ethical problems

Corruption is an event that has two parties as the giver and the receiver. The factors that create the corruption atmosphere usually have attractive features for both the traffic officers and the citizens. The personal factors can never be thought completely divert from the institutional factors.

The effect of the difficulty of the working conditions of the traffic services on the perception of corruption. The traffic services is a unit of policing that has rather difficult working conditions when compared to most of the units. The staffs who work at the units such as terror or intelligence get some compensations as well as being awarded with salary favours.

Generally, it is possible to have tendencies to get out-of-salary earnings by the people who think that they do not earn as much as they work; namely, they do not think that the salary they get is the equivalent of how their work. Some officers may perceive corruption

as the compensation of the right they can not get. This fact is also observed in the research studies conducted in western countries. A thought emerges that the people who take the hardest and dirtiest job should get the price of it properly.

The relationship between heavy penalty and corruption

It is usually thought that the reason why penalties are not deterrent is because the crime is not heavy enough. However, it is claimed that the penalties in traffic are not deterrent, and they even leaves a leeway for corruption. Both the commercial drivers and the police think that the heavy penalties lead to corruption relationships. For example, it is stated that the fine for over tonnage is approximately 3,500 TL and it is impossible for a truck driver to pay this amount, so instead the driver prefers to bribe.

The penalties that increase corruption relationships

The fact that some results of the traffic penalties are so heavy leads the possibility of the drivers' attempting to offer bribe to the police officers. To illustrate, along with the "fine" to pay, the commercial drivers have a "driver's licence credits" reduction that leads the driver to be disqualified from driving causes unemployment. Therefore, the driver demands the police not to penalize him or demands a fine that does not require driver's licence credits reduction to be written.

The temptation of corruption

It is seen that most of the staff that work at the traffic services actually does not want so. The reasons for that are the working hours and the tough working conditions. The other reason was the staff's reluctance about going through the difficulty of whether or not to accept bribes.

For the citizens and police officers who do not have sufficient ethical sensibility, giving or receiving bribes is an issue of the temptation of corruption. The integrities and the ethical sensibility of the officers who work at the traffic units are being tested daily by hundreds of proposed corruption.

When the penalties are too severe, the drivers think that bribing is far better. Some of the drivers even claimed that in the case of paying for the penalties instead of bribing the police, they were being more victimized; therefore some did not want to contribute to the research study.

Effect of the "institutional" measures on "personal" ethical problems

As stated above, the corruption problem at traffic is an individual preference, but it can be reduced with preventive measures taken by the institute. For example, the training and education the police get and the education the citizens get, in order to be informed about not bribing the police, are two fields that complete each other on solving the problem. Additionally, the giving and receiving parties of corruption should be dissuaded with intense control.

"Ethical awareness" training

In the interviews done with the high-level traffic managers it is stated that not enough training is provided for ethical awareness against daily corruption and that the sensibility can not be gained. This has more than one reason.

Firstly, it is seen that the high-level managers of security and the traffic trainers and inspectors are not aware of the danger that the insufficient awareness towards daily corruption can cause more and more professional degeneration for the years to come.

Secondly, within the intensity of traffic field training, it is observed that there is no spare time left for "ethical sensibility". The half-hearted advices given from time to time are not as strong to help them in real life. For example, one of the officers has stated that his supervisor advices them as: "Do not drink the tea of the citizens…, Do not eat from them… It is not worth it!" In an advice that is given with goodwill, it is stated that taking the risk is not worth it. However, this also means that when it is worth it they can take it.

The officers could have been more resistant equipped with films that are taken from real life stories and with visual education materials.

What is the effect of "training" and "control" on fighting against daily corruption?

- Pre-service and in-service ethics training
- Supervisor control when on duty (integrity testing)
- Citizen awareness
- Ethical values and honesty to be the rising value

The image of the high-level police managers and their determination about testing their subordinates' honesty are very important. The lower levels of hierarchy are formed accordingly with the higher ones. The police officers can develop defense mechanisms such as "we do not earn so much", "everybody takes it, they even take more than us", intending their supervisors and directors. This kind of a defense both provides a <u>conscientious</u> comfort and this implies that this problem is unsolvable.

In the interviews, it is understood that not being honest becomes less and less irritating in time.

At the places where bribing is so widespread and where there is not so much control, not the people who do involve in corruption but the ones who do not involve in corruption feel in confusion. The existence of an officer or supervisor who does not receive bribes can be perceived as irritating or even as a threat.

"Integrity testing system" as a method of controlling police corruption

Integrity of an officer who works at the traffic units is being tested daily by hundreds of proposed corruption. Even if it is not considered legal; the police officers who are not supported by "trainings" and who are not protected with "inspections", namely who are left alone in their careers in their daily lives; are open to commit unethical conducts.

In USA, when there is a complaint about an officer that he/she involves in corruption or abuse; the officer is being inspected closely and there occurs integrity tests with scenarios of corruption. Even if it is considered a violation of human rights when this is done to a normal citizen, these tests seem essential for professionals. The police officers are being trained and warned about this even before they start their jobs.

Almost all of those interviewed said that the "integrity testing" would not work as an effective method of detecting traffic officers. One of the reasons for this negative attitude towards integrity testing was that they were not familiar with this method. The negative attitude towards integrity testing system was also partly based on a previous integrity testing like attempts which failed to give the expected result. As it did not have a legal base integrity testing like attempts was refuted by the court as it was considered as an entrapment and therefore illegal. The people who we interviewed believe that this kind of an inspection would bring more harm than benefit in Turkey.

The systematic implication of the integrity test will cause an important rate of deterrent effect. The police officers will think that the person who suggests corruption can be another police; therefore, they will carry out legal procedures about the drivers; and the drivers who learn this will not be as comfortable about corruption.

Some of the major findings of the research and recommendations are as follows:

- Ethical training both in service and pre-service seemed to be lacking the necessities of the job and were not adapted according to the needs of police officers serving in traffic divisions. The police officers were not adequately trained and prepared to the realities of their professional life.

- Civilian professor and uniformed instructors who teach "police ethics" course in various police educational institutions should receive regular and updated training. Police ethics curriculum should be updated and include current issues police officers may be facing in their daily lives. Ethic education should not be limited to abstract ethical advices, but include scenarios taken from real life.

- Presently police ethics course is only taught for one semester and this period is good enough to cover basic subjects and give a general ethical awareness. In addition to general ethics training given at the police educational institutions, there is also need for a follow up and refresher training as an in-service training format. Basic and mostly academic ethical training given in police educational institutions may

be supplemented by in-service courses tailored according to the specific needs of the unit and division police officer may be working. Police officers working in different unit and divisions face different ethical problems and therefore needs follow up ethical training which meets the specific requirements of respective departments and units.

- Newly appointed police officers (rookies) were left to the hands of the hardened (seasoned) and in some cases corrupt officers. Those new officers were not adequately prepared to maintain their decency while working alongside seasoned officers.

- During the performance of traffic duties, the police officers are not systematically tested or detected by their supervisors to see whether they are maintaining the ethical standards or not. Police officers working in a traffic unit sometimes conduct informal integrity tests among themselves. For example, a corrupt officer wants to be sure if the new member of the team is trustworthy (!) by applying a Mama Rossa's Test. This is "a loyalty test that assesses the willingness of a rookie to go along with other officers when they are violating departmental policy" (Crank and Caldero, 2000: 261). Sometimes the opposite form of the Mama Rossa's Test (integrity test) is conducted when a straight cop attempts to test a new comer if he/she is decent enough not to engage in corrupt activities.

- Police managers who are keen in promoting ethical awareness and police integrity should spend extra efforts to protect the newly appointed officers from the corruptive effects of seasoned officers. Relationships of new officers and seasoned officers in work environments should closely be monitored by supervising officers. By taking appropriate steps fresh officers can be protected from infectious bad effects of the corrupt officers.

- What is more, corrupt practices can also be controlled or at least minimized, to some extend, by newly appointed officers. Rather than being spoiled by seasoned officers, on the contrary, new officers may play a positive function in the fight against corruption by controlling the corrupt officers. However, this can only be achieved with the determined actions of the supervisory, middle and management ranks in anti-corruption policies. As this requires very special management skills on the part of supervisory and mid-management ranks, we do not think that researchers of this project are in a position to give fully satisfactory and comprehensive advices for the management ranks.

- This research has attempted to identify underlying causes of police corruption and ethical issues in traffic services in three major cities in Turkey. However, it would be too much to expect from this research to produce a specific answer to every solution and every aspects of police corruption. This mission can only be accomplished by a working group formed with the participation of multiple actors after the completion and dissemination of this report. Such a committee should be made up with the head of the three traffic departments of the TNP and heads of

the traffic departments in three respective cities. Member of the research team of this project and some independent experts on this field may also participate and make crucial academic contribution to this endeavour.

- Minor material benefits such as food, beverages and small gifts and substantial or generous contributions such as providing a computer or similar equipment to a police department or a unit by the so-called respectful members of the public are also a common practice. Police officers working in traffic services often find themselves in a position of asking for something not for themselves but for the division or the unit. But once a police officer is habituated to solicit for something for the department he/she is at the risk of asking for something for themselves. This is probably a very corruption incentive practice and needs to be reconsidered by the senior official as well as politicians.

- Maintenance of police vehicles, buildings and other providence of traffic units such as papers, printer inks and etc. should be met by the government, not by police officers soliciting private business owners. This will, in the first place, prevent police officers getting used to soliciting for money or various supplies for the police department. Once they habituated soliciting for the police departments, it would become easier to solicit for their personal benefits.

- Central government and its local agencies should meet all maintenance expenses and the requirements of the police divisions and units. They should ban the receiving of any material or cash for the police organization.

- Whatever a police officer receives through the misuse of his/her authority is called as "material reward corruption". This type of corruption may, for some, seem to be insignificant and not important and harmful enough to deal with. Yet this is proven wrong. The most insignificant and unimportant form of corruption may generate a long line of corruption. As Crank and Caldero (2000: 264) have stated "the theory that the first illegal acts committed by a police officer are minor and easy to justify. However, subsequent, more serious acts of wrongdoing are easier to justify". In other words, minor and so-called insignificant corrupt activities will have a "slippery-slope" effect and will lead to more serious unethical activities and crimes.

- The survey did not include any specific question to test the link, if there is any, between "grass eater" level corruption and its "slippery slope" effects of turning police officers into a "meat eaters". However, one can, based on a common sense about human nature, estimate that it is very likely that a police officer who is a "grass eater", working in a corruptive cultural environment, may gradually turn into a "meat eater". Based on our personal impression, not on a statistical data, it can be argued that all "grass eaters" may not become a "meat eater" but, almost all of the meat eaters begin as a "grass eater".

- Apart from the law concerning bribe and other serious corrupt activities, there are no officially declared and publicized "organizational/departmental policies on

ethical standards". Turkish Police Code of Ethics, which has been prepared in line with the European Code of Police Ethics, has not been reflected to the organizational policy yet. It would certainly require a considerable amount of time and effort to disseminate ethical principles among the members of Turkish police.

- Traffic police officers are under constant pressure to accept things offered or given them by private and commercial drivers every day. What is more, organizational culture is also more or less tolerant towards what they see as minor corruption. Under these circumstances, ethical training given to police officers will be too weak to resist the temptation of corruption. In order to be able to maintain their integrity there is a need to promote ethical awareness among the police officers as well as civilians. Refreshment trainings can be given in addition to basic police ethics training given in police educational institutions. For example, short movies can be made to be used in police training as well as for public view. Additionally, posters, brochures and leaflets, promoting ethical awareness, can be printed and displayed in police stations as well as in public spaces. Ethical awareness of the police officers and civilians may be raised by similar activities and ethical campaigns.

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ANNEX 1: Research Methodology

Making a choice amongst methods and approaches in doing a social research is a difficult one especially in terms of variety of methods, the nature of research, the time of choosing an approach and the need for more than one approach. One must be careful in choosing approaches which the nature of research requires, especially during the process of research, as said somewhere, researchers must avoid limiting themselves to a narrow choice of methods and several methods together may provide better and clearer answers than any single method can.

The nature of the subject matter under investigation has required a qualitative approach as well as quantitative research in terms of collecting official records and reports, and analysing those data. Related to the action content of the research a qualitative research methodology has its own advantages especially when the process of implementation is of significant interest as well as the policy outputs and outcomes. In terms of defining the term qualitative research, it can be said that any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification. It can refer to research about persons' lives, stories, behaviour, but also about organizational functioning, social movements, or interaction relationships.

The survey as a quantitative approach is also chosen to get a general view from police officers in traffic services and citizens on routine corruption. In this respect, in Istanbul, Ankara and Izmir, a survey was held with 1057 people; 486 of them are citizens and 571 are police officers. Before going to the field, the researchers were faced with a resistance from the Police Organization. They were unwilling to let the survey be held, but after nearly 45 days, they were unwillingly convinced and let the survey conducted. This caused a delay to reach the final project report.

PLANNING ETHICS AT LOCAL LEVEL

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Introduction

The Study on Planning Ethics at Local Level will look at the legislative, institutional and procedural framework for dealing with planning applications and development at local level. It will consider such issues as on the development area plans, and planning ethics on the relationship between developers, planners, politicians and academicians. The study will consider the expertise of the local public officials involved in planning, the pressures on planning procedures, the potential for corruption, the nature of ethical guidance, and procedures for local public officials, and procedures for the publicity, review and appeal of decisions. The study considers the relationships between local, regional and national planning authorities, and the relationship between local public officials and the citizens in the planning process.

It is aimed;

- to consider the expertise of the local public officials involved in planning, the pressures on planning procedures, the potential for corruption, the nature of ethical guidance and procedures for local public officials, and the procedures for the publicity, review and appeal of decisions.
- to consider the relationships between local, regional and national planning authorities, and the relationship between local public officials and the citizens in the planning process.
- to consider the wider environmental and conservation issues associated with planning at local levels. It may make recommendations for the improved ethical conduct of local public officials and the improved corporate social responsibility of individuals and companies involved in planning.

City and regional planning face an increasingly wide range of ethics-related challenges. A growing number of cities and municipalities have become a subject to mass media due to ethical considerations in plan making and implementation.

However, as Plogger (2004) perfectly summarizes, at least for North American situation, John Forester claims that planners are "practical ethicists" (Campbell, 2002: 272), and this may be one reason why we find only few studies of the ethical discourses involved in planning and of planners' ethical ways of thinking. Of course, John Forester's entire writings may be said to concern practical planning ethics. However, theoretically it is either discussed in a formal way in line with Habermas's idea of a formal discourse ethic (Campbell and Marshall, 2002a), or delimited to planners' (ethical) practice towards others (see, for example, Forester 1993, 1999). Research into planners' ethical ways of thinking and reasoning should, however, be concerned more about which ethical values planners value or prefer, and what ethics is to planners as subjects and as civil servants (see, for example, Campbell and Marshall, 1999). (all Ploger, 2004: 49).

Why is ethics so crucial to planning practice, theory and analysis? First and foremost, it is important because "moral judgements and ethical questions pervade the daily practice of planning" (Campbell and Marshall, 1998: 117). Second, because ethical values are constitutive to planners' identity, choices, practices and obligations as civil servants. Third, because institutional practices rely very much on taken-for-granted, a priori schemes that mark "the values and obligations which shape practitioners' views of their roles and purposes" (Campbell and Marshall, 2002b: 93). Fourth, ethical discourses form the ethos of planning institutions, and also societies' legal politicisation of planning (Ploger, 2004: 49).

Although some planning studies recognise that planning is deeply ethical and that planners constantly struggle with ethical dilemmas related to practice and choice of solutions (Hendler, 1995;

Mandelbaum et al., 1996), planning studies lack conceptual and empirical research concerning questions of what ethics is as value and as frame of reference for planning. Questions about the nature of 'the good life', 'responsibility', the ethic of 'the other' or 'the stranger', pluralism and liberalism versus 'justice' and 'fairness' or 'equality', and individuality versus community are all questions that represent ethical concerns with which planners in reality are confronted almost on an everyday basis. As soon as politicians and planners are confronted with an ethical bias, they immediately experience any ethical preconception or common sense as contestable and a frequent source of conflict. More and more often, politicians and planners experience difficulties when they try to speak of 'common interests' or 'necessary solutions' (Ploger, 2004: 49-50).

Ethics must, furthermore, be a particularly precarious matter if planners support forms of advocacy planning, work for equality in society or socially just city planning, because planners must then repeatedly make ethical choices within a political sphere where segregation, social exclusion and neglect of the rights of 'weak voices' are common, and where compromises on 'what is just' or 'fair', and on whom to benefit and why, are said to be politically necessary. Planners often find themselves caught in an ethical impasse, having to accept political decisions and to work within a political system where scales of class differences are 'temporarily tolerated' (reformism) or accepted (liberalism). And they may find political attitudes they have to serve that are in contrast to their own wish to defend the idea of equality. Planners constantly find themselves having to choose between the ethical principles they hold and the ethics of 'real' politics (Ploger, 2004: 50).

The impartial planner is an illusion (he/she is always at least 'political'), and a study of planning practice should therefore also be concerned with which ethical questions and values, which ethical approaches they work within, approve or withhold. For many reasons, planners in their everyday practice may in fact be much more concerned about morality than ethics. Morality —"the way the world ought to be' and 'what we ought to do"— consists of principles that most certainly will guide professional planners' everyday practice if the person is in any way committed to public planning, whereas ethics —the foundation of a specific moral value or norm— is rarely discussed among planners. But ethics and morality are in fact always part of people's lives and work, and part of a working ethos (a foundational way of thinking) (Ploger, 2004: 50).

The ethical sensitivity of all professionals, lawyers, physicians, educators, and business executives, has come under close scrutiny in recent years. The past level of ethics exhibited by professionals is no longer adequate and perhaps never was. This renewed ethical concern represents the recurrence of an established issue: The lack of ethical behavior exhibited by many persons in positions of responsibility" (Tsalikis and Fritzche, 1989: 695).

Planning ethics has become a major topic of concern as evidenced by numerous publications in newspapers, magazines, books, and scientific journals in North America. The increasing interest in planning ethics demonstrates the rising concern of the public, planning practitioners, and researchers in the domain of planning ethics in North America, however, same level of interest cannot be observed in Europe. Especially in Turkey, the usable guidelines and discussion on practical side of ethics in planning is almost absent. Similarly, public interest as well as academic studies on planning ethics is quite weak and limited. Only a handful of literature review based and/or intellectual view-based planning ethics articles and papers are published within last 15 years in Turkey.

Despite this intensive and rising interest in ethical issues in North America and Europe, both the scholarly literature in Turkey involving ethical considerations and practical measures are still limited, especially compared to USA and Europe, despite recent rising institutional and academic interest. From this limited literature, it is clear that there is a gap in implementation of ethics rules, codes and approaches. This study is designed to help fill this gap.

Media and Literature Review: Current, Conceptual and Theoretical Issues

News about Planning Ethics in Local Government: Turkish Media

There are lots of local government personnel or mayors who have come to order in media because of corruption or bribery accusations in Turkey.

120 municipal employees in İzmir's Güzelbahçe and Değirmendere regions, including their mayors, were detained yesterday in an anti-corruption operation initiated by the local prosecutor. According to reports, among the 120 detained were Güzelbahçe Mayor Ertan Evkıran and Değirmendere Mayor Necati Şemsettin Eren, both from the Republican People's Party, or CHP. It was reported by the Anatolia news agency that all employees for the Güzelbahçe Municipality were detained. The operation was initiated after a seven-month investigation that followed by the Interior Ministry's' directive. It was noted that more people might be taken into custody. The Interior Ministry had requested an investigation into Avkıran for an abuse of power resulting in the loss of municipality funds and for signing illegal documents. As he was taken in for questioning, Avkıran said he had no idea why he was being detained, adding that he could answer all charges. It was noted that the detained was charged with forming a criminal gang, bribery and corrupting municipal tenders.

Interior Ministry to probe corruption: claims two investigators have been appointed by the Interior Ministry to head a probe of corruption claims surrounding the Çankaya Municipality, known as a fortress of the opposition Republican People's Party, or CHP. The investigators will look into claims that members of the municipal assembly accepted 100 billion to 150 billion YTL in bribes monthly in return for allowing the use of land open to construction, reported the Anatolia news agency yesterday. The claims leveled at the CHP-led municipality in Ankara's Çankaya district, which is densely populated by secular elites, came at a time when the opposition party has been pressing its political rival, the ruling Justice and Development Party, or AKP, over alleged corruption files. "I have been abandoned by our members from the municipal assembly. I cannot even do my job," Çankaya Mayor Muzaffer Eryılmaz said, according to tapped telephone conversations. In recent remarks the mayor denied, however, the allegations, calling them a "conspiracy." In contrast, CHP is determined to look into the case. "You cannot make discriminations by political party when pursuing the issue of corruption," CHP leader Deniz Baykal was quoted. Baykal also told that these issues were going to be discussed in the party and they would not stop tracking corruption files. Baykal remarked whoever was engaged in corruption must account for what he or she has done. The party leader said he immediately gave instructions for a probe into the allegations. "The claims will be examined by a delegation from our jurist colleagues. I asked them to listen to our mayor and the members of the municipal assembly," said Baykal. He said the claims would be investigated seriously and necessary action would be taken based on the results of the probe. "As CHP we are combating corruption everywhere." CHP earlier challenged the government to a heated

debate, but no positive response came from either Prime Minister Recep Tayyip Erdoğan or any other AKP (Justice and Development Party) leaders. CHP's Kemal Kılıçdaroğlu and AKP's Dengir Mir Mehmet Fırat discussed alleged corruption files in a televised debate moderated by investigative journalist Uğur Dündar. Kılıçdaroğlu later said Baykal was ready to challenge Erdoğan in a similar debate.

New corruption claims involving AKP: A new corruption case involving a member of the ruling Justice and Development Party (AKP) has come to light in Turkey's southeastern province of Gaziantep, Hurriyet Daily reported on Wednesday. Asim Guzelbey, the mayor of the Gaziantep elected from AKP list, signed a "protocol" with a local businessman to donate 700,000 YTL ($577,640) to the municipality for a parcel of land he received to compensate for land procured from him by the municipality for building a road, the report said. According to the report, Eyup Goymen, a member of the Independent Industrialists and Businessmen's Association, was awarded a valuable plot of land as compensation for lands procured from him by the municipality, and for which he paid a sum well-below market value. In a similar land corruption case, Saban Disli, who was accused of accepting a $1 million rezoning bribe for lands purchased by Tesco in Turkey, resigned from his party on Tuesday. The opposition Republican People's Party (CHP) brought to light the corruption case in which Disli accepted funds to push through an ambitious planning application from a local entrepreneur, who later sold the prime site in Istanbul to Tesco, the UK's biggest retailer by sales, for $13 million. Tesco denied any connection to the bribery claims and said the allegations that surfaced in Turkey were a political matter and had nothing to do with their purchase of the land or the subsequent store development.

The Mayor of Edirne was arrested on corruption charges. Nine suspects, including the Mayor of Edirne Hamdi Sedefçi, was arrested by a court on Monday for alleged corruption in tenders and for organized crime, while seven others, including the son of former President Turgut Özal, Ahmet Özal, were released. All suspects were questioned by the prosecutor's office of Edirne. Özal, speaking to reporters after his release, said he trusted the Turkish judiciary, dismissing claims that he was involved in corruption. "Very interesting things are going behind the scenes. Politics is involved. I know some are annoyed that I am considering entering politics. I will run for the Motherland Party (ANAVATAN) leadership," he said. He said he had no knowledge about the incidents he was questioned about, adding that he will return to Edirne next week. The suspects face charges of corrupting tenders, accepting bribes and forming a criminal organization. The investigation was based on discrepancies in the 30-year management of the water network and the building of the new municipality building in Edirne, the Doğan news agency reported.

Kuşadası municipality investigated for corruption: The mayor of Kuşadası and 11 municipal assembly members are facing an administrative investigation for tampering with official documents in order to legalize illegal buildings. Interior Ministry investigators have approved the investigation of Kuşadası Mayor Fuat Akdoğan and 11 municipal assembly members. Akdoğan and four members of the assembly were elected on the Justice and Development Party (AKP) ticket, whereas the seven other members are independents. The corruption allegations in the resort town of Kuşadası in Aydın province came to light during routine inspections by ministry officials in January. The inspectors accused

the municipality of legalizing buildings that were illegally built, violating urban planning principles and taking decisions that created urban congestion. The inspectors' report paves the way for all assembly members, apart from four from the Republican People's Party (CHP) who voted against all decisions, to be investigated. The local prosecutor's office will assess the case and if it finds criminal complicity, the mayor and the assembly members will be charged

Ministry takes over Bodrum's building rights: Culture and Tourism Minister Koç says some municipalities abused their authority to issue building permits Culture and Tourism Minister Atilla Koç said over the weekend the right to issue building permits in the tourist resort of Bodrum had been taken over by the ministry, adding that the issuance of building licenses by municipalities had caused serious problems in some regions. Speaking to journalists, Koç said: "We have taken over Bodrum for now. If we take over in all municipalities, there is a chance corruption could spread to Ankara." The   Culture and Tourism Ministry has been working on the project for the last seven months as a result of serious claims of corruption in the issuance of building permits in Bodrum. "The right to issue building permits always rested with us, but we weren't exercising it. The municipalities did. However, in some regions, this started to cause problems." He said in regions without the necessary infrastructure, the issuing of the permits became corrupted. "We said we should at least save some of these regions and started with Bodrum. There are 10 localities in Bodrum. We can't say each one did bad things."

Bodrum Mayor Mazlum Ağan said they were not informed of the decision, adding: "Apart from Güvercinlik, there is no land left in Bodrum to issue building permits for. If they are interested in building in protected areas, I can't say anything about that." The Muğla Gendarmerie Command initiated an operation last month that involved three municipalities, including Bodrum. Forty municipality officials from the Bodrum, Konacık and Yalıkavak Municipalities were taken into custody for allowing unlicensed buildings for financial gain. The investigation had revealed that there were municipal officials who owned three villas and some who owned companies. Fourteen inspectors and 22 experts investigated the building licenses of 7,000 houses.

The same applies to Turkey where criminal investigations are underway into alleged corruption in Bodrum, Mumcular, Konacik and Yalikavak relating to the unlicensed construction of buildings that contravene zoning law. 15 people have so far been arrested, including the Zoning Director of Bodrum Municipality with computer and paper records are being seized. Post investigation, any unlicensed buildings will be subject to demolition. Turkey's building boom has the potential of 'Spanish' levels and as such there is an obvious cause for concern by both agents and buyers involved in Turkish property investment. New levels of residential property taxation come into place in January 2007 which rise some 9.8 per cent. Taxes remain at 0.1 per cent of a home's value per year, but the new sliding scale rates rise to reflect Turkey's increasing property values.

The first documented case of high-level bribery concerned AKP deputy Chairman Saban Dişli. Dişli appear to have signed a deal whereby he would receive US$ 1 million for turning a piece of land within Istanbul's city limits from a green pasture area where nothing

could be built into a commercial property where buildings could be erected. Allegations emerged also against the AKP Mayor of Gaziantep and the Head of the AKP's office in Batman Province. In Gaziantep, similar to the Dişli case, the allegation is that the AKP and businessmen close to it benefited from the Mayor's decision to turn a property into a commercial entity.

The mayor of Akfırat, a second range municipality in Tuzla, is accused of having been involved in a gunfire on Hüseyin Çelik. The latter lodged a complaint to the prosecutor of Tuzla against the mayor concerning a planning permission delivered by the Akfırat town administration. This event followed a physical aggression for which the mayor's brother had been condemned.

Following admissions of bribery from Ankara's Çankaya Municipality, more bad news has come to the opposition Republican People's Party (CHP), this time from the İstanbul district of Kadıköy: The Government Accounting Bureau, in an examination of Kadıköy Municipality, has discovered a series of "illegalities and irregularities." According to a report prepared by the bureau, the municipality transferred profits from land and buildings it "occupied" directly to foundations and companies formed by the municipality itself. The government report notes that illegal practices by the Kadıköy Municipality have cost the state millions in damages.

In addition to these news, some mayors, deputy mayors, and bureaucrats in planning departments, members of city council were arrested or questioned. For example: Tekirdağ-Çorlu Municipality, Tuzla - Orhanlı Municipality, Tuzla-Akfırat Municipality, İstanbul-Esenyurt Municipality, Mersin - Dorukkent Municipalitiy, İzmir - Buca Municipalitiy, Milas Municipality, Adana Greater Municipality, Yozgat Municipality, Gaziantep Greater Municipality, Bursa - İnegöl Municipality, İstanbul B. Çekmece and Tepecik Municipalities, Çorum Municipality, Diyarbakır Greater Municipality, Aydın – Didim - Akbük Municipalities, Balıkesir – Edremit - Zeytinli Municipality, Alaçatı (İzmir - Çeşme) Municipality.

Literature Review

The literature on planners' role orientations has traditionally identified two primary role orientation dimensions: one "technical" and one "political". Barrett (2001, Foreword) argues that planners' perspectives on what is ethical depend largely upon their role orientations. In particular, technical role orientations envision a planner who internalizes his/her own values and takes direction instead from elected officials, procedural manuals, etc., whereas political role orientations envision a planner that actively promotes his/her own values (and conception of the public interest) in the planning process (from Stevens, 2008: 19).

Ethical dimensions are inherent in all land use decisions. But how to act against these facts is not always clear for the planners. Land use planner, elected officials and the general public generally seem unaware of the variety of perspectives informing advocates of differing policy positions. There are few examples showing how land ethics operate in land use planning and policy development.

There are some empirical studies on planning ethics. However, only a limited amount of them are conducted and completed outside of the USA.

Hopkins (1999) in his study titled "*Structure of a planning support system for urban development*" states that the idea of a planning support system, if not the label, has been with us for at least twenty-five years. Many components have been developed but we lack an underlying structure with which to integrate these components. GIS provide useful tools but the map concepts on which they are built are insufficient for a planning support system. The structure proposed here builds on elements of geographic modeling and of planning. It works with actors, flows, investments, facilities, regulations, and rights, as well as elements familiar in GIS. It includes views and tools for sketch planning, model building, scenario building, evaluation, lineage tracking, and plan-based action.

Knox and Cullen (1981) in "Planners as urban managers: An exploration of the attitudes and self-image of senior *British* planners", analyzed the question of the nature and homogeneity of planners' attitudes and self-image is central to the current debate on planners as urban managers. If planners do possess an 'institutional mind' which is closely attuned to the 'ruling ideas of a ruling elite', and if their role in determining who gains and who loses in the process of planned urban development is influenced by a coherent professional ideology, then planners can be expected to share distinctive orientations towards the holders of political office, towards the urban environment itself, and towards specific social groups. In this paper they explore this issue, drawing on data from a survey of senior British planners. It is shown that British planners are drawn from a fairly narrowly defined spectrum of society and that they do in fact share distinctive attitudinal orientations. They subscribe to professional roles as mediators, guardians of the physical environment, and, above all, managers of the urban system. It is suggested that the 'ideal type' of planning personality centers on a managerial ethos which is directed towards 'problem solving' in a rationalist, positivistic way within a strictly defined hierarchy of authority. There is evidence, however, that there exist several subtypes of planning personality within this overall orientation.

Literature Review: Main Themes

Urban rent causes conurbation (Tekeli, 1991). In the example of metropolitan planning process in Ankara no interest of common good was obtained when urban rent came about and was shared. Tekel (2003) analyzed of urban planning in Ankara 1969-1984 processes and she conclude that, using detail/application (mevzii) plans and density decisions there was realized a great amount of rent and urban plans retiring from their main aims.

Çukurçayır (2007) analyzed three different plan modifications in Konya Greater Municipality and concluded that these three plans created similar results: using plan modification, municipality transform urban land economically, not socially and municipality cause new problems like traffic. Urban plans can be understood by citizens after being implemented. In this instance, it was too late for intervention (Çukurçayır, 2007).

Legal framework about construction in Turkey does not include "conservation considerations among its main aims. So, municipalities don't take into account conservation issues (Ekinci, 2007). Despite the developments experienced in institutional and economic areas, the concept of conservation which has evolved from single building scale to the scale of the conservation of the historical urban patterns, which the architectural heritage composes,

has not been able to be integrated successfully into the city planning process. In more concrete terms, conservation studies carried out in settlements of Turkey in different degrees and sizes cannot constitute a part of the planning process, is limited to the efforts towards the conservation of the architectural heritage within the urban conservation area (Meshur and Sert, 2008).

Interest groups, individuals or politicians oppress local governments or councils. Planners become ineffective actors in this planning process. Planners/technocrats rationality is not powerful enough to struggle with these groups. So, planners act as bureaucrats in local government (Keleş, 1993a; Keleş, 1993b).

There was an effort by Gregory Foster to justify discretion by locating the seat of administrative morality in the individual rather than in restrictive legal codes. Foster reasoned that the law does not do much to help administrators act morally because it "fosters a particular way of looking at and responding to situations that is essentially amoral in nature. Instead, all things are viewed as legal or illegal." In his terms, the law did not lead to justice, because only "truly moral decisions can result in justice." Therefore, efforts to insure ethical behavior through more laws were misplaced because they limited the discretion needed to make truly moral decisions. A reliance on highly legalistic approaches, consequently, actually reduced public confidence and trust (Nigro and Richardon, 1990).

In Leys' terms, the main problem for public administrators is knowing what to do, as well as what not to do. Institutional, legal, and other limits on discretion may tell them what may not be done, "but we cannot expect administrators to act wisely if their only guides are statements of what they must not do." 'Leys observed that ethical reasoning should help public administrators make wise choices or decisions: The sort of ethics which may improve administrative decisions is concerned with the discovery of standards for right action rather than with the exhortation to do what has already been declared right. He found codes of ethics and "moralizing about the power of sin" to be relatively unproductive because, while they established rules of conduct for the administrator, they said little about the "standards which an administrator ought to prescribe for other people-citizens, departments, corporations, subordinates."

Leys proposed a threefold classification of situations where discretion must be used, and he tried to show how ethical principles might provide applicable guidelines in each case: We shall distinguish three classes of discretionary powers: (1) technical discretion, which is freedom in prescribing the rule but not the criterion or end of action; (2) discretion in prescribing the rule of action and also in clarifying a vague criterion. This is authorization of social planning; (3) discretion in prescribing the rule of action where the criterion of action is ambiguous because it is in dispute (Nigro and Richardon, 1990: 625).

Discussion on Planning Theory in Connection with Ethics

Depicting a picture of a just city puts the planning theorist in the role of advocate —not necessarily the advocate for a particular group, as in Davidoff's concept of advocacy planning— but as the advocate of a program. Just-city theorists fall into two categories:

radical democrats and political economists. The former differ from communicative planning theorists in that they have a more radical concept of participation that goes beyond the involvement of stakeholders to governance by civil society, and they accept a conflicting view of society. They believe that progressive social change results only from the exercise of power by those who previously had been excluded from power. Participation is the vehicle through which that power asserts itself.

The political economy group takes an explicitly normative position concerning the distribution of social benefits. It goes beyond neomarxism, however, in analyzing distributive outcomes as they affect non-class-based groupings and refusing to collapse noneconomic forms of domination into class categories. Until recently, the political economy tradition involved a critique of urban and regional phenomena based on values that were rarely made explicit (Fainstein, 1997; Sayer and Storper, 1997). Although clearly the principal value underlying such analyses was equity, the discussion usually proceeded by identifying unfairness without positing what was fair. There has been, however, an effort of late, paralleling and drawing on work in philosophy (e.g., Nussbaum and Sen, 1993; Young, 1990), which has broken with positivism and with postmodernist relativism. The purpose of this project has been to specify the nature of a good city (Harvey 1992, 1996; Merrifield and Swyngedouw, 1997; Beauregard, 1998).

"Although professional ethics are considered a critical to a profession's success, this content is often rarely covered in graduate level programs that train the future leaders" (Moore, 2005).

Discussion on Ethical Dilemmas in Planning

Several ethical dilemmas can be discussed. Some of them more universal others are more specific to Turkey and or low-income countries and/or rapidly urbanizing countries around the world.

"A classic dilemma found in any public service profession, including planning, is the possible conflict between what the agency, which presumably serves the public, defines as the public interest, and what the individual professional thinks the public interest is" (Howe and Kaufman, 1979: 250).

Planners' actions can never be value free, and therefore planning analysis must try to trace explicit and implicit considerations of ethics in planning (Ploger, 2004: 50).

As How and Kaufman (1979) found in their empirical study based on several scenarios, "many planners do seem to be influenced, at least to some extent, in what they think is ethical by the intended beneficiaries of their actions. The same tactic used in behalf of different groups is judged differently. They expected this effect to be much stronger for politicians, who approve much more of open value commitment, than for technicians who generally wish to be value neutral. Actually, the results are rather mixed. On the scenarios giving out recommendations, politicians are influenced more by the issue than are technicians; but when it comes to leaking information, there is no difference between the two roles. There is, however, an interesting difference on the leaking scenarios in that

the beneficiary is much more important to planners who are not strongly committed to their agencies than for those who are" (Howe and Kaufman, 1979: 251).

Joma (1991: vii) makes an overview evaluation for ecological ethics in his dissertation. As Joma correctly puts in the words that "an ethical system must do two things: It must envision a particular way of life and it must work out a path to the realization of that way of life that is internally consistent, yet workable in the real world. Surprisingly, recent ecological ethics have failed to realize these two components of an ethical system. From Leopold's Land Ethic to Deep Ecology, no coherent ethical system was born. Most of the prevailing ecological ethics suffer from being too abstract or utopian in principle". Joma's critic for ecological ethics is mostly valid for planning ethics today.

Discussions on Turkish Planning System and Plan Applications in Connection with Ethics

As mentioned in chapter two, in Turkish planning system, the separation of control mechanism and acts of planning actors are mostly independent from each other. This separation and independence provokes individual actions to take place in planning control mechanisms. In other words each actor begins to introduce their own way of urbanism on the basis of proposals. This cause "individual interest based urbanism" in the country and each citizen tries to implement their own way on the land. However, with respect to that condition, individual interests cause pressures on plan decisions and on local governments. The findings of this research manifest the problems caused due to the gaps in planning system, as a source of ethical problems in Turkey. In order to eliminate this problem, the planning system should be changed in a way to give priority to public interest and to formulate comprehensive planning implementations.

Another problem which accelerates the ethical problems in planning is the structure of development plans. As Ünlü (2005) indicates in his dissertation, development plans provide only a general framework, depending on plot-based understanding, causes bureaucratization of control mechanisms and individual actions. Thus, Turkish planning system does not cope with the changes in "spatial context" and gives rise to plan modifications.

Plan modification is extensively used as a tool by the municipalities for directing the urban development in Turkey. According to in-dept interviews it is observed that some of the municipalities based these modifications upon the obsolescence of the existing plan, and the others to the insufficiency and bad-quality of recently prepared plans. The implementations in Adana Greater Municipality are a good example for this situation. The environmental plan has recently approved and as soon as plan approval, the planners in the local government started to prepare plan modifications. On the contrary, in Konya Greater Municipality, they try to shape urban development according to a plan prepared in 1960s. In fact Istanbul Greater Municipality is facing the same problem. Although they use 1/100.000 scaled plans which was prepared in 1995 and then revised in 2005 in practice, legally the plan prepared by Ministry of Public Works and Settlements in 1980 is still valid. The strict planning approach of 1970s cannot be effective in controlling urban development in cities which encounter with rapid urbanization and immigration.

Another remarkable topic related to the ethical problems in local governments, is the rate of issues about public works and plans on City Councils' agendas per year. According to the information gained from in-dept interviews, in metropolitan municipalities the subjects related to public works and plans (development plans, urban regeneration projects and plan modifications) constitute 75% of the items on the agenda with the average numbers 400-500 per year. Most probably, the reason for this fact is depend on rent factor. Development plans and plan modifications are the main tools for local governments to produce and market lands without extra costs in urban areas. Especially in metropolitan cities which are facing rapid urbanization, huge amount of profits can be gained through this way. The interest groups in the cities frequently put pressure on mayors and planners in order to obtain rent.

Summary of the main themes

In this section news about the planning ethics in Turkey, national and international literatures on planning ethics are discussed. This research showed that changes made in the plans especially in cities like Kusadasi, Bodrum or other metropolitan municipalities in which the urban rents are high, are the most problematic areas. National and international literatures on ethics in planning were examined in this section also. Our research questions were based on this literature (eg. urban rents, rapid urbanization, weakness of law sanctions, and insufficiency of planned lands, structures and profiles of city council members, politic oppressions)

 In international literature planning ethics issues are discussed through different arguments and aspects in articles and thesis. According to literature, stand-alone ethics codes, rules, ethics is not enough to prevent non ethical behavior. Ethical issues in planning theory are discussed extensively by two groups; radical democrats and the political economists. When radical democrats stand on the participation, political economists stand on the distribution of social benefits.

Some of the ethical dilemmas in planning are universal, and some are unique for low-income countries such as Turkey. Planners' actions can never be value free, and therefore planning analysis must try to trace explicit and implicit considerations of ethics in planning

Planning ethics issues are discussed in national literature associated with urban rant effects of local pressure groups and protection issues. On the other hand, a problem of planning system is also mentioned frequently. Control mechanisms and planning actions of actors in the Turkish planning system are largely disconnected from each other. In this case, personal action plan and preferences of the self-interest is determining in planning. On the other hand, plan to be done on the basis of the parcel of land, urban development plan to guide the restoration of the intensive use, and control mechanisms of individual actions lead to a bureaucratic and complex planning system.

The metropolitan councils which especially facie the rapid urbanization due to modifications in the plan often causes a tremendous amount of planning decisions for the

growth, which leads getting rent and making profits. Therefore, especially in metropolitan, to obtain the earnings, the interest groups apply serious pressure on presidents, vice presidents and planners.

This study is based on national and international literature and the existing problems in Turkish planning system. In the second section the legal dimension of ethical planning as a source of ethical problems will be discussed. In section three planning process in Turkey is examined in detail. This study's research questions are prepared through the context of these three sections.

Legal Framework of Planning and Ethical Related Issues in Turkey

Turkish legal system basically depends on the Constitution which became effective in 1982. All the other legal arrangements should have been prepared with reference to this constitution. Hence, before beginning to examine the laws and other concerning provisions, it is better to look at the arrangements related to planning, environmental protection and land use. For example; in the article 56, it is pointed out that "everybody has the right to live in a healthy and balanced environment. It is the duty of State and citizens to develop the environment and to prevent the environmental pollution". In this article, it is obviously proclaimed that the governments and citizens have to protect environment and avoid any act that can destroy it. It is a citizenship duty. In another article (no: 23), it is remarked that "citizens' freedom of settlement could be limited by legal arrangements for providing healthy and well-arranged urbanization." Besides, in the article numbered 35, there is a decision about the rights and limitations of property. It is stated that "everyone has the right of inheritance and property. These rights could only be limited for public interest. The usufruct of property rights cannot be on the contrary to public rights/interest." According to this legal provision, public interest is accepted as the main principle for healthy urban development.

Conservation of rural areas and agricultural lands are also handled within the framework of the Constitution. The article, numbered 44, gives the duty of taking the necessary measures for land development to governments.

Within the framework of the constitution, it can be said that main principles for urban development, public interest and land preservation are determined.

When the legal framework is analyzed with respect to "Planning ethics in local governments" it necessary to look at urban development legitimacy and governmental legitimacy. Those legal arrangements can be analyzed in two groups.

1- laws concerning local administrations,
2- laws concerning urban development and land use

The Laws Concerning Local Administrations

The Laws related directly with the local administrations comprise 'The Law of Greater Municipalities' (5216); 'The Law of Municipalities' (5215); 'The Law of Special Provincial Administration' (5302). Each of these outlines the territorial powers and responsibilities of local and central government administrations in planning and servicing aspects.

The Law of the Greater (Metropolitan) Municipalities (Act no: 5216)

The first "Greater Municipalities Law" numbered 3030 was approved in 1984 in Turkey. The latest form of this Law, numbered 5216, has been approved in 2004 with several revisions in the responsibilities and powers of the authority of greater municipalities. Since it is approved, greater municipalities are obliged to prepare so called 'Strategic which are

essentially socio-economic in nature, rather than being solely a physical plan as prepared for many years. Other prerogatives given to these authorities include the preparation of both environmental plans between the scales of 1/50.000 and 1/25.000 and "master plans" between the scales of 1/25000 and 1/5000. Furthermore, they have the right to approve "detailed plans" in the scale of 1/1000 prepared by district municipalities. They are also responsible for the preparation of plans concerning disasters, 'designation of locations of premises used for the processing and storage of explosive and incendiary materials'. Other than those, greater municipalities are entitled to provide preservation, maintenance and restoration of cultural and natural assets and historical values.

Planning and urban development had been detrimental in general for greater cities. However, redefinition of the territories of greater municipalities by the last Law has eliminated the privileged status of sub-district municipalities and collected the management and control of all district and sub-district municipalities within one hand. As understood from the sentences above, by this Law both the authorization area of the metropolitan municipalities are enlarged and at the same time they have authorized with the preparation of upper-scale plans.

By this Law greater municipalities have also chance to establish stock corporations within the realm of their authority (article no 26). Besides, they can accept grants for their expenses (article no 18).

Municipalities Law (Act no: 5393)

Municipalities Law had been revised for two times in 2004 (Acts numbered 5215 and 5272) and has taken its latest form in 2005 (Act no: 5393).

Other than greater municipality, municipalities including the district and sub-district municipalities in metropolitan cities are first responsible for plan preparation for their territorial areas. In addition to the task of plan preparation, they are also responsible for the protection of natural, historical and cultural assets. Municipalities are also entitled for land development and housing provision. They can exercise compulsory purchase for the purpose of land development with infrastructure or for the purpose of housing provision (production, selling and renting); and institute firms, borrow capital; issue shares and paper assets. By this Law, municipalities have also chance to establish stock corporations within the realm of their authority (article no: 70). Besides, they can accept grants for their expenses (article no: 15).

Further from above statements, the most important addition of the latest revisions made in "Municipalities Law" is that the municipalities of districts with a population of 50.000 and above has obtained the power to delineate areas which are deteriorated within the current urban context and designate those areas for the preparation of 'urban regeneration and development projects' and for the purposes of risk reduction as well. These projects may be prepared for the purposes of redevelopment or rehabilitation of specific old and historical quarters of the city, or prepared particularly in areas subject to high earthquake risks. However, in many cases, municipalities used the authority given by this law for the preparation of urban regeneration, rehabilitation and redevelopment projects in a way to

gaining rent from land. By increasing the construction rights they can transfer the profits to some interest groups. Furthermore, the authority of accepting unreturned grants for their costs has caused illegal demands and corruption in local governments.

Another ethical problem appeared by the implementation of this Law is related with the article numbered 5. This article regulates the determination of boundaries for new municipalities. It is said that the areas such as farm lands, cultivated gardens, meadows, pasturages, olive grove lands, palmed lands, heath lands and beaches in the boundary of villages are comprised in municipal boundaries. In another words those lands become subject to urban usages. Municipalities enlarge the urban areas through those lands easily without taking into consideration the aspects such as environmental ethics and sustainability.

The Law of Special Provincial Administration (Act no: 5302)

Special Provincial Administration is also empowered to carry out several responsibilities; undertake costs of infrastructure, construction, maintenance, and cooperate with other local authorities and bodies in regeneration projects. It also has the power to make necessary expropriation in accordance with annual tasks program (article 26). Special provincial administrations have the opportunity to create unions with other local administrations. Especially, in Istanbul and Kocaeli, where the borders of greater municipalities overlaps with the border of the provincial administrations, creation of such unions will contribute to the implementation of urban regeneration projects simultaneously with the environmental plan of the city.

By the legal arrangements explained above, local government' authorization areas have expanded in terms of planning and related services. This situation can be a good development for providing governance, participation and transparency. But on the other hand, it may accelerate the corruption and other unethical issues due to inadequate control mechanism in the country.

Actually the authorization of the municipalities by the latest legal arrangements with so much power has accelerated the unethical implementations and corruption. Many of the corruption news about municipalities show that the local governments grafting by the way of municipal stock corporations. Furthermore, the authority of accepting unreturned grants for their costs have caused illegal demands and corruption in local governments

Laws Concerning Urban Development and Land Use

There are many laws in Turkey's legislation system for controlling and directing the urban development. Here, we are mostly focusing on the main laws which are commonly used as a tool in planning in the recent development plans and projects. Development Law and subject-based special laws are some of those legal arrangements in urban planning.

Development Law (Act no: 3194)

Development plans, of which structure and content are defined in planning legislation, are the main planning control tools in the Turkish system. Urban Development Law no. 3194,

issued in 1985, exists at the very center of this legislation. It is the main law directly related with production of the urban built environment. The principle rules about planning are defined at the beginning of the law. The 6th article of the Development Law no.3194 defines two kinds of plans in the planning system; Regional Plans and Development Plans. Regional plans are prepared by DPT (State Planning Organization) if required in determining the socio-economic trends, development potentials of settlements, the targets of sectors, and distribution of regional infrastructure. According to 5th article of the Law, development area plans are prepared in accordance with regional plans to determine decisions about the settlements and general land use such as housing, industry, tourism and transportation. However, there is not any definition about their scope and administrative organization for preparation and application. Furthermore, the connection between regional plan or development area plan and is not clear either. Therefore, in practice, urban development is generally regulated by the development planning system at municipal level, generally without any strategic frame defined by upper scale plans at regional or provincial level.

The Development Law itself does not include any specific rules about the control of urban form and it assigns bylaws for specific issues in accordance with the 44th article. The most important ones of them in respect to design of urban space are the Bylaw about the Preparation and Amendment of Development Plan and the Regulation about the Land Readjustment (the bylaw of 18th article).

The rules for the preparation and implementation of the plans are determined with the "Bylaw for the principles of plan preparation" which was approved in 1985 and revised in 1999 and 2005. The revision in 1999 comprised a regulation about taking a project owner's decision into consideration when deciding whether the plan alteration is suitable or not in all plan modifications. However it was ceased to be effective in 2005 due to the speculations and claims about the planners for their using this legal arrangement for unjust gains. Actually, by this regulation it was aimed both to protect the plan as a work of art and to decrease unnecessary plan modifications.

Plan modification is a tool commonly used by local governments to change land use and construction rights. In other words, most of the corruption claims about the municipalities depend on plan modifications in Turkey. In Development Law, there is no limitation for plan modifications. Local authorities can easily change the development rights without taking into consideration the plan integrity.

Furthermore, the clause in the "Bylaw about the Preparation and Amendment of Development Plan" about plan modifications, give way to another ethical problems with respect to lack of social and technical service standards. In the article, it is obliged to allocate equivalent area in the same region instead of the removing social and technical infrastructure. However, the limits and the standards of the "region" are not defined. Therefore, by the help of this legal arrangement the valuable public lands can be changed into private usages with speculative reasons.

The Law for Conservation and Renewal of Deteriorated Historical and Cultural Assets (Act no: 5366)

This Law is designed to recapture the old historical built environment and approved in 2005. Its aim is to renew for the protection and re-use of the old dilapidated urban sites under the territories of greater municipalities, districts municipalities of greater municipalities or under the territories of special provincial administrations by providing the necessary housing, commercial, social, cultural and tourism facilities in accordance with the development of the concerned areas. According to the Law, those sites must be Conservation Areas or located under the territories of them. Regeneration areas are first delineated by the related municipality or provincial administration, and then approved by the Council of Ministers. One of the most significant responsibilities of the related authority given by the Law is the organization of meetings in order to inform about and allow active participation of local residents in the purposed regeneration project. They can even get consultancy from professionals, universities, NGOs or other public institutions.

This Law is, in general, a promising contribution to urban planning especially as to its being the unique solid intervention about creating a framework for the practice of urban regeneration. It is about to bring effective regulative instruments and certain tools on designation of urban regeneration areas, preparation of the plans, agreements for partnerships and implementation processes despite the constraining factors as absentee ownership patterns and negotiation difficulties. It also gives related public institutions the authority of obtaining the required information, providing the infrastructure and decreasing the burdens of necessary transactions in order to increase the pace of the process. However, there are several contradicting parts both in the logic and implementation of the legislation. The first is related with its limitation of regeneration areas only through historical conservation areas. Such a limitation causes contradiction in the possibility of declaring "regeneration areas" and developing projects for obsolete areas which do not have any historical value. Another contradiction is observed in the style of approaching the problem areas. The statements within the Law does not refer to a comprehensive and integrated policy action including the social and economic dimensions, but rather refers to a physical renovation projected on the basis of properties and development rights.

By this legislation it is also aimed to accelerate projects and ease the process of expropriation and bureaucratic issues, especially for giving priority to some special areas. One of those special areas is Süleymaniye Region. The "Süleymaniye Urban Renewal Area" was designated by a decision of the Council of Ministers in 2006 within the framework of Law 5366. However this project is criticized as a speculative project which gives priority to land development and new construction rather than the conservation of existing historic houses by international and national organizations (The mission Report of UNESCO, 2008).

Housing Development Law (Act no: 2985) and Revisions in the Powers and Responsibilities of the Housing Development Administration (Act no: 5162)

"Housing Development Law" was first introduced in 1984 and revised in several years (1990, 2001, and 2003). The last revisions have been made in 2004 with the law amending the "Powers and Responsibilities of the Housing Development Administration" (Act no: 5162) parallel to the attempts on regeneration of squatter housing (gecekondu) areas. Originally, the main purposes of this Law are provision of adequate housing and housing credits, at the same time, generation of the regulations for developers in the housing industry and development of construction techniques. With the last revisions made in 2004, Housing Development Administration has recently become entitled to prepare plans and projects in 'regeneration areas' in any scale in their own, which are to be approved in 3 months by the related municipality or the provincial administration according to the location of the project area. Otherwise, the Administration is capable of enforcing the plan itself in 3 months. With the revisions made on the existing Law, Housing Administration has obtained a critical role in neighborhood regeneration projects launched by partnerships with local governments. It has gained a substantial power in land reclamation, project generation, approval and participation in partnerships with developers.

The developments in urban areas by the help of this law cause ethical problems parallel to the implementation of Squatter Housing Law. Housing Development Administration generally chooses the treasury areas in the urban areas for their projects because of their being costless. However, such lands should be used for common purposes for public interest. By this way, the reserve lands which must be a subject to public uses have transformed to residential areas for the use of very limited number of people.

Law for the Encouragement of Tourism (Act no: 2634 & 4957)

This Law has been an effective tool in readjusting urban areas for specific purposes in the last two decades. "Encouragement of Tourism Law" is announced in 1982 and partially revised in 2003 with the Law numbered 4957. The purpose of this Law is generally to ensure that necessary measures are taken for the regulation and development of the tourism sector. It is a specific initiative in terms of comprising establishment and development of "Cultural and Tourism Conservation and Development Regions" and "Tourism Centers", and encouragement, regulation and inspection of tourism investments and facilities. "Cultural and Tourism Conservation and Development Regions" expressed within the Law refer to areas with a high potential for tourism development, and intensive historical and cultural importance, which are to be evaluated for the purpose of conservation, utilization, and provision of planned sectoral development. "Tourism Centers" refer to priority areas located within or outside the cultural and tourism conservation and development regions, and are of importance for tourism movements and activities (article 3d). Boundaries of both cultural and tourism conservation and development regions and tourism centers are determined and announced by the Council of Ministers upon the proposal of the Ministry of Tourism. Within those regions, The Ministry is authorized to make or to have made, to modify and to approve the plans of all scales. Tourism Ministry has obtained great

central authority by this Law for generating proposals for specific areas or plots and in implementing them. Several projects have been developed in areas which are announced as "Cultural and Tourism Conservation and Development Regions" or "Tourism Centers" in many cities within the last two decades. Some of those projects have been immensely criticized or even carried into courts as to speculative plan decisions or initiatives provided to private investors.

This law has been one of the main tools for central government for the speculative developments in the cities. Not only the coastal areas but also the historical cities such as Istanbul are being demolished by the implementation of this law. The Süzer Plaza behind the Dolmabahçe Palace can be given as a specific example which shows the influence of politicians and other interest groups in the cities. In addition, the environment and natural assets at the coastal zones of Turkey have been destroyed by big hotels which have been built under the authority of this law.In terms of ethical issues, it can be said that this law couse developments which are against public interest and

Unauthorized Buildings (Squatter Housing) Law (Act No: 775) and Development Amnesties Laws (Act No: 2805, 2981, 3290, 3366)

In 1966, widely known "Squatter Housing Law" Act No: 775 which was the first legislation specifically concerned with squatters was enacted and for the first time, the dual housing stock was accepted, the planned, modern section and the squatter areas. Until this date, all laws of regularization issued used the term unauthorized constructions for the squatter houses whereas Law No.775 used the Gecekondu (squatter) in its title and implied the acceptance of this social phenomenon. The purpose of the "Law of Unauthorized Building" was established in order to avoid the unauthorized developments by creating prevention zones through expropriation and provide small plots of land to the needy people.

In addition to these regulations; municipalities may define the provision, upgrading and cleaning areas of squatters, boundaries of these areas may be defined in 6 months. Municipalities should prepare the maps and plans of reconstruction and improvement. Ministry of Construction and Settlements controls them. To realize these decisions; management guidelines in the areas of municipal finance and administration are also necessary. Squatter Housing Law and other regulations didn't contain this kind of arrangements and none of these decisions realized at that time, only title deed were given to the squatter householders and the houses legalized. However, the proposed achievements could not be accomplished as the Ministry (Ministry of Reconstruction and the Settlement) and the local governments were not able to integrate their works and cooperate properly. In time, the arrangements proposed in the legislation have turned into populist policies and yielded to the allocation of land as a means of obtaining a mass of votes. The legislation itself stimulated the expansion of the illegal settlements rather than avoiding them. The legislation targeting the unauthorized developments was followed by a series of development amnesties through various laws (1983/2805, 1984/2981, 1986/3290, 1987/3366) and paradoxically has played a role in the expansion of the unauthorized settlements. Through a series of development amnesties, all unauthorized developed settlements have been taken into the scope of the amnesty

programs. Through this legislation, "Improvement and Development Plan", as an additional plan type, has been added to the already complicated planning system. The Improvement and Development Plan target to upgrade the living standards in the irregularly developed, unhealthy settlements within the limitations of the existing conditions. The Improvement and Development Plans were supposed to be transitory implementations for bringing the illegal settlements into the legal domain. However, in time they have transformed from an instrument of improving the illegal developments into a means of reproducing them continuously. In this plan type, since the technical and the social infrastructural standards, which are normally required in the standard Development Plans, are not looked for.

These laws caused many ethical problems in terms of planning and urban development. First of all, the treasury areas which can be considered as the common estate of all the citizens in the country were allocated to the use of a certain group (people living in gecekondus and built illegal houses). In terms of equity (one of the main principles of ethics), these applications cause unethical developments. Secondly, by these laws, in those treasury lands where squatter housing is developed, all the planning authorities are given to local administrations without establishing any control mechanism. In Turkey social awareness and organization is very weak when compared to developed countries. By those legal arrangements although local governments were authorized with all the rights to redirect the urban development in the squatter housing areas, there was no mechanism to control the plans and plan implementations whether they serve public interest or not (Doğan, 1996: 29,30).

Other ethical problems caused by these laws were directly related with planning. By the "improvement and development plans" which are determined by these laws, unhealthy urban areas are formed with the hand of urban planners. Because there was no obligation to provide the social and technical infrastructure standards in these plans as in the other development plans. These laws are still valid and sometimes become a subject to speculative developments in urban areas.

Agricultural Land Reform Law (Act Number: 3083) and Bylaw for "The Usage of Agricultural Lands for Non-agricultural Purposes"

The "Agricultural Land Reform Law about the Regulation of Irrigated Lands" was announced in 1984. The aim of the law is stated as to regulate the usage of agricultural lands (for agricultural purposes, if necessary for new settlements etc). This Law is sometimes used against its purpose, without any adequate cost-benefit analysis, for transferring agricultural lands to non-agricultural usages. By this Law the Council of Ministers is authorized to decide abolition of agricultural lands for other urban functions.

In addition to this legal arrangement, there is a Bylaw (The Usage of Agricultural Lands for Non-agricultural Purposes Bylaw) about the protection of agricultural lands which became effective first in 1989 and revised in 2005. The lands which never appropriated into non-agricultural usages are determined with this bylaw. According to that, "economically productive 1st, 2nd class lands, irrigated and planted lands, the lands within a land protection or drainage project etc. are definitely cannot be used for other purposes.

However, although some strict limitations for the protection of agricultural lands, in another article it is said that in the event that lack of alternative lands, the agricultural lands can be appropriated to non-agricultural usages such as residential, industrial, recreational, commercial, gas stations, educational and health services.

In practice, with respect to this provision, the urban areas are expanded through the fertile agricultural lands without any cost-benefit analysis in the country. With respect to ethical principles, especially in terms of environmental and rural ethics, land has intrinsic worth independent of the value that humans place on it. Values about land tire shaped, in large part, by social and economic forces, political ideology and religious beliefs. Recent researches focuses on the moral and ethical imperative on the part of the land-use policymakers to avoid or minimize land-use harms. However, Bylaw for "The Usage of Agricultural Lands for Non-agricultural Purposes" has an economically utilitarian perspective for the urban development functions. Without sufficient cost-benefit or impact analysis hectares of fertile lands can be allocated for urban uses in a way against sustainability.

Summary of Main Themes

In terms of ethical issues, the laws examined above, can also be evaluated in two main perspectives: the ethical issues concerning local governments and the ethical issues concerning urban development and land use laws.

As mentioned above, by "the laws concerning local administrations", most of the urban development decision making and application rights transferred from central authorities to local authorities. It may be considered a good progress in terms of democratization principally. However, because of the lack/insufficiency of control mechanism in the country, local administrations have tendency to use those rights for their political interests or for the sake of other pressure groups. The members and the structure of the municipal councils support this process in a negative way. Although these councils have authorized with too much power, there is no standard about their competence or proficiency. There should be an effective control mechanism for well-operating of those legal arrangements.

Another type of ethical problems come up by the application of "the laws concerning urban development and land use" are the disregarding of public interest. In terms of sustainability, social equity and environmental ethics those legal arrangements have many weaknesses.

The lack of coordination between the authorized institutions in plan implementation processes have also be sources of ethical problems. Nearly for each law there is an authorized institution. For example, municipalities are responsible for the implementation of "Development Law", "Squatter Housing Law" and "Development Amnesty Laws", Ministry of Public Works and Settlements for "Coastal Law", Ministry of Culture and Tourism for "Encouragement of Tourism Law", , Council of Ministers for "Conservation and Renewal of Deteriorated Historical and Cultural Assets Law", Ministry of Agriculture for "Agricultural Land Reform Law and Bylaw for "The Usage of Agricultural Lands for Non-agricultural Purposes", Housing Development Administration for "Housing Development Law" etc.

Similar complexity can be noticed in plan preparation process. State Planning Organization responsible for the upper-scale development plans, Ministry of Environment for regional development plans in the scale of 1/100.000 and 1/25.000, Greater Municipalities for master plans in the scale of 1/25.000 and 1/5000, district municipalities for detailed (implementation) plans in the scale of 1/1000. In addition to them, Ministry of Culture and Tourism is responsible for the preparation an approval of the plans in the scale of 1/5000 and 1/1000 in "tourism regions and areas" Ministry of Public Works and Settlements for plans in the scale of 1/1000 for coastal areas etc. However there is no network or any other coordination mechanism between those institutions.

The legal framework in Turkey can be evaluated and summarized according to the ethical principles (honesty, transparency, equity, accountability, public interest, accuracy, responsibility, respectfulness, not accepting gift, conservation of public goods) determined by Ethic Committee as in Table 2.1.

To better understand the ethical problems in planning practice, it is necessary to analyse the structure of development plans, their preparation and approval processes, the local governments and municipal councils role in planning, planning hierarchy and the responsible institutions in each type of plans, the corruption and conflict of interest as the results of those plans and governmental structure. In the next section all of these dimensions of planning will be analyzed concerning with the legal framework..

Table 2.1. Main ethical problems caused by laws and the possible solutions

Act	Act No	Approval Date	Main Aim(s) of the Act	Main Ethical Problems Caused by the Act	Possible Solutions and Recommendations
The Law of the Greater (Metropolitan) Municipalities	5216	10.07.2004	To regulate the legal status of greater municipalities and to provide the carrying out of the services in a planned, programmed, effective, and coherent way.	-Inadequacy in supplying public interest, accountability and transparency -Corruption -Source of administrative ethics	-Effective control mechanism -Effective public participation -More transparency -More accountability -To deprive the authority of establishing municipal stock corporations and accepting unreturned grants
Municipalities Law	5393	03.07.2005	To regulate the establishment, members, administration, duty, responsibilities and working principles of municipalities	-Inadequacy in supplying public interest, accountability and transparency -Corruption -Source of administrative ethics	-Effective control mechanism -Effective public participation -More transparency -More accountability -Deprivation the authority of establishing municipal stock corporations and accepting unreturned grants
The Law of Special Provincial Administration	5302	22.02.2005	To regulate the establishment, members, administration, duty, responsibilities and working principles of special provincial administrations	-Inadequacy in supplying public interest, accountability and transparency -Corruption -Source of administrative ethics	-Effective control mechanism -Effective public participation -More transparency -More accountability
Development Law	3194	03.05.1985	To provide the organization of settlement areas and the constructions in, according to plan, scientific, health and environmental conditions.	-Inadequacy in supplying public interest and equity -Corruption -Source of environmental and land use ethics	-Coordination between plans and institutions -Limitations in plan modifications -More transparency -More sensibility to public interest -Obligation for impact analysis -Healthy data-base -Determining public interest and clarifying planning principles -Determining ethical codes
The Law for Conservation and Renewal of Deteriorated Historical and Cultural Assets	5366	05.07.2005	To renew the protection and re-use of the old dilapidated urban sites under the territories of greater municipalities, districts municipalities of greater municipalities or under the territories of special provincial administrations by providing the necessary housing, commercial, social, cultural and tourism facilities in accordance with the development of the concerned areas.	-Inadequacy in supplying public interest -Corruption -Source of cultural and land use ethics	-Coordination between plans and institutions -More transparency -More sensibility to public interest and urban heritage conservation -Obligation for impact analysis -Healthy and up-to-date database -Determining public interest and planning principles -Determining ethical codes
Housing Development Law and Revisions in the Powers and Responsibilities of the Housing Development Administration	2985 & 5162	02.03.1984 & 12.05.2004	To supply housing demand, to regulate the principles for contractors and to develop appropriate industrial construction techniques and equipments according to national conditions.	-Inadequacy in supplying public interest and equity -Corruption -Source of environmental and land use ethics	-Coordination between plans and institutions -More transparency -More sensibility to public interest -Obligation for impact analysis -Healthy database -Determining public interest and planning principles -Determining ethical codes

Act	Act No	Approval Date	Main Aim(s) of the Act	Main Ethical Problems Caused by the Act	Possible Solutions and Recommendations
Law for the Encouragement of Tourism	2634 & 4957	12.03.1982 & 03.11.2003	To take the necessary measures for the regulation and development of the tourism sector	-Inadequacy in supplying public interest, equity and conservation of public goods -Corruption -Source of environmental and land use ethics	-Coordination between plans and institutions -More transparency -More sensibility to public interest, environment, and sustainability -Obligation for impact analysis -Healthy database -Determining public interest and planning principles -Determining ethical codes
Unauthorized Buildings (Gecekondu) Law and Development Amnesties Laws	775 & 2805, 2981, 3290, 3366	20.07.1966 & 16.03.1983, 24.02.1984, 22.05.1986, 18.05.1987	-To avoid the unauthorized developments by creating prevention zones through expropriation and provide small plots of land to the needy people. -To upgrade the living standards in the irregularly developed, unhealthy settlements within the limitations of the existing conditions	-Inadequacy in supplying public interest, equity and conservation of public goods -Corruption -Source of environmental and land use ethics	Complete repeal
Agricultural Land Reform Law and Bylaw for "The Usage of Agricultural Lands for Non-agricultural Purposes"	3083	22.11.1984 25.03.2005	To regulate the usage of agricultural lands (for agricultural purposes, if necessary for new settlements)	-Inadequacy in supplying public interest -Corruption -Source of environmental and land use ethics	-More transparency -More sensibility to public interest, environment, and sustainability -Obligation for impact analysis -Healthy data-base -Determining public interest and planning principles -Determining ethical codes

Planning in Practice in Turkey

Planning hierarchy

Planning authority is distributed between the central government and local governments in Turkey. In general the upper-scale plans are prepared by central government institutions and the remaining by local governments. The figure 2, below, summarize the planning hierarchy interrelationship of Central and Local Government

As seen in figure 2, the planning hierarchy is too complex in Turkey. Even though there are many authorized institutions at central and local level for preparation and implementations of plans, the coordination between them is very limited. Every institution tries to act according to their responsible areas and laws. But in some cases these responsibility areas can be overlap with each other. On the other hand, sometimes central or local governments tend to use their planning authorities for their political benefits. Plans constitute very appropriate tools for speculative developments. As results of these situations, unethical problems can occur in urban areas.
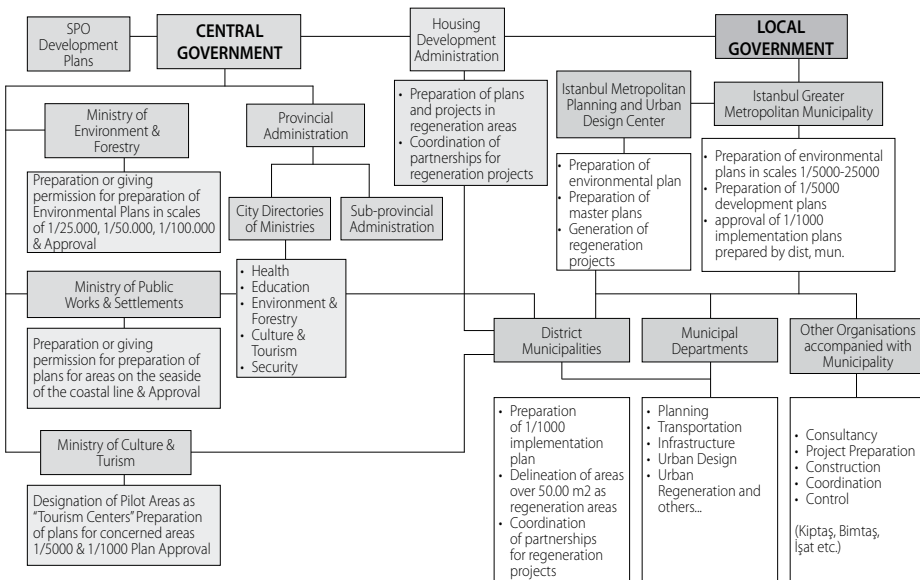
Figure 2.1: Planning hierarchy in Turkey (Yalçıntaş, 2008)

The structure of "Development Plans" and the role of "local governments" in planning

As seen on Figure 3 there are many central and local government institutions in the planning process. In this planning system local governments are mainly responsible for the preparation and implementation of development plans.

Turkish planning system, the development plans are defined in three-tier at the regional level. The regional territorial plans, called 'landscaping plan', is approved by central planning authorities (by the Ministry of Environment and Forestry). They are expected to develop spatial planning policies about the future of a region that may encompass more than one city and its adjacent area. Within the hierarchical structure, all kind of development plans should be prepared in accordance with the policies and conditions of plans in the upper-tier.

Master plans, prepared at 1/25000 or 1/5000 scales, are city-wide development plans. They show broad allocation of land and urban development patterns, main transportation routes, the building blocks forms in a broad manner, and population density in the city. The detailed aspects are supposed to be shown in lower-tier development plans –namely implementation plans. Therefore, master plan appears to be a rather detailed land allocation map. Implementation plans are detailed land use plans, prepared at 1/1000 scale, allow municipalities a great degree of control over production of urban built environment in general and 'changes in spatial context' in particular.

The lack of feedback and review in planning process and the control mechanisms makes planning control operated by obsolete and outdated rules. At this point, plan revisions are prepared to replace development plans. They may encompass all development plans or just a part of it.

After submission of plans, they are discussed in municipal councils where the plans are approved. After plan approval, they are publicized through a deposit period. It is a one-month process, in which citizens inspect the plans. If citizens have objections to plans, they made an application to municipality. Objections are taken into consideration within two weeks, and if necessary the plans are modified and approved by municipal council

Within this framework and conditions, the channels for participation of individuals to plan preparation processes seemed to be limited. They usually make their objections during deposit period. Participation is reduced to a technical procedure during publication of plans and proposals.

If the objections of individuals are not taken into consideration in the revision process, they are allowed to appeal the cases. In this framework, administrative courts are charged with controlling proposals. Participation comes into being through "judicial control" after the realization of planning decisions). In fact, individuals are allowed to appeal their refused cases on to administrative courts. It happens not only in plan preparation process, but also comes into being in plan implementation process.

One of the main issues in preventing corruption and reducing ethical problems is low level of participation. However, as explained above, the public participation is very limited in Turkish planning system. Due to this situation many ethical problems can be occurred at local levels.

Land Readjustment Process

Ünlü (2005: 75) in his dissertation mentions the land adjustment process which causes many speculations and objections in plan implementations. He explained this process with the words below, briefly:

"Within plan implementation process, land readjustment is a compulsory action in order to create the settlement pattern distinguished in development plans. Land readjustment plans should be prepared in compliance with the physical consideration of development plans. They, on the one hand, are used to produce individual urban plots with reference to the building block forms; on the other hand, they are used to appropriate public uses such as parks and roads determined in implementation plans. At the final analysis, development rights are distributed on individual plots via land readjustment process.

This process is directed by Article 18 of Urban Development Law no. 3194. During land readjustment process, an amount of land (40% of each plot area) is taken from cadastral plot owners in exchange for public uses. Land readjustment plans are prepared within land readjustment areas. LRS (land readjustment share) is calculated in each area separately. Parks and roads are appropriated as public uses in their locations through taking LRS from a limited number of property owners. From this point of view, parks are seemed to be localized in land readjustment areas. This kind of an implementation is not seemed to be trouble-free to appropriate large scale parks. The result would be small scale parks in neighborhoods, depending on land readjustment areas. Land readjustment plans they cannot be conceived as planning control tools since they are plan implementation tools in the Turkish planning system."

Land readjustment share, as the main legal tool for supplying some of the social and technical infrastructure in cities, has not been used effectively in planning. On the other hand, planners must allocate and increase those uses for better and healthier living environments. Public interest, as the most important ethical issue for planning can only be provided by this way. However, it is not possible to say land readjustments share effectively used in practice.

The Problematic Issues in Control Mechanisms of the Turkish Planning System

The main characteristics of planning control mechanisms in the Turkish planning system mentioned above raises the emergence of some problematic and so that, ethical issues in planning control mechanisms. Ünlü (2005), in his doctoral dissertation, defined them by grouping into three main contexts. These are;

'plot-based understanding' in regulatory context,

'bureaucratization of control mechanisms' in procedural context

'individual actions' in socio-political context.

In addition to Ünlü's classification, we must add the illegal urbanization due to rapid urbanization and squatter housing and local participatory mechanisms, municipal councils, political figures and interests as sources of ethical problems

The Plot-Based Understanding in Development Plans

Within regulatory context of the Turkish planning system, urban development plans are detailed end-state blueprint plans, which envision that a time would come and the spatial development of any city would be completed in the specific planning period. Management and control of 'changes in spatial context' basically depends on quantitative standards, which cover maximum building heights, densities and floor area ratios. In this framework, the essential element to be controlled in detail in the Turkish planning system seems to be the individual plot

Since distribution of development rights is prior to any consideration during planning process and operation of control mechanisms, all places in the city began to be shaped by similar plots. The city itself seems to be conceived as the collocation of individual plots and a clutter of construction. The prototype production is the average spaces, which led to anonymity in the spatial context. Therefore, the local characteristics of a place seem to be abolished via plot-based understanding of development plans.

Bureaucratization of Control Mechanisms

Within the procedural context, the certainty within planning control mechanisms is supported through the step-by-step linear operation of planning control mechanisms, which causes separation of plan preparation implementation processes from each other. Plan implementation is reduced to be a further stage of plan preparation process (Taylor, 1998) and routine procedures are set in a replicable program (Christensen, 1985). Building permit is at the very center of the process. From this viewpoint, planning control becomes a technical and an administrative action. It is reduced to check the conformity of proposals to planning obligations. Hence, standard proposals come into order on the basis of development on individual plots. On this account, according to Tewdwr-Jones and Harris (1998) local planning authorities became more concentrated on the procedural aspects of planning control, rather than taking care with the processes to achieve more qualified planning outcomes. In this sense, it brings forth "bureaucratization of control mechanisms".

Along this path, little attention is given to formulate coordinated strategies through participation. Participation is reduced to a technical procedure on the grounds of objections during plan deposit period. Another form of participation is 'judicial control', which comes into order in the cases where objections of individuals are rejected by municipalities. In the Turkish planning system, development bylaws and plan notes undertake a potential

for formulating interpretive actions and discretionary actions in control mechanisms. Nonetheless, they are elaborated though plot-based understanding in order to control the development in detail. They provide little or no discretion in planning control mechanisms.

Individual Actions and Free-Lance Planners

The separation of processes in procedural context via step-by-step linear process also bears the separation of involvement of actors to planning control mechanisms. The liabilities of different actors are assigned in singular steps. The role of each actor within the mechanisms is predetermined and actors are expected to obey their roles. In plan preparation processes, mostly free-lance planners are charged to prepare development plans, and to submit them to local planning authorities. Local planning officers are anticipated to prepare evaluation reports and advice notes about proposals. Local councilors are assigned to take the last decision and to approve development plans. Individuals are expected to develop objections during plan deposit period.

Separation of liabilities of actors in planning control mechanisms leads to a lack of mutual interaction between them. According to Balamir (2002), the local authorities do not want to share their power in planning control mechanisms. Furthermore, they are not likely to be controlled by other actors in control mechanisms like the professional organizations, such as the Chamber of City Planners, The Chamber of Architects etc. (Ekinci, 1999).

On this ground, each actor begins to occur in control mechanisms independent of each other. This separation provokes individual actions to take place in planning control mechanisms. Consequently, each actor begins to introduce their own way of urbanism on the basis of proposals. The main motive for their individual actions would be their interest and preferences. This brings the 'individualism of urbanism' in planning control mechanisms. On this account, in Ostrom's (1990) words, the problem at this point is how to change the situation from one in which actors behave independently to one in which they formulated coordinated strategies.

Development plans provide only a general framework and to control the overall development in cities, and to carry the present condition to the anticipated future. In this framework, depending on plot-based understanding, bureaucratization of control mechanisms and individual actions, development plans in the Turkish planning system does not seem to cope with 'changes in spatial context'. Consequently, plan modifications appear as the major tools to manage and control the 'changes in spatial context'.

CITY = CLUTTER OF CONSTRUCTION

REGULATORY CONTEXT
PLOT-BASED UNDESTANDING

TENSIONS IN CONTROL MECHANISMS

TENSIONS IN CONTROL MECHANISMS

Parcellation of Control

SPATIAL CONTEXT
AVERAGE SPACES

Development Pressures

PROCEDURAL CONTEXT
BUREUCRATIZATION OF CONTROL MECHANISMS

Routine Proccedures

SOCIO-POLITICAL CONTEXT
INDIVIDUAL ACTIONS

CITY = COLLECTION OF PLOTS

Figure 2.2. Problems in Control Mechanisms of the Turkish Planning System cause appearance of plan modifications (Ünlü, 2005: 81)

Rapid Urbanization and Squatter Housing as Ethical Problems Themselves and as Sources of Ethical Problems

Turkey, like so many other nations in the twentieth century, has been transformed by rapid urbanization. As this is the case everywhere, urbanization in Turkey is an inherent component of the process of modernization. Migration, the growth of urban economies, and rapid expansion of cities are integral features of the set of structural changes we call modernization (Danielson and Keleş, 1985; Tekeli, 2005).

The urbanization process in Turkey, speeding up in the 1950s and subsequent decades, contributed to ingraining corruption in the system. Indeed, urbanization largely took place through the illegal building of slum houses, the so-called Gecekondu (literally "built by night", a reference to the fact that once standing, houses could not legally be torn down). Gradually, these illegal slums were turned into multi-story buildings by construction firms, a process that required a complex mix of bribes and kickbacks to obtain the necessary permits. This in turn lifted many people out of poverty, and allowed others to make fortunes, while making corruption systemic in local administrations.

Decision-making has been highly politicized and partisan within this public administration system in Turkey. "Most Turkish governments have not hesitated to use their patronage powers and their powers of discretion in authorizing projects to reward their clients and supporters. Assistance to the cities has been heavily influenced by political considerations; and one of the primary attractions of discretionary aid programs has been the opportunities

they provide for central officials to reward fellow partisans and punish party enemies in the cities. Constituencies of cabinet members, for example, have been favored beneficiaries of the National Fund for Squatter Houses administered by the Minister of Reconstruction and Settlement, as have municipalities with good political connections in Ankara (Danielson and Keleş, 1985).

In Turkey, the ability of government to use development controls and planning to influence urbanization has been severely constrained. Most and is privately owned, and private property rights are strongly protected by law. Similarly, most building is undertaken by private parties. Efforts o regulate private land use and building have been hobbled by inadequate resources, lack of trained personnel, political pressures, and corruption. Moreover, urbanization has been so rapid that growth often has over helmed the limited capabilities that are available to control urbanization. As a result, land-use and building controls have been weak, and local lands have affected most regional decisions. The most striking evidence of the failure of land, building, planning controls are the hundreds of thousands of squatter houses that surround the metropolitan centers, but just as telling are the substantial numbers of conventional apartments and factories that have been constructed illegally or erected. In this centralized and politicized system, cities have received attention from the center primarily on the basis of party links and political pressures (Danielson and Keleş, 1985).

In the last 80 years of experience, Turkey has faced many rapid changes in her spatial organizations given the changes in agriculture and industry. These changes are well-observed on every corner of country's agricultural landscape and mainly in several urban spaces. The overwhelming influx of internal migrants from mainly eastern part of the country informally or/and illegally occupied the land at the outskirts of several major cities. These occupied spaces are primarily in Istanbul, and then Ankara, Izmir, and Adana. The spatial changes in the cities have been one of the toughest to manage and control. With its uncontrolled population dynamics, later, Istanbul has turned out to be one of the well-known primate cities in the world. Today, at the metropolitan scale, Istanbul is one of the largest cities of the world (Küçükmehmetoğlu and Geymen, 2006). Migration from rural to urban areas and to the large western metropolises from the eastern part of Turkey has played key role in urbanization.

Some common problems associated with the rapid change in land use caused by urbanization prevail in developed and developing countries. For example, the rural landscape has changed significantly in recent decades, with more land being devoted to urban and industrial uses and more people moving to larger cities, because decision-makers have encouraged urbanization to trigger economic development. The rural landscape possesses ecological, economic, and cultural qualities for both humans and other life forms therefore; land conversion into non-rural uses in these areas has become a serious problem in many countries, including Turkey (Esbah, 2007). A substantial amount of research on the effects of urbanization in different parts of Turkey also exists (Tagil, 2006; Doygun, 2005; Alphan and Yilmaz, 2005; Maktav and others, 2002).

Squatter Houses are very much part of the urban scene in Turkey. They are usually found at the outskirts of the major cities, built on state property or on land belonging to the

municipalities. The fact that they are rarely built on private property has afforded them certain protection from legal machinery. In fact, in earlier decades, the sympathy the squatter house settlers had won from the public as poor individuals making an attempt to escape from rural poverty has discouraged the politicians from making a serious attempt to curtail the invasion of public land. Over time, the squatter house settlers gained an important leverage as informal pressure-groups during elections. Recognizing the voting potential of such groups, the political parties from various wings either ended up granting amnesties to squatter house or made promises for their legalization should they assume power. Such open encouragement and the actual legalization of squatter house fuelled the further invasion of public property and paved the way to widespread land speculation.

Taking advantage of the lack of strict law enforcement and —at times— deliberate negligence by local authorities for political concerns, most immigrants invaded public land and became owners of squatter house, located generally at the outskirts of large cities. None of these developments is unique to Turkey. It is pointed out that obstacles to legality in developing countries coupled with the need for affordable housing have led the newcomers to the urban areas to become 'extralegal' —i.e. to move out of the legal system. However, it is also true that rural–urban migration and thus the current rate of urbanization in Turkey have been realized partly because of the availability of squatting opportunities.

Pırıl H. Atabay (2008), in her dissertation titled "Belonging to the City: Rural Migrants in Modernizing Chicago and Istanbul", states that in İstanbul, the "illegality of the squatter house made it a political concern, which involved the hand of the State. The State met the housing shortage by passing a series o laws that illegalized the squatter house settlements. A local problem handled by the central government divided the issue of housing by legal and illegal statuses. The squatter house were tolerated by original İstanbulites as a temporary measure, but when squatter house dwellers or contractors began building squatter house for purpose of renting them out and then moving into apartment building in the city, measures taken by the central government led to hostilities in approach, and commentary.

Local Participatory Mechanisms, Municipal Councils, Political Figures and Interests

Kurtoğlu (2004) claims that in the local politics of large cities the communication between the constituents and the politicians is less anonymous and more face-to-face than the national politics. The result of this close relation is that both the candidates for the local councils and the elected councilors are in more direct relations than the parliamentary candidate or the members of the parliament. Taking this as a fact, she argues that the individual politicians and their societal relation webs may be more important than the political parties at the local level. Another assumption that she made is that the constituents at the local level think of their daily lives, daily needs (water supply, road construction, street cleaning, etc.) and how far these services will be provided to them when casting their votes. For this reason, the expectation in local politics is more strictly defined than national politics. It should be expected that in reaching these expectation the level of the

face-to-face contacts and tries for influencing this level of politics could be higher. As a result of this process the interest groups and congregation politics may play a crucial role in local politics.

Kurtoğlu (2004) admits that, in explaining the political ethnicity, she did not try to explain the municipal councilor from the perspective of important question "who governs?' but from the perspective of the studies done on the political ethnicity. She expresses that the study is not concentrated on the urban ethnic congregation relations, their leaders, and a comprehensive understanding of their relations with political ethnicity. Kurtoğlu adds that the main points she paid attention are those two related processes; first, establishment of urban ethnic congregation and the second, the political processes in the city. The first kind of processes are the one which help to build or maintain the ethnic congregation from the inside and outside whereas the second type of processes draws the limits of relations in which the individuals, interest groups, and political parties' spend efforts.

According to Marxist theories, the local governments are dominated by the capitalist class and answer the needs of capital. Beside different Marxist approaches the common point that they share is that there is not an equal representation of the working class. Evaluating the answers of the councilors, it may be concluded that this statement is true for Denizli municipality. It does not necessarily mean that the working class can be represented if and only if there are members from these groups in the council; however, the councilors' idea was that these groups are underrepresented or cannot make their voice heard. Moreover, like the elite theories claim, the local governments are governed by ruling elite groups. In order to be elected to the municipal council, candidates spend much money, time and effort which can not be spent easily by large proportions of the society. These people are the ones with wealth, and also some are rank-and-file members. The proportion of these groups in the society is low in relation to the lower-middle class groups (Ataman, 2004).

Corruption and Conflict of Interest

One of the main topics as a result of the problematic issues in Turkish planning system and structure of local governments is, of course corruption. The news in Turkish media about the unethical planning actions and urbanization generally launched as types of corruption. Therefore it is necessary to understand the concept, structure and causes of corruption at local level at the beginning.

What is corruption? Lipset and Lenz define it as "…efforts to secure wealth or power through illegal means – private gain at public expense" According to another definition corruption is "the misuse of public power for private profit." (Smelser, 1971) This definition encompasses a wider range of activities, but there was concern that it did not require intentional misuse (as opposed to accidental or unknowing uses of public power that benefit individuals at the expense of the public).(**Gratto, Preston ,Snilsberg, 2002**)

Local public officials who hold positions of power in a municipality many times misuse or abuse their power for dishonest or unlawful gain. The improper use of influence, power, or other means for private gain is called <u>corruption</u>. Opportunities to engage in corruption are

numerous in local governments because of the many personal relationships involved and the trust by elections given to local governing officials. There are several types of political corruption that occur in local government. Some are more common than others, and some are more prevalent to local governments than to larger segments of government. Local governments may be more susceptible to corruption because interactions between private individuals and officials happen at greater levels of intimacy and with more frequency at more decentralized levels. Forms of corruption pertaining to money like bribery, extortion, embezzlement, and graft are found in local government systems. Other forms of political corruption are nepotism and patronage systems. Larger municipalities tend to encourage corruption to take place within a local government. Bigger municipalities require more local officials to represent and run the local government. With more officials, it is harder to keep tabs on each one and establish a decent administration and to monitor their activities. Large municipalities may also have inadequate or insufficient policing and prosecution of corrupt local officials. This also encourages corruption to occur in local government because there is less likelihood of either getting caught or prosecuted, therefore, more officials may become dishonest or at least be tempted to. (Treisman, 2000)

Low economic development has also been considered to be an encouraging factor for political corruption. Economic practices like dependence on raw material industries and drug trades are characteristic of poorer cities and areas with increased amounts of corruption. Economic dependence on certain industries will also lead to less stable governments and less amount of money available to fund governments. Fragile economies lead to increased levels of poverty and less opportunities to get out of poverty. Poverty is a known factor that encourages corruption in local governments. Places with failing economies and poverty sometimes get loans or start aid programs to support the local economy and the people, and public officials are often able to unlawfully take the money or goods for private gain. With less money available, local officials are more likely to get lower wages which is seen as another factor that leads to corruption. Officials who get lower wages which are not enough to provide for their necessities, they will many times become corrupt and try something like embezzling money that may entrusted to them in the local treasury. Low wages can cause economic insecurity and encourage politicians to take advantage of current opportunities as a public figure of authority. On the other hand, some researchers argue that the more money a local government has to spend, the more tendency it will have to do so inefficiently, which can lead to suspicions of corruption. Overall, poorer municipalities are more often perceived to have corrupt local governments than rich ones. (http://en.wikipedia.org/wiki/ Corruption_in_local_government)

Many local governments have an established political culture with certain expectations and practices that often determine what is seen as acceptable and not acceptable in local politics. In municipalities with an undeveloped or underdeveloped political culture, accountability and legitimacy is usually low and principles of ethics in government are not established. This can encourage corruption to take hold in the local government because citizens do not know what is considered corrupt, and local officials are not afraid to be corrupt because of the low accountability. In some places the local governments have been corrupt for so long that the citizens think that is how it is supposed to work because

that is all they have been exposed to. Long periods of political instability will also lead to corruption in the government because people are unsure of how the government should operate, and thus do not know what practices are corrupt or how to stop them if they are corrupt. (http://en.wikipedia.org/wiki/Corruption_in_local_government)

Corruption has been identified as a major barrier to economic and social development in developing countries. Several factors that lead to or mitigate corruption in developing countries have been clearly identified: Revenue Proximity, Accountability, Information Transparency, Participation, Equality of Power/Wealth and Culture (**Andre Gratto ,Bryan Preston ,Thor Snilsberg, 2002)**

There are very limited researches about the corruption in local governments in Turkey. Şarlak and Bali recently have done one of them. According to Şarlak and Bali (2007), in every step of corruption, there is the issue of party financing and municipalities are the most corrupt political entities.

The Report of TUSIAD in the context of "Agenda of Discussion Platform for Elections", TUSIAD published a report called "Towards Full Membership to the EU on January 1, 2014: Deeper Democracy, More Stable Social Structure, Stronger Economy" on June 8, 2007, it is affirmed that "ethics in the state is of utmost importance to gain public confidence in the state and to strengthen the belief in the rule of law." It is also stated that it is unthinkable to consider ethics in the state as a separate issue from public administration. The essential point is the bringing to life of an ethical practice at all levels of the government through a holistic approach. The accent put on the "holistic approach" deserves special attention. Hence, in the report the "Regulation on the Principles of Ethical Behavior Applicable to Public Officials, which came into force after being published in the Official Gazette dated April 13, 2005, is severely criticized for the reason that its scope excludes the "President, members of the Parliament, members of the Cabinet, members of the Turkish Armed Forces and the judiciary, and universities". As indicated by TUSIAD, the current regulation will certainly prove inadequate in the establishment of an ethical infrastructure in the state due to the fact that "ethical codes" are not binding for *all* those working in the public sector.

In his thesis titled "*Causes of Corruption in Turkey: A Deep-Rooted Phenomenon*", Kösekahya (2005) states that corruption flourishes in every country in different forms and extent determined by specific political, economic, social and cultural conditions. However, in developed countries where the rule of law is respected and the public administration is well functioning corruption is seen to a less extent. In underdeveloped or developing countries, on the other hand, the economic and political environment is more vulnerable to corruption. The transition period to market economy increases the interaction between business circles and public administration as well as politicians.

According to Kongar (2005), there are historical, cultural (lack of social conscious about ethic and public interest), political (lack of democratic culture; uneducated and insufficient politicians, nepotism, lack of political accountability), economic (role of the state and politicians in economy, shadow/informal economy) and legal (oldness and ineffectiveness of legal system), bureaucratic (lack of audit/control of public administration and society,

economic deficiencies of public officials, lack of salaries), social (migration, influential, dominant representatives in local councils) sources of bribe in public sector

In the report of "A Handbook On Fighting Corruption" which was prepared by Center for Democracy and Governance in 1999, some suggestions had done for the prevention of corruption in local governments. Some of those recommendations are such as following:

- The most important thing is to resolve the underlying factors that cause corruption in local government.
- Continue to change the primary focus of global Anti-Corruption campaigns to local governments
- Because they are closest to citizens, transparency and accountability are the most important to the legitimacy of local officials
- It is simpler to find partners to stop corruption locally
- National politicians many times start off their political careers in the local government.
- Develop incentives that encourage honest governments by perhaps redesigning the terms of public employment
- Accountability-enhancing reforms and Civil service reform
- Strengthening the oversight and sanctions of local officials to improve accountability
- Anti-corruption monitoring groups or commissions
- Enforce existing anti-bribery legislation
- Create more policies to close the gender gap in public office holding
- Reducing the role of government in economic activities (to limit authority)
- Redesigning terms of employment in public service (to improve incentives) (Center For Democracy And Governance, 1999)
- In order to prevent corruption in public sector Ulusoy (2004) also had done some recommendations:
- The Prime minister, ministers, members of parliament and mayors should not be allowed to do commercial activities
- The wages of the Prime minister, ministers, members of parliament and mayors should be increased according to their position and responsibilities.
- Local government should not give the services given by the private sector.
- Public sector should control the activities of the private sector effectively
- A reconstruction in local governments should be done in a way to prevent their borrowing treasury guaranteed loans.
- Municipal corporations, endowments, and any other companies should be closed
- The budgets of the local government should be controlled by unbundled commissions which consist of non-governmental organizations and civil servants.

As it can be understood from the determinations and findings above, corruption as a type of ethical problem has several dimensions, such as political, cultural, economical, institutional and legal. Urbanization and planning also consists of all of those dimensions. Therefore, planning can be considered as the main tool for corruption at local level.

The recent regulation for increasing the ethical issues in public sector in Turkey is "Bylaw about the Principles of Applications and Ethical Behaviors of Public Servants" which is approved at 13th April 2005. Prime Ministry's Public Officials Ethic Committee can give punishments to local governors with regard to this legal arrangement. For example recently, the Ethic Committee has ruled that a decision by the municipality that benefited Durak's wife's real estate was unethical. The Committee decided that the mayor act against the ethical principles of "honesty and equity" and "avoiding conflict of interest" with the plan modification approved by the municipal council.

It can be considered a good step for fighting with corruption in local governments but not enough. Even though there are provisions about the other unethical behaviour such as "gaining economic social, political benefits", "using the public sources in elections", "using public goods out of public services" etc, they are not applied effectively. The legal sanctions should be made stronger. Working system of the Ethic Committee should not only depend on formal complains and appeals. The news in the media can be taken into consideration as formal appeals in order to provide effective fighting. We heard about many events about mayors' using municipalities' sources in their political campaigns during the last election process. However, these events were not launched as corruption in pro-government media and the mayors have not been sentenced because of those unethical behavior.

Summary of Main Themes

In this section of the research, the ethical related issues in planning practice are analyzed and evaluated with respect to legal and institutional framework in Turkey. Lack of coordination between the planning institutions, sufficiency in control mechanism, bureaucratization, limited public participation, partial and individual developments, difficulties in supplying public interest, economic, politic and social aspects of the country which accelerate corruption, the structure of municipal councils are all considered to be the sources of unethical behaviors in public sector at local level.

The recommendations for the solution of those problems can be grouped in two main topics:

-Reconstructing the governmental structure at local level.
-Renewal of planning system

For increasing the awareness of the society in ethical issues, participation should be constituted in every step of planning and public administration. The concepts of accountability, transparency, public interest, equity, responsibility, conservation of public goods should be internalized by all the public servants. Regarding with planning, plans must be prepared in a way to supply maximum public interest. For this reason,

sustainability, cultural and environmental heritage conservation should be accepted as the main principles by all the planning actors and by the society. It can be useful to develop ethical codes for planning proficiency and planning principles.

With respect to the theoretical and literature survey results above, it is aimed to look at the existing ethical problems in planning at local level in Turkey. The opinions of the planning actors will be important to determine the problems and make some recommendations.

The Research

Research Design and Methodology

The main purpose of this study is to scrutinize planning actors' thoughts on planning related ethical matters. The sources of ethical problems, the meaning and the dimensions of planning ethics, the possible measures for improving ethical behavior are the main parts of this scrutiny. The definition of what is ethical is quite difficult. The reasons of unethical behavior in planning and possible practical solutions to these issues are the most important section of the research.

Determining and measuring ethical issues is very complex and difficult. Combination of several research techniques, such as personal contact, interviews, questionnaire survey analysis, and application examples in selected cases, first hand information from the main actors are utilized to minimize these difficulties in this research. The collected data from various resources were classified, compared, categorized, and evaluated in the light of main research questions.

This study is grounded in empirical work not relies solely on secondary research or desk reviews. Personal contacts, face-to-face interviews, careful observation on working conditions of planners, relations and political environment of commissioners and political figures are utilized in the research. Visits to selected municipalities and SPAs by the research team members for the purpose of interviews and questionnaire were also helpful for observation of the working environment of the planning actors and citizens in some cases. To gather first-hand information from the persons, institutions, and working environment, the research team spent reasonable time in each selected local government unit.

During the research, we had contacts with planners and other planning actors. We made surveys, conducted questionnaire, visited offices and other working areas of various planning actors. We gathered detailed information from critical planning actors such as planners. The content and extent of ethical related courses in each city and regional planning department are also examined.

Data for ethical problems in planning are collected as possible as specific by using various research techniques. In this research, some passages from interviews are quoted, summaries of previous research are provided for the design of the research questionnaire and interviews, literature and research results are linked.

The importance of ethical issues and measures in the view of respondents ordered, compared, and categorized. Relationships are set among literature, institutional reports, court decisions and media news, technical reports.

Conceptual Model

In this research, a conceptual model is developed in the light of literature surveys, previous empirical studies on planning ethics, personal observations, and previous experiences of the researchers. In developing the conceptual model for the research, the specific characteristics of the Turkish cases and conditions in planning, the content and the roadmap of the main research, and contract of the project are the main limitations.

Political, economic and social conditions affect the planners' and planning related main actors' ethical related attitudes and approaches. Education and training are among the main factors which affect the planning actors' ethical/unethical behaviors. Ethical climate of the society, socio-economic values, and working conditions the planning actors shape the socio-economic and political background factors in planning ethics in Turkish society.
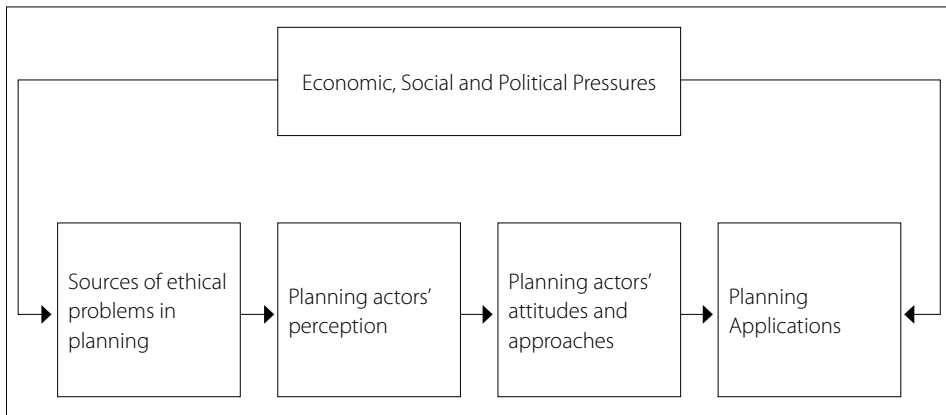
Limitations of the Study

In terms of methodology, it is recognized that difficulties and limitations in Turkish ethics researches are basically parallel to international literature.

As Menzel and Benton (1991: 420) emphasized, "very little data exist that document the extent to which ethical problems occur at local levels of government. There are many anecdotal accounts of ethical problems, but it is not known whether those accounts and the incidents they represent are becoming more or less common". After completion of their field research, more empirical studies and secondary data have become available for North American researches. This data problem is more serious and deeper outside of North America, especially for low-income countries, including Turkey.

Comparing to business, marketing, nursing and medicine studies, there are very limited number of empirical studies, journals and other publications in the field of planning ethics. In Turkey only in recent years, few ethics researches were conducted mostly in the fields of business, marketing, and medicine. Even in the fields of architecture and environment, there are more empirical researches than the field of planning has. There is no empirical research on planning ethics. The publications of Demirci (2007), Demirdizen (1999), Ersoy

(2008; 1995), Tekeli (2008; 2001; 1995) are only based on international literature review and/or their intellectual ideas in addition to expression of their experience in the field.

As Bowman (1990: 345) stated that "despite the significance of managers in interpreting the public good, few studies have examined their attitudes as they pertain to contemporary ethical problems in public affairs".

For the most part, the revitalized literature in administrative ethics and accountability has been dominated by normative inquiry, so that academicians increasingly stress the need for empirical research to complement ethical reflection. Despite this recent emphasis, however, empirical ethics research is looked upon with suspicion by many of public administration's normative theorists. There is concern that a narrow empiricism will compromise the field's original mission to develop a public service ethic reflecting the political, legal, and moral standards that should govern administrative practice (Jos, 1993: 359). Moreover, in one of the relatively pioneering main researches in local governments conducted by Bruce (1994: 241) there were only very little previous empirical research to cite and inspired.

As Strait (1993) indicates in her dissertation, focusing on the ethical behavior of public employees in an urban university, all the survey researches about ethical issues lacks a theoretical basis. Even if differences are found there are no explanations to why these differences might exist. In addition, many, in fact most of the surveys used in ethics research suffer from a lack of construct, content, and even face validity. Again, this is largely caused by a lack of theoretical basis.

In planning ethics, there are no reliable, well developed studies such as Hunt and Vitel's model (2006) in marketing ethics.

There are some limitations about applications of this research's survey/questionnaire. These limitations are summarized below:

- Vagueness of "ethics" concepts and its negative effects on respondents
- March 2009 local government elections
- Additional demands, such as Bodrum, a deep scrutiny on Adana, Istanbul (which itself requires a separate, specific, time-consuming, and deep study) by the Ethics Council of Turkey
- Lack of support from both Chamber of City Planners (CCP/ŞPO), with the exception of Konya and İzmir branches, and Ministry of Interior's Directorate of Local Governments (İB-MİM).

As also emphasized in the article of Bel and Fageda (2007) based on local government privatization survey, overall, most of the empirical analyses have low explanatory power due to the methodological difficulties in capturing the dynamic nature of the privatization decision. The variables most often considered are those related to fiscal stress and cost reduction and political processes and ideological attitudes. Similarly, the ethical problems and perception of these problems are more dynamic as anyone outsider of the topic/matter may feels.

The Sample

This empirical study, it is tried to draw conclusions about several issues by interviews and questionnaires. (Details of the methodologies are given in the Annex). The interviews are mostly focused on the following concerns:

- - What the ethical problems in planning process are?
- - What the sources of ethical problems are?
- - What the mechanisms/measures for decreasing ethical problems are?
- - What the planning institutions do for decreasing ethical problems?
- - What the working conditions of planers in local governments are?
- - Which groups do apply pressures to planners and how?

In addition to these questions/issues summarized above, we also analyzed general subjects about ethics in Turkish local governments such as discrimination, public participation, conservations cultural and environmental values in urban areas, expertise mechanisms, education and training, moral duality, public interests etc.

Five different groups, who are effective in planning decision and implication processes, were asked to do this survey. A convenience sampling from planners working in local governments and self employed, elected officials and high level managers in semi-political positions in local government units (mayors, deputy mayors, municipal council members including members of metropolitan municipalities adviser to mayor, chief executives) academicians working in city and regional planning departments and building contractors who provide goods and services to local governments.

Table 4.1. Groups that have done the questionnaire

	Frequency	Percent	Valid Percent
Self-employed planners	36	13,5	13,5
Planners in local governments	107	40,2	40,2
Elected officials	48	18,0	18,0
Academicians	45	16,9	16,9
Contractors	30	11,3	11,3
Total	266	100,0	100,0

Table 4.2. Professions that have done the questionnaire

	Frequency	Percent	Valid Percent
Planners	158	59,4	59,6
Civil engineers and architects	57	21,4	21,5
Technicians	7	2,6	2,6
Others	43	16,2	16,2
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

This survey was conducted in 16 provinces. It includes 8 metropolitan cities, 6 provincial centre municipalities, and 29 county/district municipalities including a few town municipalities (see Table 4.3.). Semi-structured interviews conducted with some of those municipalities' mayors, city and regional planners, academicians, representatives of chamber of city planners.

Table 4.3. Types of Municipalities

	Frequency	Percent	Valid Percent
Metropolitan	164	61,7	61,7
Province center (normal)	42	15,8	15,8
Second-tier	60	22,6	22,6
Total	266	100,0	100,0

Table 4.4. Professional Experience of the Respondents

Years of experience	Frequency	Percent	Valid Percent
0 -9 years	108	40,6	41,9
10-19 years	90	33,8	34,9
20 - + years	60	22,6	23,3
Total	258	97,0	100,0
Missing	8	3,0	
Total	266	100,0	

In Bruce's (1994) terms, "ethical people are productive people"analyses indicate that no statistically significant difference between responders answer the survey question based on gender, age, ethnic background, or education. This finding is consistent with that of other surveys about ethics (Harris, 1990; Hodgkinson, 1971).

Table 4.5: Distribution of Municipalities that have been visited

METROPOLITAN MUNICIPALITIES	
Metro Municipalities	County/District, Town
Adana	Seyhan
	Yüreğir
Konya	Selçuklu
	Karatay
İzmir	Urla
	Balçova
	Çaybaşı
	Pancar
	Seferihisar
	Konak
	Helvacı
İstanbul	Fatih
	Tuzla
	Yakuplu
	Sultanbeyli
	Beşiktaş
Samsun	Canik
Bursa	Yıldırımlar
	Orhangazi
Kayseri	Hacılar
Antalya	
NON METROPOLITAN MUNICAPALITIES	
Aydın	Nazilli
	Atça
	İncirliova
	Kuşadası
	İsabeyli
	Köşk
Çanakkale	
Denizli	Gümüşler
Muğla	Milas
	Bodrum
Isparta	
Niğde	
Trabzon	

Questionnaires and interviews are conducted with five (5) different groups. There are both common questions and differentiated questions. Differentiation is organized according to status and professions of the respondents. The number of questionnaires is 266 in total. The distribution of questionnaires is as following:

Table 4.6: Number of Questionnaires According to Respondent Groups

Groups	Sayı
Planners working in local governments	107
Self employed planners and representatives of chamber of city planner.	36
Elected officials and high level managers in semi-political positions in local government units Mayor: 11, Deputy mayor: 15, Council members: 18, Chief executives: 4	48
Academicians working in city and regional planning departments	45
Building contractors who provide goods and services to local governments	30
TOTAL	266

Table 4.7: Number of Interviews According to Interviewed Groups

Groups	Sayı
Planners working in local governments	35
Self employed planners and representatives of chamber of city planners	7
Elected officials and high level managers in semi-political positions in local government units Mayor: 4, Deputy mayor: 4, Council members: 2, Chief executives: 1	11
Academicians working in city and regional planning departments	15
TOTAL	68

The Findings / Statistics

In this part of the study we look at the existing ethical problems in local governments in planning process. The study focuses on the process, perception, attitudes and interest groups (the groups affecting planning decisions and applications). The institutional and legal dimensions of planning are also assessed. The findings are as following:

The Possible Sources of Ethical Problems in Planning

The sources of ethical problems in local government planning are examined in eight different titles in this research. These titles are determined according to pilot questionnaire conducts, literature survey results and individual observations about planning problems in Turkey. Also the 'other' option is added to the questionnaire, in case a respondent wants to add another reason for ethical problems outside of the 8 pre-defined ones.

Table 4.8: Sources of Ethical Problems

	N	Min.	Max.	Mean	Std. Deviation
Rent	264	1	5	4,10	1,151
Rapid urbanization	263	1	5	3,37	1,058
Weakness of law sanction	263	1	5	3,50	1,135
Expertise mechanism	266	1	5	2,55	1,149
Moral duality	266	0	5	3,41	1,321
Conditions of urban planners	266	0	5	2,71	1,226
Insufficiency of planned lands	266	0	5	2,36	1,287
Structure and profiles of city council members	266	0	5	3,61	1,132

The results indicate that among those eight main sources of unethical behavior in local government planning, rent is perceived by all groups as the most important source. As the table shows, the structure and profiles of city council members are the second most important factor in planning ethics. Insufficiency of planned land is the least important source of ethical problems in local governments' planning activities and plan implications.

These results also represent that in planning the economic issues basically affect the ethical problems. Under the conditions of market economy rent always seems as a source of income. In Turkey especially, in metropolitan cities rent expectations have increased due to increase in population after the 1950s. Insufficiency of planned land is another problem that is caused because of the increasing rent problems in cities, especially in metropolitan areas, touristic cities, booming towns, and cities/towns.

Below, the responses to the questions on each of the possible sources of the ethical problems in local government planning are briefly assessed.

Rent

Hasan Ertürk (1997), İlhan Tekeli (2008; 2001; 1995) Ruşen Keleş (2008; 1996; 1993), Emel Akın (2007), Hilal Akçeşme (2006), Derya Yıldırım (2004), Ayşegül Yakar Önel (2002), and others emphasized and elaborated the role and importance of urban land rent in planning, urban growth and urbanization in Turkey either in specific examples like AOÇ (Ankara), and (especially CBD's of) İstanbul or in general. As Kemal S. Kartal (1977) summarizes, rent causes several urban, spatial and political problems. The existence of rent results with the increasing power of land owners.

Table 4.9. Statistical results about "rent"

The level of importance	Frequency	Percent	Valid Percent
Barely important	16	6,0	6,1
Somewhat important	11	4,1	4,2
Important	33	12,4	12,5
Very important	74	27,8	28,0
Highly important	130	48,9	49,2
Total	264	99,2	100,0
Unanswered	2	0,8	
Total	266	100,0	

49.2% of the respondents perceive rent as the most important source of planning ethics in local governments and/or local level. According to Humbach, as open space comes under increasing development pressure, existing-use zoning provides a direct and forthright way to preserve the line between urban and non-urban land use. Ultimately, it may be the only practical means of protecting high-demand or sensitive areas such as wetlands, coastlines, lakeshores, wind corridors. Humbach (1989) concludes that nothing in those interpretations disallows this straightforward approach to preserve America's familiar patterns of land use and development.

Table 4.10. The relationship between rent and municipality types

Type of municipality	a little bit important	somehow important	important	very important	completely important	Total
Metropolitan	6	7	17	49	84	163
Province center	5	1	8	10	18	42
Second-tier	5	3	8	15	28	59
Total	16	11	33	74	130	264

According to Table 4.10., 130 respondents from three types of municipalities said that rent is the most important factor as a source of ethical problems in planning. Rent is perceived as the most important factor by the second-tier municipalities. This may be resulted due to their status as district municipalities of metropolitan cities or touristic municipalities such as Kuşadası, Urla, and Bodrum where there are high level and intense pressures for building permits and to increase in building area ratio for each piece of planned parcel.

Table 4.11. The relationship between rent and the actors in planning

Types of planning actors	a little bit important	somehow important	important	very important	completely important	Total
Self-employed planner	2	0	4	8	22	36
Planners in local governments	4	4	18	28	52	106
Elected official	6	4	6	14	17	47
Academician	3	0	2	14	26	45
Contractor	1	3	3	10	13	30
Total	16	11	33	74	130	264

When the rent identified with respect to "planning actors", the results in the above table shows us, rent is perceived as "completely important" factor by self-employed planners (61%). Secondly, planners working in local governments see the rent "completely important" factor among the other factors. It is meaningful to see that from elected' and contractors' point of view, rent is not so much important when compared with the other groups.

Table 4.12. The relationship between rent and proficiency

Proficiency	Barely important	Somewhat important	important	Very important	Highly important	Total
Planner	8	4	19	42	85	158
Civil engineer or architect	2	3	7	18	26	56
Technician	0	0	1	1	4	6
Others	6	4	5	13	15	43
Total	16	11	32	74	130	263

The data on the table indicates the similar results on the tables above. The perception of rent doesn't so much differentiate according to proficiency

Table 4.13. The relationship between rent and working experience

Experience	barely important	somewhat important	important	very important	Highly important	Total
0 -9 years	5	1	15	34	53	108
10-19 years	6	5	11	23	45	90
20 - + years	4	2	5	16	31	58
Total	15	8	31	73	129	256

The possible relationship between the professional experience and rent is statistically questioned. No significant relation obtained according to professional experience with rent as one of the main sources of unethical behavior and activities in local governments in the area of planning. "They are somewhat more likely to be over **40,** and are disproportionately found in the groups with the least (**0** to **2)** and the most **(21** or more) years of planning experience. This might suggest that the attempt to combine the two aspects of role, while a significant characteristic for all kinds of planners, is somewhat more likely to be true of the inexperienced and possibly idealistic young, and the older, more experienced members of the field" (Howe and Kaufman, 1979: 252).

Rapid urbanization

Table 4.14. Statistical results about rapid urbanization

The Level of Importance	Frequency	Percent	Valid Percent
barely important	15	5,6	5,7
somewhat important	38	14,3	14,4
Important	78	29,3	29,7
very important	99	37,2	37,6
highly important	33	12,4	12,5
Total	263	98,9	100,0
Missing	3	1,1	
Total	266	100,0	

37.6% of the people see rapid urbanization as the source of ethical problems. Only the 5.7% of the respondents think that rapid urbanization is barely important.

Table 4.15. Relation between rapid urbanization and municipality types

Types of municipalities	barely important	somewhat important	important	very important	Highly important	Total
metropolitan	7	26	46	64	20	163
province	4	9	10	13	4	40
second tier	4	3	22	22	9	60
Total	15	38	78	99	33	263

From the table above, it can be recognized that there is no significant difference between the respondents' ideas on rapid urbanization related to municipality types.

Table 4.16. Relation between rapid urbanization and planning actors

Planning actors	barely important	somewhat important	important	very important	Highly important	Total
Self-employed planner	2	8	11	14	1	36
Planner in local government	4	17	30	39	15	105
Elected official	4	0	22	14	8	48
Academician	5	8	7	17	7	44
Contractor	0	5	8	15	2	30
Total	15	38	78	99	33	263

The table shows that rapid urbanization is recognized as "very important"ethical source by the planners working in local governments than the other planning actors.

Table 4.17. The relationship between rapid urbanization and planning actors

Proficiency	barely important	somewhat important	important	very important	highly important	Total
Planner	9	29	40	61	16	155
Civil engineer or architect	2	6	22	19	8	57
Technician	1	1	1	3	1	7
Other	3	2	15	15	8	43
Total	15	38	78	98	33	262

The perception of the respondents according to their proficiencies is intensified on "important" and "very important" degrees. Nearly 2/3 of them deliver their opinion in this way.

Weakness of law sanction

Table 4.18: Statistical results about "weakness of law sanction"

The level of importance	Frequency	Percent	Valid Percent
barely important	16	6,0	6,1
somewhat important	34	12,8	12,9
Important	70	26,3	26,6
very important	89	33,5	33,8
highly important	54	20,3	20,5
Total	263	98,9	100,0
Missing	3	1,1	
Total	266	100,0	

Weakness of law sanction as another source of ethical problem is identified as a "very important" factor with the percentage of 33.8% by all the respondents.

Table 4.19. Relation between "weakness of law sanction" and "municipality types"

Types of municipalities	a little bit important	Somehow important	important	very important	completely important	Total
Metropolitan	9	14	48	55	37	163
Province center	1	10	7	16	6	40
Second-tier	6	10	15	18	11	60
Total	16	34	70	89	54	263

The table indicates that the observation about weakness of law sanction is not differentiated according to municipality types.

Table 4.20. The relationship between "weakness of law sanction" and "planning actors"

Types of planning actors	Barely important	somewhat important	important	very important	higly important	Total
Self-employed planner	3	5	10	10	8	36
Planner in local government	2	16	34	35	17	104

Elected official	5	6	11	17	9	48
Academician	3	2	9	19	12	45
Contractor	3	5	6	8	8	30
Total	16	34	70	89	54	263

In terms of "weakness of law sanction" the degree of answers are not so much different according to planning groups. From the table, it can be said that, a great number of the respondents see it as one of the fundamental problem for the planning ethics, but the other sources are more dominant.

Table 4.21. The relationship between "weakness of law sanction" and "proficiency"

Proficiency	Barely important	somewhat important	important	very important	Highly important	Total
Planner	6	16	43	59	31	155
Civil engineer or architect	3	10	15	13	16	57
Technician	0	3	3	1	0	7
Other	7	5	8	16	7	43
Total	16	34	69	89	54	262

It is not possible to determine a significant and meaningful explanation about "weakness of law sanction" as a source of ethical problems with respect to proficiency of the respondents.

Table 4.22. Relation between "weakness of law sanction" and "working experience"

Experience	Barely important	somewhat important	important	very important	Highly important	Total
0 -9 years	3	15	33	36	20	107
10-19 years	6	11	22	32	17	88
20 - + years	5	6	13	19	17	60
Total	14	32	68	87	54	255

The results on the Table 4.22 indicate that the opinions about "Weakness of law sanction as a source of ethical problems" don't differ according to working experience.

Expertise mechanism

Table 4.23. Statistical results about "expertise mechanism"

	Frequency	Percent	Valid Percent
barely important	58	21.8	21.8
Somewhat important	73	27.4	27.4
Important	81	30.5	30.5
very important	39	14.7	14.7
highly important	15	5.6	5.6
Total	266	100.0	100.0

When the perception about "expertise mechanism as a source of ethical problems" is analyzed it is recognized that only 5.6% of the respondents see it as a "highly important"

factor. The answers are commonly differ between the degrees of "barely important", "somewhat important" and "important" in general.

Melih Ersoy (2008), D. K. Hart (1994) and Susan Ann Hendler (1988), Land and Hendler (1990) wrote about the importance of moral character especially the planner's morality or technical experts in public sector in general. According to Hendler, moral philosophy is identified as a source of expertise enabling us to better address ethical issues.

Table 4.24. The relationship between "expertise mechanism" and "municipality types"

Type of municipality	a little bit important	somehow important	important	very important	completely important	Total
metropolitan	37	35	54	18	9	164
province	10	11	8	8	2	42
second tier	11	16	14	13	4	60
Total	58	62	76	39	15	266

Table 4.25. The relationship between "expertise mechanism" and "planning actors"

Types of planning actors	a little bit important	somehow important	important	very important	completely important	Total
Self employed planner	9	10	11	4	2	36
Planner in local governments	24	19	32	19	1	107
Elected officials	8	13	13	7	5	48
Academician	14	11	11	5	3	45
Contractor	3	9	9	4	4	30
Total	58	62	76	39	15	266

Table 4.26. The relationship between "expertise mechanism" and "proficiency"

Proficiency	a little bit important	somehow important	important	very important	completely important	Total
Planner	38	36	44	23	6	158
Civil engineer or architect	11	15	19	5	4	57
Technician	2	2	0	3	0	7
Others	7	9	13	7	5	43
Total	58	62	76	38	15	265

Table 4.27. The relationship between "expertise mechanism" and "working experience"

Experience	a little bit important	somehow important	important	very important	completely important	Total
0 -9 years	22	25	38	14	1	108
10-19 years	23	22	19	16	6	90
20 - +years	12	14	18	7	6	60
Total	57	61	75	37	13	258

The four tables above do not indicate any meaningful results on the opinion about "expertise mechanism as a source of ethical problems" with respect to the planning actors, proficiency, municipality types, and years of experience of the respondents.

Moral Duality

Table 4.28. Statistical results about "moral duality"

Importance Level	Frequency	Percent	Valid Percent
0	10	3,8	3,8
a little bit important	17	6,4	6,4
somehow important	33	12,4	12,4
important	56	21,1	21,1
very important	95	35,7	35,7
completely important	55	20,7	20,7
Total	266	100,0	100,0

Moral duality is an important factor for measuring with respect to attitudes against ethical issues. However it is recognized that it is also the most misunderstanding factor by the respondent. The data presenting on the Table 27 indicate that "moral duality" is one of the main factor as a source of ethical problems. More than ¾ of the respondents think about this factor as varying degrees from "important" to "completely important".

According to Beatley (1991), decisions about land use raise fundamental and complex moral and ethical issues. Bolan (1983) touches upon several ethical issues on ethical choices in planning. According to him, ambiguities and complexities of the situational contexts of ethical choice are important factors in planning ethics.

Table 4.29. Relation between "moral duality" and "municipality types"

Types of municipalities	a little bit important	somehow important	important	very important	completely important	Total
Metropolitan	9	19	35	62	32	164
Province centre	2	10	5	13	10	42
Second tier	6	4	16	20	13	60
Total	17	33	56	95	55	266

There is no significant relationship between moral duality and respondents' municipalities.

Table 4.30. The relationship between "moral duality" and "proficiency"

Proficiency	a little bit important	somehow important	important	very important	completely important	Total
Planner	7	18	39	52	34	158
Civil engineer or architect	3	9	10	22	12	57
Technician	1	2	0	2	1	7
Others	6	4	6	19	8	43
Total	17	33	55	95	55	265

Table 4.31. The relationship between "moral duality" and "working experience"

Experience	a little bit important	somehow important	important	very important	completely important	Total
0 -9 years	5	15	30	35	19	108
10-19 years	6	8	17	34	21	90
20 - + years	4	10	8	21	15	60
Total	15	33	55	90	55	258

Tables 4.29., 4.30, and 4.31 put forward the connection between the perception of moral duality and type of municipality, proficiency, and working experience. From the analyses, it can be said that those three crosstab tables do not declare a significant result with respect to moral duality.

Table 4.32. The relationship between "moral duality" and "planning actors"

Types of planning actors	a little bit important	somehow important	important	very important	completely important	Total
Self-employed planner	4	4	11	12	5	36
Planner in local government	6	17	33	26	17	107
Elected official	4	6	6	22	9	48
Academician	1	2	3	19	19	45
Contractor	2	4	3	16	5	30
Total	17	33	56	95	55	266

One of the most remarkable and interesting fact can be observed in the Table 31. According to the results displayed in the table, nearly 85% of the academicians show "moral duality" as a "very important" or "completely important" factor of ethical problems in planning at the local level.

Conditions of urban planners

Table 4.3.3. Statistical results about "conditions of urban planners"

The level of importance	Frequency	Percent	Valid Percent
0	8	3,0	3,0
a little bit important	45	16,9	16,9
somehow important	49	18,4	18,4
important	93	35,0	35,0
very important	55	20,7	20,7
completely important	16	6,0	6,0
Total	266	100,0	100,0

As a source of ethical problems, conditions of urban planners are seen among the "important" factors with the percentage of 35%. Only the 6% of the respondents think that it is "highly important". These results express that economic situations have a considerable effect on ethical problems, but when compared with the other factors it has a secondary effect.

Table 4.34. The relationship between "conditions of urban planners" and "municipality types"

Types of municipalities	a little bit important	somehow important	important	very important	completely important	Total
metropolitan	27	31	61	33	8	164
province	10	5	14	9	2	42
second tier	8	13	18	13	6	60
Total	45	49	93	55	16	266

No meaningful result can be obtained from the analyses of the relation between "conditions of urban planners" and type of municipalities.

Table 4.35. The relationship between "conditions of urban planners" and "proficiency"

Proficiencies	a little bit important	somehow important	important	very important	completely important	Total
Planner	26	29	53	35	10	158
Civil engineer or architect	9	9	21	13	4	57
Technician	2	2	2	0	0	7
Others	8	9	16	7	2	43
Total	45	49	92	55	16	265

No meaningful result can be obtained from the analyses of the relationship between "conditions of urban planners" and proficiency.

Table 4.36. Relation between "conditions of urban planners" and "planning actors"

Types of planning actors	a little bit important	somehow important	important	very important	completely important	Total
Self employed planners	7	5	15	7	2	36
Planner in local government	25	19	34	18	5	107
Elected official	7	9	16	10	4	48
Academician	3	8	14	15	5	45
Contractor	3	8	14	5	0	30
Total	45	49	93	55	16	266

No meaningful result can be obtained from the analyses of the relation between "conditions of urban planners" and planning actors.

Table 4.37. Relation between "conditions of urban planners" and "working experience"

experience	a little bit important	somehow important	important	very important	completely important	Total
0 -9 years	20	19	39	21	5	108
10-19 years	15	17	28	21	8	90
20 - + years	10	11	22	11	3	60
Total	45	47	89	53	16	258

No meaningful result can be obtained from the analyses of the relation between "conditions of urban planners" and working experience.

Insufficiency of planned lands

Table 4.38. Statistical results about "insufficiency of planned lands"

	Frequency	Percent	Valid Percent
0	7	2,6	2,6
a little bit important	83	31,2	31,2
somehow important	56	21,1	21,1
important	61	22,9	22,9
very important	46	17,3	17,3
completely important	13	4,9	4,9
Total	266	100,0	100,0

When the importance of "insufficiency of planned lands" as a source of ethical problems in planning is analyzed, it is recognized that nearly 1/3 of the respondents see it as "barely important". Only 4.9% of them point out it as a "highly important" factor.

According to Tekeli (2008: 60), by limiting number and surface of urban land with infrastructure and planning permits or by putting other building limitations on planned urban land, interest groups, developers, land-owners and planners may increase their rent and/or interests and stakeholders on urban land. The strong relations of urban with rent

distribution and rent creation may cause significant ethical problems both on planning and planers.

Table 4.39. Relation between "insufficiency of planned lands" and "municipality types"

Type of municipality	a little bit important	somehow important	important	very important	completely important	Total
metropolitan	50	38	42	23	7	164
province	15	8	10	7	0	42
second tier	18	10	9	16	6	60
Total	83	56	61	46	13	266

If the factor is evaluated according to municipalities, it is seen that the general opinion is not that depended on the administrative distinction.

Table 4.40. The relationship between "insufficiency of planned lands" and "proficiency"

Proficiency	a little bit important	somehow important	important	very important	completely important	Total
Planner	59	37	36	18	3	158
Civil engineer or architect	11	11	17	13	4	57
Technician	3	1	1	1	1	7
Others	10	7	7	13	5	43
Total	83	56	61	45	13	265

The distinction of proficiency does not represent a specific result in terms of "insufficiency of planned lands" factor.

Table 4.4.1. Relation between "insufficiency of planned lands" and "planning actors"

Planning actors	a little bit important	somehow important	important	very important	completely important	Total
self-employed planner	18	9	5	4	0	36
Planner in local government	34	23	27	13	5	107
Elected official	12	10	8	13	4	48
Academician	16	9	12	6	1	45
Contractor	3	5	9	10	3	30
Total	83	56	61	46	13	266

The distinction of planning actors does not represent a specific result in terms of "insufficiency of planned lands" factor.

Table 4.42. Relation between "insufficiency of planned lands" and "working experience"

experience	a little bit important	somehow important	important	very important	completely important	Total
0 -9 years	35	24	30	15	1	108
10-19 years	28	23	20	12	5	90
20 - + years	20	8	9	15	6	60
Total	83	55	59	42	12	258

"Insufficiency of planned lands" factor does not change according to work experience.

Structure and profiles of city council members

Table 4.43. Statistical results about "structure and profiles of city council members"

	Frequency	Percent	Valid Percent
missing	5	1,9	1,9
a little bit important	10	3,8	3,8
somehow important	22	8,3	8,3
important	67	25,2	25,2
very important	106	39,8	39,8
completely important	56	21,1	21,1
Total	266	100,0	100,0

As a source of ethical problems in planning, structure and profiles of city council is assessed as the secondary important factor between 8 different factors. 39.8 of the respondents assess it as "very important" and 21.1% as "highly important". These results can be evaluated as the administrative composition of local governments and their responsibilities trigger the ethical problems in Turkey. In other words, for the prevention of ethical problems in planning, structure of the city council members should be revitalized.

Table 4.44. Relation between "structure and profiles of city council members" and "municipality types"

Type of municipality	a little bit important	somehow important	important	very important	completely important	Total
Metropolitan	4	14	42	66	36	164
Province	2	1	11	18	8	42
Second tier	4	7	14	22	12	60
Total	10	22	67	106	56	266

The table above indicates that "the structure and the profile of city council members" is constitutes a very important factor in province municipalities when compared with the other types of municipalities.

Table 4.45. Relation between "structure and profiles of city council members" and "proficiency"
Proficiency

Proficiency	a little bit important	somehow important	important	very important	completely important	Total
Planner	4	8	34	70	38	158
Civil engineer or architect	1	5	17	21	13	57
Technician	1	2	0	3	0	7
Others	4	7	16	11	5	43
Total	10	22	67	105	56	265

Table 4.45 shows that "structure and profile of city council members" is perceived as a considerably important source of ethical problems by planners than the other proficiencies.

Table 4.46. Relation between "structure and profiles of city council members" and "planning actors"

Planning actors	a little bit important	somehow important	important	very important	completely important	Total
Self-employed planner	1	1	4	19	11	36
Planner in local government	5	11	25	41	21	107
Elected official	2	5	19	14	7	48
Academician	0	1	13	18	13	45
Contractor	2	4	6	14	4	30
Total	10	22	67	106	56	266

Table 4.46 represents that "Structure and profile of city council members" is seen as a highly important problem by the self-employed planners among the other planning actors.

Table 4.47. Relation between "structure and profiles of city council members" and "working experience"

experience	a little bit important	somehow important	important	very important	completely important	Total
0 -9 years	2	10	21	47	25	108
10-19 years	3	8	23	36	19	90
20 - + years	3	4	21	19	12	60
Total	8	22	65	102	56	258

From the table 4.47, only difference can be obtained in the perception of "Structure and profile of city council members" factor in terms of working experience. Nearly 50% respondents whose working experience is between 0-9 years point out it as a "very important" source, and 25% of them see it as "completely important".

The Issues in the Plan Alterations of Local Governments

Table 4.48. Statistical results about "the issues in plan alterations of local governments"

	N	Minimum	Maximum	Mean	Std. Deviation
Correctness	266	0	5	3,66	1,234
Usefulness	266	0	5	3,57	1,359
Legality	266	0	5	3,87	1,264
Managers satisfaction	266	1	5	2,64	1,523
Public satisfaction	266	0	5	3,21	1,355
Valid N (list wise)	266				

In the scope of this study, "The Issues in the Plan Alterations of Local Governments" are analyzed with five main determinants (correctness, usefulness, legality, satisfaction of managers, public satisfaction". As mentioned in the previous chapters of this report, plan modification in Turkey is one of the fundamental tools in directing the urban development. Plan modification is among the main channel that causes unethical behavior in local governments.

The theoretical concerns of those five main determinants have been debated by urban planners, philosophers, public administrators, and other academicians in different fields of study for the last couple decades. Although it is not easy, sometimes beliefs and practices can be different from each other. The general attitudes of planning actors in planning activities, especially during and towards plan modifications are tried to be analyzed.

The results on the table 48 indicate that in plan modifications, local governments take into consideration the "legality" as the main factor among all the other factors. Secondly, the correctness is considerably an important role in plan modifications. Most of the respondents perceive the correctness and legality similar factors which depend on each other. In other words, according to them, if a plan is legal, it means it is correct or vice versa.

Correctness

Table 4.49. Statistical results about "correctness"

	Frequency	Percent	Valid Percent
missing	3	1,1	1,1
A little bit important	15	5,6	5,6
somehow important	23	8,6	8,6
important	73	27,4	27,4
very important	66	24,8	24,8
completely important	86	32,3	32,3
Total	266	100,0	100,0

From table 4.49 it is understood that correctness is seen as a "highly important" issue with the percentage of 32.3 in plan modifications in local governments. While 52.2% of the

respondents express the correctness as "very important "and "important", only 5.6% of them think it as a "barely important" factor.

Table 4.50. Relations between "correctness" and "municipality types"

Type of municipality	a little bit important	somehow important	important	very important	completely important	Total
Metropolitan	8	12	54	39	49	164
Province	3	9	9	9	11	42
Second tier	4	2	10	18	26	60
Total	15	23	73	66	86	266

The results obtained from the table show that unlikely from the general attitude, in metropolitan municipalities correctness is taken into consideration with a degree of "importance". This may express that in plan modifications in metropolitan municipalities, the other factors are more common than the correctness.

Table 4.51. Relation between "correctness" and "planning actors"

	a little bit important	somehow important	important	very important	completely important	Total
Planning actors	2	5	15	5	9	36
Self employed planner	3	8	29	33	33	107
Planner in local governments	3	0	6	13	25	48
Elected official	7	7	13	6	11	45
Academician	0	3	10	9	8	30
Contractor	15	23	73	66	86	266
Total						

The opinions are a bit different from the ones of planning actors. While more than half of the elected officials think that in plan modifications the "correctness" is a completely important issue, the rates are around 25% for the other groups. This may because the elected officials as the main decision making and approval authority believe or want to believe that their applications and attitudes are completely correct.

Table 4.52. Relation between "correctness" and "proficiency"

Proficiency	a little bit important	somehow important	important	very important	completely important	Total
planner	11	17	53	37	38	158
Civil engineer or architect	1	4	11	14	27	57
Technician	1	0	2	1	3	7
Others	2	2	7	13	18	43
Total	15	23	73	65	86	265

When the correctness is examined according to proficiency of the respondents, it is seen that there is no meaningful difference in the answers which determine the attitude according the professions.

Usefulness

Statistical results about "usefulness"

	Frequency	Percent	Valid Percent
missing	11	4,1	4,1
a little bit important	12	4,5	4,5
somehow important	27	10,2	10,2
important	64	24,1	24,1
very important	69	25,9	25,9
completely important	83	31,2	31,2
Total	266	100,0	100,0

"Usefulness" is an important attitude which must be taken into consideration in planning. For the acceptation of plan decisions by the society the planners and the politicians have to care about "usefulness". It is the main advocacy tool of the politicians for their attitudes and applications in planning. In recent years, especially in urban regeneration projects the elected officials emphasize the usefulness in all platforms.

Parallel to these concerns, the results obtained represent the importance of "usefulness" as an important attitude in planning. More than half of the respondents believe that in plan modifications "usefulness" is "highly important" and "very important" .factor to be taken into account.

Table 4.54. Relation between "usefulness" and "municipality types"

Type of municipality	a little bit important	somehow important	important	very important	completely important	Total
metropolitan	5	19	43	40	52	164
Province	3	5	13	9	9	42
Second tier	4	3	8	20	22	60
Total	12	27	64	69	83	266

The table shows that "usefulness" is taken into account in more thoughtfully in plan modifications than in metropolitan municipalities and second-ties municipalities than province municipalities.

Table 4.5.5. Relation between "usefulness" and "planning actors"

Planning actors	a little bit important	somehow important	important	very important	completely important	Total
Self employed planner	4	8	8	5	10	36
Planners in local government	5	8	24	30	34	107
Elected official	1	0	8	16	20	48
Academician	2	8	16	7	11	45
Contractor	0	3	8	11	8	30
Total	12	27	64	69	83	266

The table 4.55 represents that all the planning actors have nearly the same opinion about "usefulness" as an attitude taken into account in plan modifications in local governments.

Table 4.5.6. Relation between "usefulness" and "proficiency"

Proficiency	a little bit important	somehow important	important	very important	completely important	Total
planner	10	24	38	42	38	158
Civil engineer or architect	1	3	14	13	23	57
Technician	0	0	1	0	5	7
Others	1	0	11	13	17	43
Total	12	27	64	68	83	265

No relevant data showing the connection between these two items were obtained.

Legality

Table 4.5.7. Main statistical data about "legality"

	Frequency	Percent	Valid Percent
0	6	2,3	2,3
A little bit important	12	4,5	4,5
somehow important	15	5,6	5,6
important	54	20,3	20,3
very important	69	25,9	25,9
completely important	110	41,4	41,4
Total	266	100,0	100,0

In this research, regality is determined as the main factor in terms of the attitudes taken into account in plan modification in local governments. As an administrative authority in planning at the local level, local governments should have to act according to the related legal arrangements. Therefore, it is not surprising to see such a result. On the other hand, this result is contradicting with the increasing news in the media about the corruptions in local governments. The results on the table express that 41.4% of the respondents believe that legality is "completely important" issue in plan modifications. Only 4.5% of them think its being "a little bit important".

Table 4.58. Relation between "legality" and "municipality types"

Type of municipality	a little bit important	somehow important	important	very important	completely important	Total
Metropolitan	6	7	38	42	66	164
Province	4	5	7	12	13	42
Second tier	2	3	9	15	31	60
Total	12	15	54	69	110	266

When we compared "legality" with the types of municipalities, the importance is aligned in a decreasing degree from second-ties municipalities to province municipalities. In terms of planning Turkish legal system provides more flexible and free authority to province municipalities. The result can be considered as the reflection of this context.

Table 4.59. Relation between "legality" and "planning actors"

Planning actors	a little bit important	somehow important	important	very important	completely important	Total
Self employed planner	3	1	14	7	10	36
Planner in local government	3	3	19	35	45	107
Elected official	2	2	4	9	31	48
Academician	3	6	9	8	16	45
Contractor	1	3	8	10	8	30
Total	12	15	54	69	110	266

When "legality" is evaluated in accordance with planning actors, it is obtained that most of the elected officials believe its being the "highly important" factor taken into account in plan modifications.

Table 4.6.0. Relation between "legality" and "proficiency"

Proficiency	a little bit important	somehow important	important	very important	completely important	Total
Planner	8	9	38	39	58	158
Civil engineer or architects	2	2	10	18	25	57
Technician	1	0	1	2	3	7
Others	1	4	5	9	24	43
Total	12	15	54	68	110	265

No significant result can be obtained from the analyses of legality by proficiencies.

The Satisfaction of Managers

Table 4.61. Statistical data about the "satisfaction of managers"

The level of importance	Frequency	Percent	Valid Percent
a little bit important	86	32.3	32.3
somehow important	34	12.8	12.8
important	68	25.6	25.6
very important	47	17.7	17.7
completely important	31	11,7	11,7
Total	266	100,0	100,0

According to table 4.61, managers' satisfaction is "barely important" issue with the percentage of 32.3.

Table 4.62. Relation between "satisfaction of managers" and "municipality types"

Types of municipalities	a little bit important	somehow important	important	very important	completely important	Total
Metropolitan	48	16	37	31	22	164
Province	14	3	11	8	3	42
Second tier	24	6	13	8	6	60
Total	86	25	61	47	31	266

Table 4.63. Relation between "managers' satisfaction" and "proficiency"

Proficiency	a little bit important	somehow important	important	very important	completely important	Total
Planner	44	15	40	34	18	158
Civil engineer or architect	22	2	14	8	8	57
Technician	2	1	2	1	0	7
Others	18	7	4	4	5	43
Total	86	25	60	47	31	265

Three of the tables above show the importance of "managers satisfaction" in planning represent that the opinions that are not different from each other according to municipal types, planning actor and proficiencies.

Public satisfaction

Table 4.64. Statistical data about public satisfaction

	Frequency	Percent	Valid Percent
0	7	2,6	2,6
A little bit important	28	10,5	10,5
somehow important	37	13,9	13,9
important	81	30,5	30,5
very important	55	20,7	20,7
completely important	58	21,8	21,8
Total	266	100,0	100,0

With respect to the attitudes taken into account in plan modification "public interest" is another essential issue in local governments. But the results obtained show that among those 5 planning attitudes "public interest" is not as seriously handled in plan modifications. The rates are aligned as; 30.5% "important", 21.8% "very important", 20.7% "important, 13.9% "somewhat important" and 10ç5% "barely important".

Table 4.65. Relation between "public satisfaction" and "municipality types"

Types of municipalities	a little bit important	somehow important	important	very important	completely important	Total
metropolitan	17	25	52	32	35	164
Province	6	4	14	10	6	42
Second tier	5	8	15	13	17	60
Total	28	37	81	55	58	266

Table 4.66. Relation between "public satisfaction" and "planning actors"

Planning actors	a little bit important	somehow important	important	very important	completely important	Total
self-employed planner	8	5	10	6	7	36
Planner in local government	7	15	36	22	24	107
Elected official	3	4	13	13	12	48
Academician	9	10	11	7	7	45
Contractor	1	3	11	7	8	30
Total	28	37	81	55	58	266

Table 4.67. Relation between "public satisfaction" and "proficiency"

Proficiency	a little bit important	somehow important	important	very important	completely important	Total
Planner	19	28	47	33	28	158
Civil engineer or architects	4	3	22	10	16	57
Technician	0	1	1	2	2	7
Others	5	5	11	9	12	43
Total	28	37	81	54	58	265

The data on the tables 64, 65, 66, do not indicate a specific result according the crosstabs (type of municipality, proficiency of planning actors)

Planners' Behavior against Unethical Issues

Table 4.68. Statistical results about "planners' behavior against unethical issues"

	N	Minimum	Maximum	Mean	Std. Deviation
resigning	266	0	5	2,26	1,628
refraining	266	0	5	2,75	1,907
abeyance	266	0	5	1,58	1,242
obedience	266	0	5	1,30	1,119
insist on not doing	266	0	5	3,89	1,571
convincing others	266	0	5	4,27	1,287
Valid N (listwise)	266				

In this research we try to analyze the thoughts of respondents about "what must the planners' behaviors against unethical issues". Among the six options "convincing others" appears at the top priority. The others are aligned as following: "insist on not doing", "refraining", "resigning", "abeyance" and "obedience".

The role of planners has been changing due to the changes in planning approaches for decades. These results may indicate that the respondents see planning profession as a negotiator between all the planning groups.

"Obedience" is seen as an unacceptable behavior by most of the respondents. The results may indicate that the respondents think that the planners should struggle with the unethical issues as possible as they can do.

Sanction

The answer to the question "what kind of sanctions must be applied to a planner who acts unethically" is shown in the table 69. According to the table nearly half of the respondents deliver an opinion of "condemnation". While 41% of them said that they must be fired from the planning proficiency, the rest of the respondents think that "they must be alerted" and "no sanction" applied. These results also indicate a general tendency for applying sanctions for the sake of professional honor.

Table 4.69. Statistical results about "sanction"

	Frequency	Percent	Valid Percent
0	3	1,1	1,1
to be fired	109	41,0	41,0
condemnation	123	46,2	46,2
to be alerted	23	8,6	8,6
no sanction	8	3,0	3,0
Total	266	100,0	100,0

Attitudes and opinions about planning ethics and at local level

Respondents are asked about some other questions related to attitudes and opinions of all the planning actors about the actual debates on planning and the authorities of local governments. In recent years there have been tendency to enlarge the authority of local governments in Turkish administrative system. With respect to this, especially the decisions of Conservation Councils, the bureaucratic lateness, the pressure groups in planning, discriminations, transparency have been the main arguments on the agenda. All of those arguments have an ethical dimension in terms of planning.

Table 4.70. Statistical results about "some other attitudes and opinions about planning and local governments in terms of ethical issues"

Attitudes and opinions about the planning and administrative arguments with ethical dimension	N	Min.	Max.	Mean	Std. Dev.
Local governments try to contribute welfare of disadvantaged groups	263	1	8	2,62	1,311
Local governments inform public about plan decisions, sufficiently	264	1	5	2,65	1,314
Impact of Conservation Councils on urban development	261	1	5	3,30	1,211
Expansion of protection Zone/ Area effect urban expansion or local services negatively.	260	1	5	2,17	1,299
Transferring the conservation councils' authority to local governments	260	1	5	2,52	1,503
Taking the opinion of the author of plan in plan modifications	259	1	5	2,32	1,378
Discriminations	261	1	5	2,86	1,464
Existence of so many authorized institutions in planning	263	1	5	3,24	1,315
Serving plans to public interests	264	1	5	2,90	1,234
Impact of individual interests	265	1	5	3,11	1,361
Impact of contractors' interest	263	1	5	2,80	1,360
Impact of political interests	263	1	5	3,07	1,434
Receiving gift while planning	261	1	5	2,23	1,389
Receiving gift after planning	260	1	5	1,72	1,197

Local governments' contribution to welfare of disadvantaged groups

Table 4.71. Statistical results about "Local governments' contribution to welfare of disadvantaged groups"

Welfare contribution	Frequency	Percent	Valid Percent
0	2	0,8	0,8
strongly disagree	60	22,6	22,6
disagree	75	28,2	28,3
undecided	68	25,6	25,7
agree	29	10,9	10,9
strongly agree	30	11,3	11,3
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

According to the table above, half of the respondents have a negative opinion about local governments' contribution for providing welfare of disadvantaged groups such as the unprivileged people and the families with lack of their own houses. Welfare of disadvantaged groups can be developed by rehabilitation of their living environment. Urban rehabilitation by supplying infrastructure and applying urban renewal projects are the main services that the local governments should have done. However, these services are generally considered low profit investments by local governments. Therefore local governments have a tendency to apply urban transformation projects which produce high rents. From the point of planning ethics, such unfair applications of local governments cause many other problems in cities.

Table 4.72. The connection between "welfare" and "planning actors "

Planning actors	M	strongly disagree	disagree	undecided	agree	strongly agree	Total
Self-employed planner	0	14	11	8	0	2	36
Planner in local government	1	23	30	28	14	10	106
Elected official	1	4	8	14	9	12	48
Academician	0	12	16	11	4	2	45
Contractor	0	7	10	7	2	4	30
Total	2	60	75	68	29	30	265

When we analyze the thoughts of planning actors about the local governments' contributing welfare of disadvantaged groups, it is interesting to see that nearly 40% of the elected officials have positive opinions about it.

Providing regular and sufficient information about plan decisions to public by local governments

Informing local citizens and related civic groups about plan decisions is a considerably important subject for public participation and transparency. It also seems to be an important factor in reducing ethical problems, increasing public trust in planning at the local level. In terms of these concepts the plan approval process in Turkish legislation system cannot be considered to be well stated. As mentioned in the previous chapters, after approval, plans are publicized through a deposit period. It is a one-month process, in which citizens inspect the plans. If citizens have objections to the plans, they have to apply to municipality. Objections are taken into consideration within two weeks, and if necessary the plans are modified and approved by municipal council.

In this process informing the public is very weak. Therefore, extra channels should be operated for increasing public awareness and providing public participation by local governments. In this part of the questionnaire we inspect the attitudes of local governments in informing and the sufficiency of the information.

Table 4.73. Statistical results about "Providing information about plan decisions to inform public by local governments"

	Frequency	Percent	Valid Percent
0	1	0,4	0,4
strongly disagree	66	24,8	24,9
disagree	64	24,1	24,2
undecided	59	22,2	22,3
agree	47	17,7	17,7
strongly agree	28	10,5	10,6
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

The results in the table express that half of the respondents think that local governments' informing public is insufficient.

Table 4.74. Relation between "providing information about plans" and "municipality types"

Type of municipality	0	strongly disagree	disagree	undecided	agree	strongly agree	Total
metropolitan	0	48	43	34	22	16	163
province	0	10	9	8	11	4	42
Second-tier	1	8	12	17	14	8	60
Total	1	66	64	59	47	28	265

When the responses on informing citizens about planning activities are classified and examined according to type of municipalities, it is observed the answers of the respondents working in second-tier municipalities is a bit differentiate from the others. Only 13% of them strongly disagree about the sufficiency of information.

Impact of Conservation Councils on urban development

In this part of the questionnaire research, we tried to assess the impacts of conservation councils'impact on urban development and planning. Conservation councils as institutions of central government are authorized with approval of planning, construction permits, and restoration projects in all types of conservation areas in Turkey. Even though they are central government agencies, they have autonomous structure and their members are basically academicians from various related disciplines such as planning, architecture, preservation. Local governments can not apply any project without the approval of these councils. Therefore, sometimes contradictions can occur between the local governments and councils with respect to plan decisions. While local governments complain for preventing the councils' their investments, councils blame the local governments for unethical implementations.

Table 4.75. Statistical results about "Impact of Conservation Councils on urban development"

Impact of Conservation Councils	Frequency	Percent	Valid Percent
0	4	1,5	1,5
strongly disagree	25	9,4	9,4
disagree	40	15,0	15,1
undecided	75	28,2	28,3
agree	73	27,4	27,5
strongly agree	48	18,0	18,1
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

According to the table, 28.2% of the respondents are undecided about the impact of conservation councils on urban development.

Transferring Conservation Councils' authority to local governments

With the respect above, the respondents' opinions about transferring Conservation Councils' authority to local governments is tried to be found out.

Table 4.76. Statistical results about "Transferring Conservation Councils' authority to local governments"

Transfer of authority to local governments	Frequency	Percent	Valid Percent
0	5	1,9	1,9
strongly disagree	100	37,6	37,7
disagree	42	15,8	15,8
undecided	44	16,5	16,6
agree	31	11,7	11,7
strongly agree	43	16,2	16,2
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

The results express that 37.7% of the respondents are strongly disagree to transfer the authorities of conservation councils to local government units.

Table4.77. Relation between "transfer of authority to local governments" and "planning actors"

Planning actors	0	strongly disagree	disagree	undecided	agree	strongly agree	Total
Self employed planner	1	23	3	5	1	3	36
Planner in local governments	2	37	23	19	12	13	106
Elected official	0	4	9	11	11	13	48
Academician	1	34	4	3	0	3	45
Contractor	1	2	3	6	7	11	30
Total	5	100	42	44	31	43	265

Analyses of the issue of transfer of authority according to planning actors' views show that especially the self-employed planners and academicians are against the transfer of authority of planning to local governments. The academicians trust to local governments, especially smaller local governments and local government units with high urban land rent are low.

The effects of protection zone/area expansion on local services

Project team have especially focused on the conservation/protection issues in local governments in the questionnaire and they inspected the opinions of the respondents' views about the expansion of those areas with respect to environmental and conservation ethics.

Table 4.78. Statistical results about "Expansion of protection Zone/Area"

Impact of the expansion of protection zone/area	Frequency	Percent	Valid Percent
0	5	1,9	1,9
strongly disagree	111	41,7	41,9
disagree	59	22,2	22,3
undecided	47	17,7	17,7
agree	20	7,5	7,5
strongly agree	23	8,6	8,7
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

The results obtained show that big amount (64.2%) of the respondents strongly disagree and disagree with respect to expansion of protection zone/area effect urban expansion or local services negatively. In other words, they believe that those areas should be protected under all circumstances.

Table 4.79. Relation between "Impact of the expansion of protection zone/area" and "planning actors

Planning actors	0	strongly disagree	disagree	undecided	agree	strongly agree	Total
Self employed planner	0	16	10	6	4	0	36
Planner in local government	4	43	25	21	5	8	106
Elected official	1	9	11	12	4	11	48
Academician	0	37	5	2	0	1	45
Contractor	0	6	8	6	7	3	30
Total	5	111	59	47	20	23	265

The rates of opinions are a little bit different from the ones of planning actors. Even though a big amount of the planners and academicians support the expansion of protection zones, the rate of elected officials' opinions is equally fluctuated between all categories. This result may indicate the elected officials' sensitivity about protection and conservation is low and therefore they can act unethically in environmental and conservation issues..

Revising legislation on taking opinion of plan author in plan modifications

Taking opinion of plan author in plan modifications was a legal obligation between the years 1999 and 2005, by the addition of an article to the "Bylaw about the essentials in plan preparations". By that legal arrangement, plans have considered as a work of art. The main aim of the article is to protect the integrity of plans and to prevent unnecessary plan modifications. However, in practice, some problems and some conflicts have occurred. In this sanction, we try to analyze the respondents' opinions whether the article is useful or not.

Table 4.80. Statistical results about "revising legislation on taking opinion of plan author in plan modifications"

Revising legislation on "taking the opinion of plan author"	Frequency	Percent	Valid Percent
0	6	2,3	2,3
strongly disagree	108	40,6	40,8
disagree	43	16,2	16,2
undecided	53	19,9	20,0
agree	28	10,5	10,6
strongly agree	27	10,2	10,2
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

The results obviously represent that more than half of the respondents are completely disagree with legislating away the article. In other words they believe the necessity of it.

Table 4.81. Relation between "revising legislation on taking opinion of plan author in plan modifications" and "planning actors"

Planning actors		strongly disagree	disagree	undecided	agree	strongly agree	Total
Self employed planner	0	10	8	9	4	5	36
Planner in local governments	3	51	17	15	9	11	106
Elected official	1	15	5	11	8	8	48
Academician	1	29	7	7	1	0	45
Contractor	1	3	6	11	6	3	30
Total	6	108	43	53	28	27	265

No significant difference between the planning actors' is obtained related to legislating away the article.

Discriminations (Citizenship and gender)

Although all types of discriminations have been subjects to ethical problems, citizenship and gender constitute two main ethical problems in planning and in local governments. In this research one of the questions is directly related to this subject.

Table 4.82. Statistical results about "existence of discriminations"

Existence of discriminations	Frequency	Percent	Valid Percent
0	4	1,5	1,5
strongly disagree	67	25,2	25,3
disagree	50	18,8	18,9
undecided	44	16,5	16,6
agree	52	19,5	19,6
strongly agree	48	18,0	18,1
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

According to the Table 4.81, 44.2% of the respondents represent negative opinions (there is no discrimination) about the existence of gender and citizenship discrimination in local governments. On the other hand, 37.7% of them believe in the existence of discriminations. From the view of planning and governance, the rate of 37.7 can be considered as a sign of serious ethical problems..

Existence of many authorized institutions in planning

As mentioned in the second chapter, the planning system in Turkey is a bit complicated. There are many institutions authorized with plan approval, implementation and decision making. The composition has sometimes caused challenges and conflicts between the local and central authorities. Besides, it is believed that this structure gives rise to ethical problems due to the increase in bureaucratization.

Table 4. 83. "Existence of many authorized institutions in planning"

Existence of many authorized institutions in planning	Frequency	Percent	Valid Percent
0	2	0,8	0,8
strongly disagree	37	13,9	14,0
disagree	38	14,3	14,3
undecided	68	25,6	25,7
agree	66	24,8	24,9
strongly agree	54	20,3	20,4
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

The results obtained show that while 45.3% of the respondents agree with "existence of so many institutions in planning" cause ethical problems, 28.3% of them are not.

Whether plans mainly serve to public interest

Public interest, as a subject of government ethics has also been debated in planning literature constantly for years. Those debates are generally concentrated on the role of planners and planning approaches. Local governments should have to meet the needs of public. On the other hand, a plan serving to public interest is the good plan or not? Or what is the public interest? What are the codes/principles of public interest? The answers of these questions are absolute in planning literature.

Therefore, the ethical problems concerning this issue depend on the perceptions, political views and economic structure. In this research, we asked the respondents whether the plan modifications in local governments serve public interest.

Table 4.84. "Plans serve to public interest"

Plans serving to public interest	Frequency	Percent	Valid Percent
0	1	0,4	0,4
strongly disagree	36	13,5	13,6
disagree	70	26,3	26,4
undecided	80	30,1	30,2
agree	41	15,4	15,5
strongly agree	37	13,9	14,0
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

The results on the table show that 40% of the respondents have negative opinions (disagree) about the fact that plan modifications serve to public interest. With the addition of undecided respondents, the rate increases to 70.2%. This ratio indicates a problem in plan modifications with respect to public interest.

Impact of individual interest in plans at local level

Planning as a public work is generally thought to serving to public interest. For this reason, individual interests are not taken into consideration in planning process. Lack of public interest is directly related to ethical issues. Of course, in terms of development, any plan alteration can serve individual interest. But here, the most important issue is what the main aim of that plan decision is?. Public interests or individual interests?

Table 4.85. Statistical results about "Impact of individual interests in plans at local level"

Impact of individual interests	Frequency	Percent	Valid Percent
strongly disagree	45	16,9	17,0
disagree	48	18,0	18,1
undecided	55	20,7	20,8
agree	68	25,6	25,7
strongly agree	49	18,4	18,5
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

According to the table 84, 44.2% of the respondents agree on local governments' plan decisions serve to individual interest. When this issue is analyzed with respect to planning actors the results are as in table 4.85.

Table 4.86. Relation between "individual interests" and "planning actors"

Planning actors	strongly disagree	disagree	undecided	agree	strongly agree	Total
Self-employed planner	4	5	5	14	8	36
Planner in local governments	27	26	22	18	13	106
Elected official	7	10	17	8	6	48
Academician	2	4	7	19	13	45
Contractor	5	3	4	9	9	30
Total	45	48	55	68	49	265

The most interesting point about the results in the table above is, although more than half of the self-employed planners, academicians and contractors have a tendency on the importance of impact of individual interests in the local government plans. The rates are decreased in elected officials' and planners in local governments opinions. It is mostly because of their position of being a decision maker and/or a reviser of the old decisions..

Impact of contractors' interests in plans of local governments

It is believed in general, contractors, as an interest group in planning directly effect the plan decisions. In this section of the research, the respondents' opinions about the impact of the contractor are analyzed.

Table 4.87. Statistical results about "Impact of contractors' interests in plans at local level"

Impact of contractors' interests	Frequency	Percent	Valid Percent
0	2	0,8	0,8
strongly disagree	63	23,7	23,8
disagree	53	19,9	20,0
undecided	53	19,9	20,0
agree	62	23,3	23,4
strongly agree	32	12,0	12,1
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

The results obtained in the analyses do not represent the general opinion about this issue. While 35.5% of the respondents agree on the issue that "contractors' interests affect plan decisions in local governments", 43.8% of them disagree.

Impact of political interests in plans of local governments

Local governments, as a political actor, sometimes cannot achieve acting out of political concerns. Impact of political interest is thus situated in plan decisions and implementations.

Table 4.88. Statistical results about "Impact of political interests in plans at local level"

Impact of political interests	Frequency	Percent	Valid Percent
0	2	0,8	0,8
strongly disagree	55	20,7	20,8
disagree	41	15,4	15,5
undecided	53	19,9	20,0
agree	59	22,2	22,3
strongly agree	55	20,7	20,8
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

There is a general opinion about political interests that directly affect planning; the results obtained in the scope of this research do not represent the same idea. As seen on the table above, the answers are almost equally distributed between all the options. However, the rate of the respondents who negate the impact of political interests is only 36.3%. Therefore, it is not possible to reach a conclusion of "nonexistence of ethical problems in terms of political issues in local governments".

Receiving gift (such as flower and chocolate) after planning

Webster's Third New International Dictionary (Gove, 1993) defines a gift as "something that is voluntarily transferred by one person to another without compensation" (p. 953). The inherent value of the gift might be monetary, but can also be psychological and symbolic. The recipient knowingly recognizes its gift status and accepts it as such. There is no prior claim upon the gift by the recipient. In addition, the recipient is under no obligation to pay for it in the future.

At the pilot conducts it is realized that all the respondents strongly agree with the fact that, receiving gift while planning is a real unethical behavior. At the pilot implementation stage of the research, some of the respondents wanted to learn the content and dimension of the gift. Therefore, we renewed the question in a way to limit the gift with chocolate and flower.

Table 4.89. Statistical results about "Receiving gift (such as flower and chocolate) after planning"

Receiving gift while planning	Frequency	Percent	Valid Percent
0	4	1,5	1,5
strongly disagree	121	45,5	45,7
disagree	42	15,8	15,8
undecided	41	15,4	15,5
agree	32	12,0	12,1
strongly agree	25	9,4	9,4
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

According to the table above, a majority amount of the respondents believe that receiving gift (chocolate and flower) after planning is unethical. Only 21.5 of the respondents believe that receiving gifts while planning process continues is an acceptable behavior in terms of ethical conducts.

Receiving gift (such as flower and chocolate) while planning

Table 4.90. Statistical results about receiving gift (such as flower and chocolate) while planning"

Receiving gift after planning	Frequency	Percent	Valid Percent
0	5	1,9	1,9
strongly disagree	173	65,0	65,3
disagree	34	12,8	12,8
undecided	21	7,9	7,9
agree	18	6,8	6,8
strongly agree	14	5,3	5,3
Total	265	99,6	100,0
Missing	1	0,4	
Total	266	100,0	

The results indicate that most of the respondents observe "receiving gift –even just flowers or chocolates- during plan preparation process as an unethical behavior.

Additional questions for different planning actors in questionnaire

For academicians, there are questions related to consulting / advisory mechanism, expertise mechanism, cooperation between university and local government planning education following: "Ethical problems occur when academician are employed in local government as a consultant", "There are ethical problems about expertise mechanism", "Cooperation between university and local government minimize ethical problems in planning", "in order to minimize ethical problems the number of ethic courses should be increased", "Academicians who serve as a consultant in local government are subject to unethical, political pressures and biased attitudes of local directors", "There is lot of plan modifications that should be protested according to urban planning principles".

According to statistical results, academicians think that the number of ethical courses should increase (mean: 4.14). Indeed, when courses in city and regional planning departments are analyzed, it is seen that there is only one full course about ethics (in planning) (in Selçuk University, department of CRP). Cooperation between universities and local governments may minimize ethical problems in planning. Most of the academicians think that (mean: 4.04) academicians who serve as a consultant in local government face with some unethical or political pressures and redirecting from mayors.

For contractors, there are questions related Housing Development Administration of Turkey (TOKI), additional demands of mayors like following: "TOKİ or KIPTAS' local reconstruction services causes unfair competition", Constructors, face with some additional demands from mayors excluded main contract". According to statistical results constructors believe that TOKİ or KIPTAS cause unfair competition (mean 4.20), and they think that political relationships are important for tender in local government (mean: 3.9) to become the preferred bidder for and face with some additional demands from local governments (mean: 3.76)

According to the elected officials, insufficiency of reconstruction councils members causes ethical problems (mean: 3.89), and central public institutions (e.g. conservation councils) move slowly and unethically (mean: 3.69). Like academicians mayors and deputy mayors think that cooperation between universities and local governments minimize ethical problems in local government (mean: 3.64)

Responding to the Project Questions and Recommendations and Further Research

Recommendations from the Study

The following questions are provided to form basic guidelines for this study.

1. The parallel and/or complimentary legislative, institutional and procedural arrangements and measures should be taken when dealing with planning ethics in the local governments and/or the application of plans at the local level. The measures should be taken into consideration not only the impact of planning on land values, but also on the policing of illegal building, the development of area plans, the relationship between developers, planners and politicians.

2. The expertise of the local public officials involved in planning, the pressures on planning procedures, the potential for corruption, the nature of ethical guidance, procedures for local public officials, and the procedures for the publicity, review and appeal of decisions are all become intermingled when any policy and/or measurement are to be designed for the sake of reducing ethical issues in planning at the local level.

3. The relationships among local, regional and national planning authorities should be considered for any cure on planning ethics. The relationship between local public officials and the citizens are also emphasized in the formulation of reduction for ethical problems in the planning process.

4. The wider environmental and conservation issues and concerns are associated with planning ethics at local level. To improve the ethical conducts of local public officials, conservation should be considered in their decisions and applications. The need to work on improving and encouraging social responsibility of individuals and companies in the area of conservation, sustainability, and planning should not be undermined.

The results of this research, express "the structure and profile of the member of city councils" as an important ethical issue in local governments. Concerning this problem, we try to analyze the proficiency of the members in "public works commissions" in municipalities. It is determined from the in-dept interviews, in most of the municipalities, the commissions consist of civil engineers, contractors, managers and tradesmen. Most of the tradesmen are occupied with the works related to construction sector, such as real-estate, construction equipments etc. They have a tendency to approve all the plans which accelerate construction sector without any limitation or evaluation about whether the plan is good or bad. This situation provoke an urban development mostly depend on new construction. Under these circumstances it is not so easy to conserve the cultural and natural heritage in the cities. One of the problems for the insufficiency in the applying of preservation policies in the cities is the ethical problem depending on the proficiency of "public works commission" in municipalities.

As indicated in the second chapter of the research, planning legitimacy is a bit complicated in Turkey. There are many central and local administrations and institutions which are authorized to enforce different laws in different scales. Each institution tries to prepare plans according to their own vision and conception. Because of the insufficient relation, communication and cooperation between the institutions the plans prepared by one, is not appropriate for the other. Especially in the implementation process, some conflicts and disagreements can be occurred. The results obtained from the interviews and questionnaires represent this problem as an important ethical problem clearly. Almost half of the respondents agree with the "existence of too many institutions in planning" cause ethical problems. Such conflicts, between Special Provincial Administration and Municipality have occurred in Antakya and Adana. The environmental plans in the scale of 1/100.000 has recently approved by the Ministry of Environment and Forestry in those provinces. In the in-dept interviews the respondents specially focus on the lack of coordination in the preparation process of the plans. With respect to this situation, Antakya Municipality and Adana Greater Municipality do not appropriate the existing plans and try to prepare alternative plans or plan modifications. One of the important ethical problems due to the lack of coordination between the institutions is occurred with regard to citizens. The construction permits are postponed for an unknown period.

It is observed that the similar problems in other municipalities, sometimes due to the bureaucratization and lack of coordination and sometimes due to the plans being behind the schedule, especially the conservation plans. For instance, in Sarıyer and Beykoz districts in İstanbul the municipalities could not give any construction permit for a long time. Actually, some other ethical problems have occurred with respect to the lateness in plan preparations. Citizens, in those districts, who cannot take construction permits, try to solve the problem by their own way, by constructing illegal buildings. Illegal construction can be considered as the reflection of the main ethical problem in terms of urbanization and planning in Turkey. In Turkish case, as explained briefly in the second chapter, two types of illegal construction are observed in cities. One of them is, illegal housing on their own property, and the other type is illegal housing on the treasury lands (that is called gecekondu in Turkish planning literature). Both of them cause ethical problems in terms of destroying environmental values and scenic quality, preventing the provision of public interest in urban areas and causing extra costs for the other citizens living in the city.

Plan modifications as one of the basic ethical problem source are focused in this research for various complimentary reasons. Essentially, a plan itself is considered as a work of art and any change in the content, can demolish the integrity and consistency of it. In accordance with this issue and for decreasing the number of plan modifications in local governments, a new legal regulation was approved in 1999, by an article added to "Bylaw for the principles of plan preparation" about taking plan author's decision whether the plan alteration suitable or not in all plan modifications. However, it is ceased to be effective in 2005 due to the speculations and claims about the planners for their using this legal arrangement for unjust gains. Indeed, some of the plan authors tried to utilize from this article by threatening municipalities for not ratifying the plan alteration even if they give him extra money. On the other hand, partially it restrained the local governments'

unnecessary and speculative plan modifications. The results obtained in this research support this legal arrangement. More than half of the respondents believe in the utility of it. Unfortunately, some planners' unethical behaviors caused falling into desuetude an important tool for preventing unethical speculative planning applications.

Transparency is described as one of the essential topic for local governments in the globalizing world. In terms of planning, transparency means informing citizens in all steps of plan preparation and application processes. In other words, in urban planning literature, transparency necessitates public participation and effective informing. However, in practice it is observed that local governments do not provide operational channels (such as announcing the plans and other subjects on the city councils' agenda on their web-site) for ensuring those issues and for increasing public awareness. In Turkish legal framework, as summarized in chapter 2, after approval by the council, plans should be publicized through a deposit period (one-month). Local governments generally announced those plans on the bulletin board in the municipality building. This is really very limited in terms of public participation, effective informing, transparency and ethics.

Within the framework of recent e-state applications, most of the local governments have their own web site. But these web-sites have generally used for promoting the mayor's personal properties and good practices only.

In accordance with planning, legal framework, another issue which causes ethical problems is the land adjustment process in plan implementations. Land readjustment is a compulsory action in order to create the settlement pattern distinguished in development plans. This process is directed by Article 18 of Urban Development Law no. 3194 and by this article, development rights are distributed on individual plots. According to the article, a certain amount of land (40% of each plot) is taken from cadastral plot owners in exchange for public uses. It is necessary to allocate a plot for the owners as much as possible from the nearest location of the previous plot (before land readjustment). However, in practice so many speculations and objections are occurred in this process due to unjust distribution of rent by these implementations. Instead of allocating the most suitable plots to the owners, can be assigned for individual interests.

In Turkish planning legitimacy, the laws which legalized the illegal buildings have been subject to important and deep ethical problems in urban planning. Squatter Housing Law and afterwards, development amnesty laws, both not solve the squatter house problems and also accelerate the illegal housing. There has been a general expectation in the society, especially before the local elections, for legalized the illegal houses by a new amnesty law. Insufficient penalties in the legal arrangements and the weaknesses of local governments (or lack of intention due to loosing votes in the elections) in tearing down the illegal buildings have given way to unhealthy, unplanned and poor urban areas (neighborhoods with insufficient public utilities) in the cities. Political interests and expectations, in Turkey, especially in metropolitan cities, have caused such significant urbanization problems due to unethical political intentions, after 1960s.

The last but not the least important ethical issue in terms of local governments is the changing structure of corruption perception in the planning actors and in the society. We

observed that the number of people normalized the corruption even if the local governors do something for the sake of citizens. The sentence of "steal but also serve" has become a common opinion in many settlements which are visited in the scope of this research. Such a perception can make the solutions of ethical problems more and more difficult.

Within this framework, it is also observed that, most of the local governors do not accept the existence of corruption in planning issues. It means they are not aware of the ethical problems, so that they do not be willing for the solution.

Recommendations: General

It is expected that this research study will provide recommendations to improve the ethical conduct of local public officials and to improve cooperate social responsibility of the individuals and the companies involved in planning.

The majority of Turkish society is not against corruption. On the contrary, corruption is even presented as something natural in Turkey's cultural codes through several idioms and proverbs. Turkish people are loyal to each other rather than the principles. The proverb, "A cup of coffee commits one to forty years of friendship" is a part of people behavioral pattern.

Several propositions and recommendations for increasing level of ethical applications in planning and ethical consciousness of planners can be formulated both from the study and the literature.

To reduce ethical problems in planning should have an action plan. Training should be provided for bureaucrats and technocrats. This training should be custom-tailored and should not be limited to city and regional planners.

Downsizing units of state to simplify the bureaucratic processes and to create competitive service environment even for semi-public services.

Improving financial conditions of government employees are also suggested by several academicians, respondents to the questionnaire, and interviewees. However, to increase the financial conditions and to improve working environment of public officials does not guarantee ethical and moral behavior and consciousness.

To improve democratic culture may also reduce the level and intensity of ethical problems. Accommodating / embedding concept of public interest and auditing mechanism in public administration and education.

Increased level of transparency and smooth applications toward accountability may greatly help in lessening ethical problems not only in planning but also in other public services.

Effectuating an independent and well-organized control mechanism to examine and evaluate whether the plans (all types of plans) serving public interest or not can decrease the unethical applications and speculative plan decisions at local level.

Before all, may be the most important arrangement for planning ethics is to make a clear determination of public interest and to state the principles of urbanism and planning in detail.

The international literature on ethics focusing to reduce the ethical problems in planning and/or in local public services can be more deeply scrutinized.

As Strait points out, many of the researches on ethics make conclusions and formulate recommendations for organizations to provide training programs for their workers. How can training be provided if the causes of the problems have not been clearly? Therefore, analyzing problems clearly and deeply should be an important and initial task of the Council of Ethics for Public Service in particular and other institutions, where ethical issues have crucial importance for their services, in general. An analysis of group behaviors within the organization must certainly precede any attempt to develop meaningful ethics training programs. Greater effort must be made to create ethics measuring instruments. Inquiries into ethical behavior, especially in the local level physical planning are relatively new. Ethic tests are not within such texts as Burrow's mental measurements or other similar sources of validated testing instruments. Since ethics research is still exploratory even greater care and rigor is required.

Kramer, Pommerenke and Newton (1993) and Mulgan (2000b) draw distinctions between ethical and professional behavior, in their interpretations of accountability, suggesting that professional behavior is primarily a technical construction defined by the metrics of a specific discipline. Because it is a largely technical construction, the moral aspects influence the nature of a decision or a behavior but not necessarily the way in which the behavior or decision is made (Miller, 1998). The party accountable in this sense is accountable to that metric first and to moral discipline second (Beitsch, 2005: 55-56).

Watch Groups should be established for effective inspection and/or for appeals. Recent British planning practices could be used to draw some lessons and to formulate some new measures and/or to create new institutions to fight ethical problems in planning. Chris Booth (2006) provides insightful information about this system in the UK. In his article titled "*Managing Diversity and Mainstreaming Equality: Reflections on Initiatives in the Planning Inspectorate System*", Booth (2006) defines the Planning Inspectorate as a key institution in the English planning system which has a high public profile. It is a planning agency of the UK central government which is responsible for determining appeals against the refusal of planning permission and conditions imposed on development by local planning authorities. It also determines appeals against enforcement action on unlawful development and holds public local inquiries, where planning inspectors hear objections to policies contained in development plans. The decisions made by the Planning Inspectorate must be seen as fair, transparent and accountable and, as a consequence, the procedures and conduct of the organization are increasingly subject to public scrutiny. However, the arena in which the Inspectorate now operates has become increasingly more complex. Significant social change has made an impact on space, spatial activities and the way people use space. Campaigns around the issues of race, gender, disability, age and sexuality have challenged the notion of a homogeneous public and developed the view

of a socially and culturally diverse society. As issues of diversity have become more widely recognized and expressed in society, so the UK government has expected key planning organizations, such as the Planning Inspectorate, to reflect and respond to these changes, particularly in the light of the new Planning and Compulsory Purchase Act 2004. Booth (2006) examines the initiatives undertaken to mainstream equality and manage diversity in the Planning Inspectorate. It critically reflects on the scope and effectiveness of the initiatives and identifies lessons that can be learned for other planning institutions.

Effectuating an independent and well-organized control mechanism to examine and evaluate whether all types of plans serving public interest or not can decrease the unethical applications and speculative plan decisions at local level.

Table 5.1. Ethical problems in planning process and their possible cures

Main Causes of Unethical Conduct in Planning at the Local Level (Sources of Ethical Problems)	Proposed Reforms and Measures to Reduce Unethical Conduct in Planning at the Local Level
- PLANNING SYSTEM - Insufficiency of plans against changing conditions in globalizing world, inflexibility of plans - Duplication of planning authorities and major conflicts among them. Land-owners and constructors tendency toward short-cuts, bribing, and illegal ways for building permits and plan changes - Inadequacy of urban areas for changing conditions and needs, especially inside the living areas. Also lack of empty spots inside the city among buildings for unforeseen needs for planed land - Rapid urbanization due to the migration from rural areas to big cities. PLANNING PROFESSION - Monopolist structure related to professional card/ladder system in planning profession - Effectiveness of constructors in planning decisions related to the existing development structure - Changing role and structure of planning profession (planners) from main public interest and public service to a profession working in a competitive environment and liberal economy - Undervaluing the technical issues against liberal market conditions - Decrease in plan alteration demands due lack of plan revisions in some settlements - Misperception of planners as only technical staffs in planning process CONFLICTING INTERESTS AND PRESSURES - Inadequacy of tools in managing conflicts among various interests and actors in planning decision making and plan applications at the local level - Perception of planning as one of the main tools to legalize illegal and/or problematic buildings, lands, and developments. - Law exemptions for illegal developments just before local elections. Condoning illegal constructions for gaining votes in elections - Contractors' and land-owners' pressures on plan decisions for their own sake, mostly against the interest of society - Entrepreneurs' and capital owners' pressure on land development - Appearing of land mafias seeking advantage from illegal developments and increases in planning rights through plan alterations - Increasing conflicts due to carrying out planning with daily politics and political interests - Administrators are acting as a representative/member of their political party in planning decision making process - ADMINISTRATIVE ISSUES AND UNCONSIOUSNESS - Administrators lacks foresight in acting neutral to the whole society - Unconsciousness in cultural heritage and environmental values conservation - Authorial weakness in conservation land values against rent - Pressure on planners for realizing permissions which are contradictory to planning principles - Increasing tendency of corruption and illegality - Raising the degeneration in public administration and planning. - Rent, competitiveness in sharing the big piece of cake in urban rents. - UNPROPERNESS OF MEASURES AND TOOLS - Lack of taxation in rent gained by plan decisions. - Lack of legal arrangements for the distribution of rent gained by plan decisions. - CORRUPTION AND DECAY IN MORAL VALUES - Individual interests, conflicting interest of the citizens and /or companies, moral duality - Decay in local governments - Condoning illegal constructions on public lands. - Insufficient institutionalization of planning profession - Systematic problems of planning (like possibility of unlimited plan alterations) - Planners' and plan decision givers' own economic, politic, personal concerns - Lack of/insufficiency of personal moral values against society - Legal gaps, existence of uncertain articles in planning acts, contradictions in planning acts - PUBLIC PARTICIPATION - Insufficient public participation in planning process - Obscurity of the "public interest" concept, hardness of definition and determination of public interest in many planning cases - Undervaluing public interest in planning process - Lack of detailed decisions in planning laws for providing public interest	- Apply more flexible planning system, open to bargaining with the people and companies that ask for planned land - Review the professional system of planners, remove or lessens the ladders of planners - Conflicts between plans and existing cadastral plans should be reduced by updating all types of plan and completing cadastral plans - Planning processes should be reviewed, so that clear and understandable processed can be known by all the interested parties - The disadvantaged and the poor people should be informed and educated about their rights on planning. - The civil organizations deal with solely or indirectly with planning at the local level should be strengthened and encouraged to participate in planning processes. - Planners' irresponsibility against principles of planning profession - To reduce pressure caused by high rent, more planned land with infrastructure should be produced - The planners, advisers, and politicians should be aware of the moral duality of the society and individual moral weaknesses which implies planning ethics - The governments' approach for changing the plan decisions of previous administration and lack of legal arrangements for the limitation of these changes - An in-dept study should be conduct with the participation of various actors and experts from academia, planners in practice, policy-makers to reduce the authority duplication among governmental units, especially between the local and central governments in planning - Reduce the number of authorized institutions in planning, simplify procedures when planning rights should be distributed to many planning authorities - Set ethical education and training programs beginning from primary school to universities as part of formal education. Integrate ethics topics into various courses and classes in education. - Work on improving ways on fairer distribution of development rent in the society

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ANNEX: Methodologies

The Questionnaires

Each questionnaire consists of two main sections. First section collects personal information and the second section collects the perception of ethics, sources of ethical problems, the ethical/unethical applications and behavior of planners and unethical planning applications, the discrimination in local governments. The second part of the questionnaire consists of 5 Likert-scale based questions. The questions are posed as strongly worded attitude statements, with response categories along a continuum from strongly agree to strongly disagree. Besides, second part is differentiated in each other according to special questions formulated for professions, occupations and status. The questions remain are differentiate between the numbers 27 and 29.

In the phase of analyzing we group the planning actors also in five groups according to their professions' relation with planning. Therefore; planners consist of a single group, the second group contains architects and civil engineers, environmental engineers, cadastral engineers and mechanical engineers form the third group and finally technicians who are graduated from vocational school (two year degree technical colleges)

There are 23 common questions in the Questionnaire conducted with all groups and two additional questions in self-employed planners' questionnaire. These questions are related to the control mechanism efficiency of the chamber of city planners.

In the questionnaire which applied to mayors, deputy mayors, council members and chief executives the differentiated questions are about the central government units' bureaucratic red-typing, limitations from previous planning applications and decisions.

Academicians' questionnaire additionally focuses on the ethic courses in planning curricula, advisory positions of academicians for local governments, expertise mechanism and collaboration of universities and local government on planning issues.

There are four different questions in contractors' questionnaire. These are about the constructions of public owned land developers and housing builders (TOKİ and KİPTAŞ), impacts of additional construction rights in urban development, local governments' demands out of contracts, whether they are informed or not from local procurements.

SPSS 11.5 Statistical program is used for analyzing the questionnaires. The results are shown by tables, charts, graphs in the report.

The literatures about ethics, ethics in public administration, ethics in local governments, planning ethics are searched at the stage of preparing questionnaire.

The previous thesis, articles, books and researches are analyzed in detail. The questionnaire and interview questions are totally designed by considering conditions of Turkey and the framework of the project.

In this study the respondents' perceptions and opinions on planning ethics in local governments are asked and the results are assessed through existing circumstances in local planning and legal arrangements in Turkey.

At the initial stage of field research and questionnaire design, questionnaires were reviewed together with a few academician and planners. At the beginning of the survey, a limited number of pilot questionnaire applications were realized by various groups of respondents in Antakya and Adana.

The places, cities, institutions and individuals were selected according to following criteria: 1- Framework of the project, 2- Advice of Ethic Council, 3- Talks with Directorate of Local Governments, 4- The need for diversity and scale, 5- Accessibility and time limitations, 6- Existence of Chamber of City Planners and/or Departments of City and Regional Planning in that provinces.

The reason of conducting the questionnaire on five different groups is the fact that their being the main actors in local planning process. In order to ensure the representative character of the sample, we also sampled different actors in planning. Using these somehow five different questionnaires it's aimed to reach whether there is any differences between groups' opinion and complaints about ethic problems.

We made a convenience sampling from settlements in various scales: metropolitan cities, provincial centers, districts and towns. Out of this convenience sample, over 30 municipalities were chosen for the survey.

The questionnaire is designed according to the previous thesis, articles, and researches about ethics in local governments in general and planning ethics in local government units in particular.

It would be a good idea to ask more questions to respondents on their personal characteristics and work environment to relate them their responses by using cross-tabs, factor analysis, and paired to test analysis. However, this would need more time to respond to each questionnaire and may need to attach a second paper to the questionnaire, so that it makes the questionnaire longer. This would also cause problems in preserving anonymity of the respondents.

From the main empirical literature on planning ethics, we know that some relationship can be set and questioned. For example, Howe and Kaufman (1979) in their pioneering empirically based study on planners in the United States questioned planner's responses with their orientations and personal characteristics. Their article, based on a study of a large, randomly selected group of American planners, looks at what planners think is ethical, and why. Although many planners have similar views about what is ethical, sharp differences are also clearly apparent. Chief among the reasons for these differences is role orientation. Consistently, the most politically oriented planners have a more liberal interpretation of what is ethical than the most technically oriented ones, with a third group-high on both the technical and political dimensions -falling in the middle. Other factors such as political views, attitude towards agency, and propensity to express values in the job were

also found to be important in explaining why some planners think differently than others about what is ethical. The implications of these findings are drawn for planning theory, practice, and education.

The Interviews

We believe closed-ended questions (like the ones in the questionnaire) don't say enough about what planning actors mean by their answers an unable to catch some very useful piece of information possible to be provided by the respondents in a face-to-face conversation. Furthermore, it is impossible to know if the responses represent private beliefs or if they are just being affected by acquiescence bias. Likely, survey results don't allow the researcher to know what the real relationship between planning actors' beliefs and their actions is. The appropriate strategy is thus to talk to planning actors to reflect with them on what they think and feel.

We observe research on ethics, substantive values and roles of planning actors should go beyond the bounds the questionnaire survey results. This study would be limited if it only were to be asked planners closed-ended questions, since such questions do not review planning actors' privately health beliefs and how they anticipate, interpret and act on ethical issues.

As Baum (1986: 37) states that "the necessary research strategies is to talk with planners, to reflect with them at greater length on what they think and feel while they act: particularly at the exploratory stage of research it is less important to have an extensive rigorously selected sample of planners than it is to search in-depth with some planners who are willing to reflect on what they do."

68 semi-structured and 15 in-depth interviews conducted with those planning groups/ actors in the scope o this research. The semi-structured interviews consist of 10 open-ended questions. It is aimed to take detailed information about the sources of ethical problems in planning process, the mechanisms for the solutions of ethical problems, the working conditions of planners, whether planners are faced with pressures in decision making and plan preparing processes, whether experienced or not any interesting ethical case etc.

Each in-depth interview took at least 45 minutes. Some of them lasted up to two hours. Most of those interviews are intentionally realized with the participation of two or all project members.

Sometimes the planning ethics issues are debated with the actors by in-dept interviews.

The Questionnaire was conducted with self employed planners, representatives of chamber of city planners and academicians who serve in the local planning departments.

- Ethical problems in planning process	
- Planners (working in local governments)	**- Planners (self-employees)**
- Individual interests - Political pressure - Conflicts between plans and existing cadastral plans - Working of planning process according to the use of local governments-not for urban principles and essentials - Planners' paying insufficient attention to the public interest - Planners' irresponsibility against principles of planning profession - Rent - Moral duality - Individual moral weakness - The governments' approach for changing the plan decisions of previous administration and lack of legal arrangements for the limitation of these changes - Authority duplication between the local and central government - Lack of determining urban areas adjusting to changing conditions - Monopolist structure related to professional card system in planning profession - Depending of economic development on the development of construction sector in Turkey - Effectiveness of constructors in planning decisions related to the existing development structure in Turkey - Changing the role and structure of planning from public profession to competitiveness - Undervaluing the technical issues against liberal market conditions - Decrease in plan alteration demands due lack of plan revisions in some settlements (such as Konya Metropolitan Municipality) - Perception of planners as a technical staff in planning process and effectiveness of other actors in decision making. - Authorization of many institutions in planning. - Perception of planning as tool for legalizing illegal developments. - Law exemptions for illegal developments in local election process. - Condoning illegal constructions for gaining votes in elections - Appearing of land mafias due to allowance illegal developments and - Appearing conflicts due to carrying out planning with politics - Administrators' acting as a representative/member of their political party in decision making process/administrators' lack of foresight in acting neutral to the whole society - Contractors' pressure on plan decisions - Unconsciousness in cultural heritage and environmental values conservation - Authorial weakness in conservation land values against rent. - Entrepreneurs' and capital owners' pressure on land development - Pressure on planners' for realizing the permissions which are contradictory to planning principles - Obscure in the public interest concept	- Increasing tendency of corruption and illegality - Rising the degeneration in public administration and planning. - Rent - Competitiveness in sharing the big piece of cake in urban rents. - Rapid urbanization due to the migration from rural areas to big cities. - Decaying in local governments. - Individual interests - Condoning illegal constructions on public lands. - Undervaluing public interest in planning process. - Insufficient institutionalization of planning profession - Lack of taxation in rent gained by plan decisions. - Lack of legal arrangements for the distribution of rent gained by plan decisions. - Insufficient public participation in planning process.

- **Sources of ethical problems**		
- Planning system' giving possibility to unlimited plan alterations - Planners' economic concerns - Individual benefits on land - Insufficiency of plans against changing conditions in globalizing world - Inflexibility of plans - Lack of/insufficiency of personal moral values against society - Legal gaps - Existence of uncertain articles in planning acts. - Contradictions in planning acts - Existence of many authorized institutions in planning - Weaknesses in criminal sanction - Local governments' mostly focusing on short term public services due to their authorities being limited by 5 years term. - Conflicts between planning acts - Frequent changes in legal arrangements - Bribe (not directly but also discharging the powers to the sake of partisans)	- Insufficiency in education - Unsatisfactory/tendency to demand more - Economic and political benefits - Inadequate/poor upper-scale plans - Preparation and approval of master plans and application plans which are contrary to upper-scale plans. - Long legal invalidation process for inaccurate plans. - Unfair distribution of development rent in the society - Lack of a certain land development policy in Turkey - Rapid population increase especially in metropolitan cities. - Existing public administration system - Breaking the plan hierarchy - Preparation and approval of master plans and application plans before upper-scale plans (regional plans, provincial plans etc.) - Preparation of plans after urbanization	- Authority complication between the institutions - Insufficient implementation - Inadequacy of legal arrangements for prevention corruption in planning - Lack of detailed decisions in planning laws for providing public interest. - Rising economic benefits from planning decisions due to market economy. - Weak auto-control in the society - Confusion and uncertainty in plan approval between the institutions. - Gaps and insufficiency in professional inspection in planning. - -anti-democratic processes in local government elections. - -moral duality in the society - -lack of inner conflict - -inadequate ethical education beginning from primary school to universities. - -unfair distribution of development rent in the society - -long legal invalidation process for inaccurate plans.

- **Ordering the ethical problems according to their frequency of observations/importance**	
	1- Corruptions for materialistic benefit 2- Corruptions for political benefit 3- Individual interests. 1- Rent 2- Rapid urbanization 3- Undervaluing public interests 4- Politic discrimination in local governments 1- Dissatisfaction 1- Long legal invalidation process for inaccurate plans.

- Mechanisms/measures for decreasing ethical problems	
- Legal rearrangements	- Comprehensive legal rearrangement in public administration and planning process
- Encouraging public participation in planning process comprehensively	- Social reforms for preventing corruption
- Providing transparency in each step of planning	- Inner conflict in all stages of planning.
- Eliminating authority complication between the institutions by determining the roles clearly	- Strengthening law sanctions
- Accelerating the planning process (preparation, approval and application)	- Increasing legal inspections
- Protecting planners against political/individual/economic pressures by legal arrangements.	- Controlling rapid urbanization in metropolitan cities
- Increasing ethical awareness of each person by education beginning from primary school to higher education.	- Enhancing planners' field of business activities
- Transferring the planning authority to a single non-politic institution.	- Making imperative employing planners in municipalities by law
- Preparing the planning regulations in order to exposing the unique characteristics of cities.	- Transferring the rent, gaining in planning process, to public
- Eliminating the obscure definitions/expressions about "public interest", "planning principles and essentials" in planning laws	- Education
- Enfranchising planners' (planners working in local governments and in Chamber of City Planners) in planning commissions.	- Removing legal conflicts in planning laws
- Effective conducting the rules of "buying the line of plan author' Act	
- Transferring the rent, gaining in planning process, to public	
- Providing independent working conditions to the planners in plan preparation process.	
- Activating the social state approach in all public sectors.	
- Increasing public welfare	
- Announcing all the steps of plan decisions to public by media	
- What can be done by planning institutions for decreasing ethical problems?	
- Awarding a contract to professional planners by concerned institutions for preparing urban development plans	- Launching a general educational and administrational reform consist of institutional, legal, social, economic dimensions
- Providing more effective communication, coordination, connection between the public bodies.	- Putting into action an effective inspection system in local governments especially related to their planning decisions and applications
- Providing effective and comprehensive participation of public institutions in planning process.	- Operating an inspection mechanism on self-employed planners' plans by governorship
- Educating lawyers well-trained in public works	
- Simplification institutional framework in planning and public participation.	
- Simplification of legal arrangements in planning.	
- Operating the mechanism of institutional improvement.	
- Decreasing red tapism between the institutions in planning process and prosecuting institutional coordination by constituting an independent body.	
- Constituting a common comprehensive data base between institutions.	
- Updating the database regularly	

- Working conditions of planners in local governments	
- Lack of working guarantee for the contracted employee planners in local governments - Risk of appointed to somewhere else for the planners affiliated by the Act Number 657. - Weak economic conditions compared to their professional responsibilities - Lack of institutional organs for advocating planners against political pressures. - Difficulty in advocating planning principles in market economy because of insufficient institutionalization of planning profession - Belonging the plan approval authority to city councils decrease the planners' activity and responsibility in planning process. - Not well as the other civil servants in Turkey	- Difficulty in advocating planning principles in market economy because of economic concerns

Ethical problems in planning process

Mayors, Deputy Mayors, Council Members and Chief Executives	**Academicians**
- Inadequate identification of public interests. - Corruption and bribe - Favoritism - Unscientific and subjective planning understanding. - Individual interest and demands. - Rent - Dual morality - Politicians demands - Lack/insufficiency of qualified personnel in local governments - Risk of losing their job - Lack of effective audit/control - Lack of qualified plans and that's why permanently plan revision - Opposing positions of architects and - Unfair plan decisions and urban rent sharing.	- Uncertainty in ethical bases in planning - Unfairness of planning effect on everyone - To cause of speculation of planning system - To consider of interest of some special people, groups or institutions in planning process, prior - To prefer rent, beside public interest. - To intervention on planners planning decision - To prefer insufficient people or academician as a expert/profession in planning process. - Partisanship behavior of member of city council. - Bribe - Local government trying to use legal deficit in laws on local government in planning process. - To intervention on inspection/auditing mechanism. - To effort to guide and to press of personnel hierarchy on planning processes. - Changing or revising in approved planning decision as a result of interest quarrel/argument - To came out different ethical problems in preparing, approving and application process in planning. - To give attention on technical view on planning and to neglect public interests in planning preparation process - There are some problems about in plan approving process and structure of city council and announcement of planning decisions/revisions. - To take one side in plan revision process or writing research report. - Unscientific conservation decisions and controlled participation.

	- Not to separate true and false in planning process, clearly.
	- Its not clear for planners and professions ethically responsible for whom (themselves, families, friends, chiefs, consumers, profession, public, state,)
	- It is not clear for planners what their ethical responsibilities are. Planners do not know whether they should focus on processes or results? Whose utility and interest should be taken into account? It is a difficult question.
	- Serving to individual interests/benefits.
	- Plan revision of local governments on their own land and other land
	- Because of revising plans frequently disorder of integrity of plans
	- Authority confusion in planning process, and approval in upper scale plans, particularly
	- Political pressures
	- Rent expectation
	- Planning law
	- Reducing the price in procurements
	- Problems about expert opinion.
	- Application of article 18.
	- Plan preparation with insufficient data and analysis.
	- Non transparency of planning process.
	- Insufficient information on planning processes.
	- Problems in authority sharing between local governments and central government.
	- To be in the most important urban values beside its economical value
	- If the planners have not ethical values, then everything depends on planner's conscience in planning process and some ethical problems may arise.
	- Insufficient public participation
	- Unclear definition of public interest concept
	- Corruption and bribe
	- Unscientific and subjective planning understanding.

Ordering the ethical problems according to their frequency of observations/ importance

Mayors, Deputy Mayors, Council Members, Chief Executives	Academicians	
	- Corruption - Bribe - Unclear definition public interest concept - Subjective / arbitrary planning understanding - Favoritism - Problems about planning system	- Rent - Insufficiency of legal sanctions - Structure of city councils - Rapid urbanization - Lack of inspection/audit - Lack of plan, vision and participation - Lack of informing - Research budgets.

Sources of Ethical Problems

Mayors, Deputy Mayors, Council Members and Chief Executives	Academicians
- Wrong applications of previous city authority. - Shortage of ethical education and sanctions. - Inadequate public participation - Antidemocratic planning control system. - Unclear planning process - Inadequate efficiency of academicians in planning process - Illegal plans - Demand of politicians and individuals. - Unskilled personnel and administrators in local governments. - Working reluctance of qualified personnel in local government. - Coordination problems among different organizations - Lack of audit - Affect of interest groups in cities - Legal arrangements -to identify authority and standards detailed	- Lack of conscious, Lack of information - Insufficient management capacity. - Lack of ethical education - Insufficient dissuasive precautions against ethical crimes. - Planning system - Rent - Insufficient legal sanction. - Structure of city council and members. - Rapid urbanization - Expert mechanism - Planners give some course about ethic but the other actors not. (mayors, member of city councils, constructers) in planning, not. - There is no authority of professional organization on sanction and guidance in planning process. - Sharing planning authority among different institutions. - Ignorance of public opinion about planning. - Perception of planning corruption as a corruption and robbery. - Lack of sanctions about plan crimes. - Lack of planned lands - Gaps in laws, legal arrangements. - Individual ethic cognition - There isn't any ethic course in city and urban planning departments of universities. - Institutionalization problems in planning profession. - Economical conditions - Political factors.

Mechanisms to reduce ethical problems

Mayors, Deputy Mayors, Council Members and Chief Executives	Academicians
	- Changing current planning system fundamentally
	- Effectively working of a ethical inspection mechanism.
	- Increasing number of planning professions working on ethics
	- To provide information about description of ethical problems and becoming conscious in planning education process.
	- To regulate disincentive and penal sanctions –to identified legal and administrative responsiveness, clearly.
	- To provide authority and opportunity for planners to aside interventions.
	- To establish / set up a mechanism/organization that focus on planning.
	- Informed public about planning ethics by public administration institutions and media continuously.
	- To set up a mechanism to prevent direct connections between planners and planning actors.
	- To identified planning procedures and applications clearly/transparently.
	- Sophisticated surveys on place and time to remove uncertainties in plan decisions.
	- To improve a inspector mechanism
	- To increase participation in planning process
	- Set up connections between local governments and universities.
	- To eliminate authority complexity in planning and set up connections among different organizations.
	- Do an arrangement to increase number of planners in city councils.
	- To adopt a participatory and strategic planning approach
	- To minimize pressures of political parties on local government
	- To examine political parties programs according to ethic dimension
	- To educate about ethics from primary schools to universities and to associate ethic and right, inequity and social life concepts.
	- To operate a professional audit/control mechanism
	- To audit/control a mechanism that attach to CCP efficiently
	- To set up an "ethic council" as a control mechanism like conservations councils or esthetical council.

What can be done by planning institutions to reduce ethical problems in planning practice?

Mayors, Deputy Mayors, Council Members, and Chief Executives	Academicians
- Providing public participation - Courses on ethics in primary education - Law sanctions - Effective control - Independents control mechanism	- To set up coordination between different organizations - To employ perfect representatives from different organizations as an advisor in planning process. - To increase experts working on ethics and employ them in local government. - Set up a inclusive education program on ethics - To make a flexible plans to answer social demands. - To minimize number of special purpose plans and to organize present planning process - To set up a legal base that public officials ethic council and CCP part of it. - Public exposure to the immoral activities of people
	Courses about planning ethics
	- - There is only one ethics course: "Urban planning ethic" in Selçuk University, Konya, Department of CIRP. - - Giving an ethic course is not solving ethical problems. Ethic courses should beginning from primary school. - - Ethic issues should emphasize in all courses and projects.
	Adequacy of academicians in Turkey studying on ethical courses
	- - It is certainly inadequate (95% of the respondents agree with) - - It's not an expert deficit; the problem is about sharing ethical studies, applications, recommendations, and results.

CONFLICT OF INTEREST

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Conflict of Interest in Turkish Public Administration

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Introduction

Conflict of interest has existed in public service is as old as public administration. Whereas in many societies in the past it had been assumed that elected or non-elected public officials would take advantage of public office to promote their own personal interests in modern societies they should be expected to act exclusively in the interests of the state. As societies democratized and their governments became accountable to their publics citizens ask public officials to "discharge their duties in the public interest and with fairness and impartiality" (Seger, 2008, 40). Clean politics in democratic countries is subject to the effective and productive operation of democratic institutions as well as sustainable trust and guiding principles in government, namely openness, transparency and accountability (Shah, 2007; Przeworski et al., 1999, and Stapenhurst et al., 1999). Contrary to the countries where democratic control is high "transparency" in public service and clear separation between "public" and "private" objectives are major problems in several democratizing countries due to corruption and abuse of power in their past (Lankester, 2007).

The aim of this study is twofold: first, to describe the awareness of Turkish public officials about conflict of interest, and second, to underline the shortcomings of Turkish legislation with special reference to ethical infrastructure. In this context, the report is based on two major dimensions: first, a textual analysis of the legal framework of conflict of interest in Turkey, and second, an analysis of the findings of in-depth interviews with Turkish public officials conducted within the scope of this project. It is expected that the discussions of this report will also shed light on public service ethics in Turkey in general. In this context, the report can provide an overview of the expressed core values, infringements and expectations in relation to ethical standards. The report will begin with a conceptual framework and a brief comparative analysis of legislation and enforcement mechanisms for conflict of interest, followed by a thorough analysis of legal framework of conflict of interest related issues in Turkey. The final part of the report evaluates the findings of interviews and includes a brief conclusion on the recommendations.

Conceptual Framework

Public interest, fair treatment and accountability are the major principles of the appointed and elected officials in office. Pursuing private interest in a public office such as self-dealing, outside employment, and bribe from friends or lobbying for private interest in the policy-making process or exercising influence on justice for private or political purposes undermine public interest. Finally, conflicts of interest undermine trust. They make the public lose faith in the integrity of governmental decision-making processes. These end up with corruption and erosion of democratic governance.

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Corruption in terms of "bribery, extortion, clientelism, kleptocracy, nepotism and corruption networks" has been studied as a criminological problem with economic, legal, political and sociological consequences (Peele and Kaye, 2006, 3). Conflict of interest studies decribes the phenomenon as a "public administration, political and legal problem." Although there is no clear separation between conflict of interest and corruption conflict of interest and corruption are different things.

> In reality, conflict of interest is properly understood as a situation, not an action, and it is clear that a public official may find him or herself in a conflict of interest situation without actually behaving corruptly (Reed, 2008, 8)

Conflicts of interest … involve a conflict between public duty and private interests, whereby …a private interest which could improperly influence the public interest, activities and decisions.

> For example, a public official involved in making a decision in which he/she has a private-capacity interest may act fairly and according to the law, and consequently there is no corruption involved. Another public official could take a bribe (corruption) for making a decision he/she would have made anyway, without any conflict of interest being involved in his/her action (OECD-SIGMA, 2007b: 6).

In this context conflict of interest is not necessarily corruption or fraud. However, it constitutes an "abuse of public office for private advantage" and may hold a potential for unfair behaviour.

A conflict of interest is generally described "as a situation in which someone in a position of trust, including politicians has competing professional or personal. interests" (COE Parliamentary Assembly, 2007). According to Article 13 of Council of Europe's Committee of Ministers Recommendation No. 2000 (10):

1. Conflict of interest arises from a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties.

2. The public official's private interest includes any advantage to himself or herself, to his or her family, close relatives, friends and persons or organisations with whom he or she has or has had business or political relations. It includes also any liability, whether financial or civil, relating thereto.

3. Since the public official is usually the only person who knows whether he or she is in that situation, the public official has a personal responsibility to:

   - be alert to any actual or potential conflict of interest;
   - take steps to avoid such conflict;
   - disclose to his or her supervisor any such conflict as soon as he or she becomes aware of it;
   - comply with any final decision to withdraw from the situation or to divest

More specifically, in the context of public service, a conflict of interest "involves a conflict between the public duty and the private interest of a public official, in which the public official's private-capacity interest could improperly influence the performance of his/her duties and responsibilities" (OECD, 2003: 24). This common definition of conflict of interest has three dimensions. First, there is a private or personal interest (tangible or intangible). Second, the private interest of the public official comes into conflict with his/her official duty. Third, conflict of interest interferes with professional principles. Although there is a strong relationship between conflict of interest and corruption, the former is not the same as corruption. However, an improper influence of the public official due to his/her private interest may result in corruption anyway. Essentially, in a conflict of interest situation, the private interest of the public official can or could influence the objective and impartial performance of his/her official duties.

Types and Categories of Conflict of Interest

Conflicts of interest generally fall into two categories: *pecuniary* and *non-pecuniary* interests. (ICAC, 1996; see also OECD, 2003)

Pecuniary interests involve an actual or potential financial gain. They may result from a staff member, or a member of his or her family, owning property, holding shares or a position in a company bidding for government work, accepting gifts or hospitality, or receiving an income from a second job. Money does not have to change hands - the benefit could be an increase in the value of a property because of a favourable rezoning decision, or the selection of a particular tenderer for a contract.

For example, if a person with an application before council makes a donation to a company in which a councillor is a partner, there is a potential conflict of interest because the councillor might be influenced by the donation when considering the application. There is a risk that the councillor's personal interest in the company could conflict with his or her public duty to assess the application on its merits.

Non-pecuniary interests do not have a financial component. They may arise from personal or family relationships, or involvement in sporting, social or cultural activities. The most obvious example of this is family interest – for example, the recruitment officer may have an interest in influencing hiring procedures to secure a position for his brother or cousin, without ever benefiting financially.

For example, if a municipal city planner, with a child at the local preschool, draws plans on a voluntary basis for some extensions to the preschool, she has a personal interest in the plans being approved and this could influence the impartial assessment of the application by her.

Similarly, if a government organisation that gives grants to sporting organisations has a senior staff member whose daughter is a star player in a sport club, which is applying for funds, the staff member has, or could be perceived to have, a personal interest in the outcome of the grant application.

Moreover, there are also other interests which are not directly personal yet may be subject to conflict of interest. With the idea of reelection in mind, elected officials generally pursue the interests of their constituents and/ of their party, and attempt to influence the relevant administrative process which is usually against the public interest.

IDENTIFYING TYPES OF CONFLICTS OF INTEREST

Actual conflict of interest	Perceived conflict of interest	Potential conflict of interest
A public official is in a position to be influenced by their private interests when doing their job.	A public official is in a position to appear to be influenced by their private interests when doing their job.	A public official is in a position where they may be influenced in the future by their private interests when doing their job.

Source: ICAC, Managing Conflict of Interest in the Public Sector, November 2004.

In general, a public official finds himself in such situations that may or may not allow the interest that conflicts with the public interest wrongly affect his actions. However, every public official may naturally have a personal interest or interest of his/her relatives/friends inevitably. Sometimes these interests may conflict with the decisions they make, or the actions they take in public service. Such conflicts are not the essence of the subject matter but how to act in such situation is essentially important.

 Kernaghan and Langford (1990, see also OECD, 2003; Yüksel, 2005 and Ombudsman of Victoria, 2008) have identified eight categories of conflict of interest:

1. Self-dealing refers to a situation where one takes an action in an official capacity which involves dealing with oneself in a private capacity and which confers a benefit on oneself.

2. Accepting benefits describes that public employees should not solicit nor, unless duly authorized, accept transfers of economic value from persons with whom they have contact in their official capacity." Such benefits range from token gifts to significant "transfers" prohibited by the criminal code.

3. Influence peddling is "the practice of soliciting some form of benefit... in exchange for the exercise of one's official authority or influence on their behalf". According to Kernaghan and Langford, the key component is the "soliciting of benefit."

4. Using government property may involve using government telephones for personal use or the archetypal "taking pencils home" from the office. In more serious iterations, it might involve significant private use of government vehicles, aircraft, computers, etc. Kernaghan and Langford conclude that "the important point here is that government property not be used for private gain". They add that, as with benefits, the administratively convenient solution is to ban all such uses.

5. Using confidential information means that a public official disclose to others, or use to further their personal interest, confidential information acquired by them in the

course of their official duties. A specific example of this is "insider information" which means the use of information that is gained in the execution of a public official's office and is not available to the general public to further or seek to further the member's private interest. As Kernaghan and Langford have argued, "the offence lies in using (insider) information... for private gain."

6. Outside employment may include a public official to engagement in, solicit, negotiate for, or promise to accept private employment, or render services for private interests or

conduct a private business when such employment, service or business creates a conflict with or impairs the proper discharge of their official duties.

7. Post-employment is one of the newest areas of conflict of interest. It implies that public officials can not act after they leave public office, in such a manner as to take improper advantage of their previous office. This is the problems of "capture" of government officials, particularly in areas of regulation. When "future employment" in such situations emerges, public interest in such examples rises, and public confidence in prior administrative decisions and fairness by such officials is potentially undermined. Kernaghan and Langford argue that "How can an appropriate balance be struck between the right of public servants to move between public and private sector employment and the need to prevent abuse of confidential information and preserve public trust in the integrity of public officials?"

8. Personal conduct is the question was whether "public servants (are) entitled to the same privacy as other citizens." According to Kernaghan and Langford there are two key circumstances where personal conduct may create a conflict situation: (a) when a public servant's conduct makes him or her vulnerable to pressure to use his or her public office improperly" (as with drug addiction); and (b) "when a public servant's conduct brings significant discredit to the government or to a particular department and thereby undermines public trust in public officials." (Kernaghan and Langford, 1990: 152) They underlined that "each case of questionable or improper personal conduct involving public servants needs to be carefully considered on its merits.

Conflict of interest has three dimensions in curbing corruption: impartiality, equity, and openness in public policy making process (Doig, 2008, 119). A comprehensive anti-corruption strategy must include conflict of interest rules including a structural framework, prevention measures, detection and investigation bodies and procedures, and the penal system (Mendieta, 2008, 113). Therefore, regulating conflict of interest may help preventing and combating corruption. It may also help building public sector integrity and promotion of democracy.

Examples of Potential Conflicts Of Interest

1. Tendering and Purchasing
An organisation has advertised for a firm to supply and fit office equipment. A member of the panel assessing the tenders has shares in one of the firms which have submitted a bid.
This may affect, or it may reasonably be suspected that it could affect, his or her ability to make an unbiased decision.

2. Staff Recruitment
A member of a selection panel has a close relationship with one of the applicants for the job. This conflict of interest could bias, or could reasonably be expected to bias, the decision of the panel.

3. Secondary employment
Two police officers have second jobs as bouncers at a nightclub. Local residents have complained to the police several times about noise levels at the club and problems with drunks and underage drinking, but no action appears to have been taken.
The impartiality of the police officers has been compromised as it may be perceived that they are using their influence to make sure the club is not investigated.

4. Dealing with former public officials
A senior employee of a government department awarded a particular firm several valuable contracts. Shortly after awarding the contracts, he resigned from his job and went to work for the firm.
It could appear that the offer of employment was a personal benefit, in return for favours given. Other competitors might be disadvantaged if staff at the agency were influenced by their previous colleague and continued to award contracts to his firm. This situation must be carefully managed to ensure favouritism or the perception of favouritism does not occur.

5. Gifts, benefits and hospitality
A regular supplier offered the purchasing officer of a government department a free weekend for two at a beach resort. The officer's impartiality when dealing with the supplier could be compromised if she accepted the offer.

6. Local Government Planning Approvals
A senior council planner often had to advise applicants on how to make their development applications comply with council's codes. He suggested to some applicants that they should use the services of a local architectural firm where his brother worked. Although the necessary work was mainly done by staff at the firm, the planner was sometimes paid to prepare the drawings himself.
The planner's job was to act in the public interest and to provide impartial advice about council's policies. By recommending his brother's firm, he put the private interests of his brother and himself before his public duty.
A similar conflict can occur when councils have a dual role as developer and regulator. Councils that decide to develop a piece of land they own may make decisions in their own commercial interest and unfairly disadvantage other developers. It may be difficult for councils to be impartial when they effectively have to assess their own applications.

7. Licensing
A health inspector is friendly with the owner of a local butcher's shop and often gets given extra meat with his family's order. As part of his job, the inspector has to inspect the butcher's shop to check it complies with health regulations.
The personal relationship between the butcher and the inspector, and his acceptance of free meat, could reasonably be expected to influence his assessment of the health standards in the shop.

8. Elected officials
Many councillors have business and professional interests in the local government area they represent. Conflicts can arise if their public positions allow them access to information and opportunities that could be used to advance their personal and business interests.
For example, a councillor may be tempted to influence an application to set up a new business in the town if his own business could lose custom as a result
Source: (ICAC Practical Guide, 1996. http://www.icac.nsw.gov.au/files/html/pub2_27cp.htm

Types and Instruments of Regulating Conflict of Interest

More and more OECD countries enact conflict-of-interest laws or codes of conduct to set standards for identifying, preventing and managing potentially conflicting situations (OECD, 2003). There are basically three categories of conflict of interest regimes worldwide: *restrictive approach*, *moderate approach* and *soft approach* with special reference to extent of regulation, obligation and mechanisms (Demmke et al., 2007: 132). Although very few numbers of democratic countries have adopted general conflict of interest laws which apply to all institutions, there are some universal standards regulated within the scope of conflict of interests: (Demmke et al., 2007, 28)

- A body of rules, codes, standards and principles. Mostly these instruments enumerate a number of prohibitions and restrictions (e.g. not receiving gifts of over 250 euros).
- Disclosure policies and registers of interests that require the HPO to register potential conflicts of interests and other interests. Here, differences exist as to transparency requirements, the level of detail of reporting obligations and specific obligations (e.g. whether spouse's activities should be registered or not) etc.
- Monitoring and enforcement mechanisms. Here important differences exist regarding powers and resources of ethics committees and ethics commissions which have the task to advise on ethical questions and/or to monitor and control the development of conflicts of interests within their organisations. Also important differences exist as to (criminal and administrative) sanctions in cases of ethical misconduct.
- Training and education requirements

Due to the range and nature of potential conflict of interest situations in public service it is not possible to simply prevent or prohibit all conflicts of interest. Keeping the above mentioned types of conflict of interest (pecuniary/non-pecuniary and actual, perceived and potential) in mind a practical regulation of conflict of interest may have the following objectives (Reed, 2008, 10. See also OECD, 2003: 70):

1. To prevent conflict of interest situations arising, to the extent that this is possible and practical
2. To establish rules that address conflict of interest situations where they do arise.
3. To provide guidance to public officials and enable them to protect themselves more easily.

On the other hand, from the perspective of public it is argued that such regulations also (Demmke et al., 2007, 32):

1. Increase public confidence in the government.
2. Demonstrate the high level of integrity of the vast majority of Government Officials
3. Deter conflicts of interest from arising because official activities would be subject to public scrutiny

4. Deter persons whose personal finances would not bear up to public scrutiny from entering public service, and

5. Better enable the public to judge the performance of public officials in the light of their outside financial interests

Then, the first major questions arises: who will become the subject of these regulations? These rules should apply to all public officials, elected or appointed, in executive branch, including the members of the government. However, different types of public officials need to be regulated differently (Lankester, 2007 and Reed, 2008). An effective conflict of interest regulation should carefully tackle with two factors: "overlapping membership" and "improper use of confidential information by insiders" (Demmke et al. 2007, 29).

Some of the institutional mechanisms for preventing conflict of interest in the case of appointed public officials (public/civil servants)[4]. may be applicable to elected officials but not all. There are several differences between appointed and elected public officials. Whereas civil servants are "permenant, professional and full-time" officials, the elected officials are "temporary, non-professional and part-time." Whereas civil servants are "accountable only to the institution for which they work and its rules" the elected officials are directly accountable to the public through elections and other means and ways of legislative control. Whereas civil servants can only participate in specific discussion relevant to their office or duty the elected officials are, by definition, part of various public debates or decision-making process.

However, the effect of democratic accountability mechanisms may be less especially where voters have been bribed by politicians to keep them in power. "Adequate checks and balances to prevent corruption are needed in all democracies, but in resource-rich democracies.." where there is… "a strong temptation for politicians to embezzle public funds in order to indulge in political patronage" (Lankester, 2007, 4).

It is also argued that (Reed, 2008, 10-11):

"… the temporary and wide-ranging role of elected officials necessitates that they are regulated *less strictly* than professional civil servants, with primary emphasis on duties to disclose interests, less emphasis on exclusion from decision-making and even less emphasis on prohibitions on external activities and interests.

Second methodological question is how to develop a regulation for conflict of interest? Among other reasons, especially for its effective implementation, codes of conduct and other ethical rules need to be owned and internalised by those who are subject to them. Considering some country experinces such as USA, it is reccomended that instead of a "top-down" approach a viable legal document of conflict of interest should be adopted by consultation with the public officials (Reed, 2008, 11).

Finally, there are several institutional mechanisms to prevent pursuing self-interest in public service. The list of such mechanisms may include a merit system for appointment and promotion, adequate salary, leadership, effective legislative control, effective civil

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4 These concepts will be used interchangably throughout this study.

societal control, freedom of information act and an independent press (Lankester, 2007, 3). However, without "clear rules for handling specific conflicts of interest (for example, "declaring an interest" when dealing with issues in which the official has a personal interest) and to ensure ethical behaviour in general (for example, competitive tendering for contracts), it will not be easy to achive of the objective mentioned above.

These provisions can be regulated and implemented by general legislation for civil service or more specific legislation such as conflict of interest law. However, besides it is an obligation under Article 8.5 of the United Nations Convention against Corruption a code of ethics or code of conduct is essential for several other reasons (Reed, 2008, 12). Code of Conduct as a part of an official's "contractual obligation" first can be designed in accordance with individual needs of an institution. Second, a code may facilitate internalization of public service values. In addition,

> "...modern conflicts of interest systems are no longer based purely on law,
>
> compliance and penalising wrongdoing. In fact, they are oriented towards preventing CoI from happening and encouraging proper behaviour through guidance and orientation measures, such as training and the introduction of codes of conduct" (Demmke et al, 2007, 43).

Generally, ethic rules prescribe four approaches to avoiding or mitigating ethical conflicts, whether actual or potential: (1) avoidance, (2) disclosure, (3) divestment or resignation, or (4) recusal. The main issues regulators encounter regarding ethics can be grouped into three broad categories: (1) acceptance of gifts; (2) personal and financial conflicts of interest; and (3) post-employment prospects.

These types of regulations first set "prohibitions on the performance of certain functions, and/or the holding of certain positions or certain interests by public officials." Secondly, they require "public officials to declare interests they have, either generally or in specific cases" and finally ask them to exclude themselves "from participation in decision-making processes or matters where they are subject to a conflict of interest" (Reed, 2008, 11-12).

Prohibitions and incompatible activities

In order to prevent possible conflict of interest situations, prohibitions on concurrent positions, duties and interest in addition to a public servant's official duty are very essential. These may include a brief list of measures in summary form (Reed, 2008, 13): overlapping positions in different branches of government, employment or holding a position in or contractual relation (e.g. consulting) with private sector, having shares (absolute or over certain percentage) in private legal entities partially or fully owned by the state or do business with the state, signing a contract with the government or the government agency where the official work, temporary leave from public office to work in a private legal entity which the official's government office does business with or exercises regulatory power over.

It should be taken into account that if salaries of public officials are not satisfactory for maintaining a standard of living outside income sources cannot be prohibited unless that interest may have a conflict with public official's official duty (ibid.)

Due to the limited period of duty with no reelection guarantee, an elected official may continue to pursue interest outside the office. However, an elected official cannot have an overlapping membership in different branches of government, hold a position or have an interest in a private company which may have a contract with the government or hold a position or interest which prevent the elected official to fulfill the official's duty (Reed, 2008, 14).

Declaration of Interests

There is a distinction between asset declaration and declaration of interest. Whereas interest does not provide any concrete benefit, asset refers to ownership or direct benefit. Although they do make general declaration of their assets and income regularly, declaration of interest can be made on ad hoc basis. As private interests could affect the impartiality of civil servants in their discharge of duties, declaration of private interests has been made a requirement for civil servants in several countries (Liu and Kwan, 200). Apart from declaring their own interests, civil servants may also be required to disclose those of their family members. This is a listing of public officials' relevant personal interests and possibly those interests of individuals closely related to the employee where the interests may cause a conflict of interest. These may be either "general declarations of personal interests, usually recorded in a register of interests" or "case-by-case declarations by members of any interest they may have in a matter that is before the legislature or one of its committees of which they are a member" (Reed, 2008, 14).

Declaration of interest provides transparency by means of which detection of conflic of interest situations and exclusion of public official from decision-making process can be possible. Declaring an actual or potential conflict of interest is essential to avoide any such perception that public official is acting in his self-interest "– e.g. making a declaration of personal assets on taking office, establishing "blind trusts" that are managed by an independent trustee, and "declaring an interest" and asking another minister or official to provide the advice or take the decision when there is a clear conflict of interest" (Lankaster, 2007, 5).

For practical reasons, the scope of declaration of interest should cover only those who have important decision-making powers, such as department heads. It is equally important to define the value or size of particular kinds of interest over which they must be declared

(Reed, 2008, 15).

Declaration of interest is more important for elected officials simply beacuse of the nature of their functions and must be regulated separately.

The major question here is the extent to which declarations of interests should be public. In other words, how to balance transparency and right to privacy is a delicate matter.

In this respect, there are two important points to be formulated carefully (Reed, 2008, 17). First, "the higher the office held by the official and the greater are his/her decision-making authority, the stronger is the argument for public disclosure." Second, the content of declaration can be divided into two as "public" and "non-public" parts

Exclusion from decision-making process (Recusal)

The main outcome of declaration of interest is the exclusion of a public official from decision-making process. However, this may happen in two ways. Following the declaration of interest either the superior disqualifies the public official from participatione (exclusion) or public official himself resigns from participation (self-exclusion). The important point is that public official must make the declaration to the appropriate superior and the superior should take proper action.

In the case of an elected official self-exclusion from participation, debate or voting with or without declaration varies from country to country. Since an elected official is accountable to the voters it may be sufficient to make a declaration of interest. However, whether the voters are informed about the interest of public official in details is a major issue. It is also important that popular accountability of an elected official is simply determined by electoral system. These provisions should also apply to the members of the cabinet appropriately.

Enforcement Mechanism and Sanctions

Both codes and other types of regulations on ethical behavior including avoiding conflict of interest have at least an educational effect on the people as well as target groups. Although it is argued that ethics codes or codes of conduct ought to be self implementing such regulations without an effective institutional structure and support from the top leaders shall be futile. Similarly enforcement mechanisms and sanctions complement an effecive ethical regime.

Institutional Structure

Implementation and supervision of ethical conduct in public offices can be carried out

The US Office of Government Ethics (OGE), a small agency within the executive branch, was established by the Ethics in Government Act of 1978. Originally part of the Office of Personnel Management, OGE became a separate agency on October 1, 1989 as part of the Office of Government Ethics Reauthorization Act of 1988. The Office of Government Ethics exercises leadership in the executive branch to prevent conflicts of interest on the part of Government employees, and to resolve those conflicts of interest that do occur. In partnership with executive branch agencies and departments, OGE fosters high ethical standards for employees and strengthens the public's confidence that the Government's business is conducted with impartiality and integrity.

OGE is headed by a Director who is appointed to a five-year term by the President. In addition to the Office of the Director, OGE is divided into five Offices that work in concert to carry out OGE's mission. There are five offices in the OGE dealing with several other functions. For instance, The Office of General Counsel and Legal Policy (OGC & LP) is responsible for establishing and maintaining a uniform legal framework of Government ethics for executive branch employees. The Office of Agency Programs (OAP) is responsible for monitoring and providing services to Federal executive branch agency ethics programs.

Because the integrity of decisionmaking is fundamental to every Government program, the head of each agency has primary responsibility for the day-to-day administration of the "ethics in Government" program. Each agency head selects an individual employee of that agency to serve as the agency's Designated Agency Ethics Official (DAEO). It is these individuals and the additional staff of each agency tasked with supporting an agency's ethics program (collectively known as the executive branch "ethics community") with whom OGE primarily deals and to whom we communicate policy and regulatory changes.

Source: http://www.usoge.gov/

by superiors such as department/unit head or supervisors. However, it is more effective to assign a full-time ethics officer to implement the ethics framework properly with the following aims: (Reed, 2008, 21)

- Dealing with complaints about violations of ethical standards/code of conduct.

- Providing training to supervisors within the institution and to ordinary officials.

- Providing guidance on request and in response to questions about conflicts of interest or other ethical issues.

- Coordinating the other elements of an ethics framework, which go beyond only addressing conflict of interest

In this respect, a central organizaton with sufficient capacity such as a commission/committee can be established to be responsible for tasks such as processing the general declarations of civil servants, dealing with appeals on decisions against civil servants and providing guidance to training to agency ethics officers.

Institutional instruments for conflicts of interest vary from country to country. In most of the countries detection and investigation are carried out through the internal hierarchy of public institutions. There are few independent bodies such as the Latvian Corruption Prevention and Combating Bureau, the Constitutional Court in Portugal and the Committee on Standards in Public Life in UK (OECD-SIGMA, 2007b:15-16).

There are several forms of enforcement agencies as follows (Gilman, 2005):

1. The Independent Commissions Against Corruption: : In Hong Kong, Korea, New South Wales of Australia, as the fourth branch of government these institutions are entitled to oversight the other branches of government namely the executive, legislative and

The Public Service Commissioner occupies an important central role within the Australian Public Service (APS) promoting the APS Values, evaluating performance and compliance, and helping to build the capability of the Service.

The Public Service Commissioner has both statutory powers (under the Public Service Act 1999) and policy responsibilities... reports annually to Parliament on the state of the Service, including an evaluation of the extent to which agencies have incorporated the APS Values and the adequacy of their systems and procedures for ensuring compliance with the Code of Conduct.

The Public Service Commissioner also:

- *endorses the process relating to the selection for employment of SES staff*
- *implements machinery of government changes*
- *conducts inquiries, evaluations and reviews of people*
- *investigates reported breaches of the Code of Conduct management practices (whistleblowing disclosures) by public servants*
- *reports to the Public Service Minister on any matter relating to the APS.*
- *promoting and upholding the merit principle*
- *developing people management policies and practices in recruitment, selection, mobility, conduct, performance, redeployment and retirement*
- *facilitating continuous improvement in people management throughout the APS*
- *fostering leadership in the APS*
- *coordinating and supporting APS-wide training and career development opportunities in the APS*
- *participating in APS agency head and statutory office holder selection processes*
- *promoting and reporting on workplace diversity in the APS, including Indigenous employment.*

APS employees are required, under the Code of Conduct, to behave at all times in a way which upholds the APS Values

Ethics Advisory Service

The Ethics Advisory Service is available to all APS employees who want advice on ethical issues in the workplace and on how to make sound decisions around these issues. We provide guidance on how to apply the APS Values and Code of Conduct and strategies and techniques for ethical decision-making in the APS.

Source: http://www.apsc.gov.au/

judicial and require "especially companies that do business with the government, to have strong ethics codes.

2. Institutions in British Commonwealth Countries: These institutions prioritize the values rather than rules. Best examples are the Committee for Standards in Public Life (Great Britain), the Treasury Board and the Office of Ethics Commissioner (Canada) and the State Services Commission (New Zealand). In Canada there is also.

3. The U.S. Office of Government Ethics: Distinct separation from the enforcement function, this institution is basically responsible for establishing and maintaining a uniform legal framework of Government ethics for executive branch employees and responsible for monitoring and providing services to Federal executive branch agency ethics programs.

4. A slightly different design is the new French Service Central de Prevention de la Corruption.

Its terms of reference are incredibly broad yet administratively it operates with only a very small number of administrators who are on detail from other agencies. Its mandate not only includes the public service, but trade activities from plumbing to electrical, sports and even pharmaceuticals.

In France, three Ethics Commissions **(**Commissions de Déontologie) were set up in 1995, one commission for each public service (central, territorial and public health). These three commissions have recently merged in one commission following the provisions of the 6 February 2007 Act on M*odernisation de la fonction publique*. The commission is chaired by a member of the Council of State (*Conseil d'Etat*), with a member from the Court of Audit, as well as three other qualified persons sitting on the board. Members are appointed by decree for a renewable period of three years. The administration is not obliged to follow the commission's opinion on the appointment of a former public official in a private company (Soccoja, 2007:4-5).

Public prosecutors carry out criminal investigation. All of the countries carry out administrative investigation, which is usually ensured by the body/authority in charge of detection.

The Committee on Standards in Public Life

On 25 October 1994, Prime Minister, the Rt Hon John Major MP, announced the setting up of the Committee on Standards in Public Life with the following terms of reference:

'To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.'

'For these purposes, public office should include: Ministers, civil servants and advisers; Members of Parliament and UK Members of the European Parliament; Members and senior officers of all non-departmental public bodies and of national health service bodies; non-ministerial office holders; members and other senior officers of other bodies discharging publicly-funded functions; and elected members and senior officers of local authorities'.

On 12 November 1997 the terms of reference were extended by the Prime Minister, the Rt Hon Tony Blair MP: 'To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements'.

The Committee on Standards in Public Life has been constituted as a standing body with its members appointed for up to three years. Sir Alistair Graham succeeded Sir Nigel Wicks as Chair on 26 April 2004. Sir Nigel succeeded Lord Neill as Chairman on 1 March 2001 and Lord Neill succeeded Lord Nolan, the Committee's first Chairman, on 10 November 1997.History of the Commissioner's Role

The role of the Commissioner for Public Appointments was created by the Public Appointments Order in Council 1995 on 23 November 1995. This followed the First Report of the Committee on Standards in Public Life ["Standards in Public Life" – CM 2850-1) under the chairmanship of Lord Nolan ("the Nolan Committee").

Source: http://www.public-standards.gov.uk/index.html

Civil Service Commissioners

The Nolan Committee was required to examine then current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and to make recommendations as to any changes in the then present arrangements which might be required to ensure the highest standards of propriety in public life. The Nolan Committee noted a number of concerns about so called "quangos" – quasi autonomous non governmental organisations. The Nolan Committee recommended (among other things) that there should be an independent Public Appointments Commissioner in order to monitor, regulate and approve departmental appointments procedures. The Commissioner was to publish an Annual Report on the operation of the public appointments system and draw up a Code of Practice for public appointments procedures.

…

What the Commissioner does

The Civil Service Code sets out the framework within which all civil servants work, and the core values and standards they are expected to uphold. It was first introduced in 1996, and forms part of the terms and conditions of employment of every civil servant. A new Civil Service Code was issued on 6 June 2006.Civil Service Commissioners (appointed by the Prime Minister) to audit recruitment by individual ministries to make sure they comply with the principle of selection and promotion on merit and fair and open competition;

The Commissioner for Public Appointments in England and Wales is:-

- *appointed by the Crown;*
- *independent of government; and*
- *is not a civil servant*

The Commissioner's main functions are set out in The Public Appointments Order in Council 2002, as amended. They are:-

- *Regulating public appointments processes within her remit by:-*

  publishing a Code of Practice on the interpretation and application by those responsible for making such public appointments of the principle of selection on merit;

  issuing such additional guidance in relation to appointments processes as she thinks fit; and

  investigating complaints about appointment processes within her remit.

- *Monitoring compliance with the Code of Practice by:*

independent scrutiny during the appointment process by Independent Public Appointments Assessors;

  by regular audit of appointments processes within her remit;

  by issuing an Annual Report giving detailed information about appointments processes, summaries of the annual audit, complaints made and highlights of the main issues which have arisen during the previous 12 months; and by monitoring the political activity of appointees and reappointees to appointments within her remit. For this purpose "political activity" covers activity already in the public domain on behalf of a political party or candidate within the previous five years.

- *Promoting economy, efficiency, effectiveness and equality of opportunity in the procedures for making such public appointments with the object of maintaining the principle of selection on merit in relation to public appointments within her remit.*

Source: http://www.publicappointmentscommissioner.org/

Sanctions

According to one study (OECD, 2003: 75), consequences of violating conflict of interest principles may vary: *personal* consequences, including disciplinary actions and criminal prosecution and administrative (*management*) consequences, the cancellation of tainted decisions and contracts. It is very important that sanctions must be commensurate with the scale of the violation (Reed, 2008: 22). Enforcement procedures and sanctions reflect the the legal status of the conflict of interest provisions, whether they are legally binding or only contractually binding. In this respect,

> public servants are also obliged to eliminate the cause of the conflict-of-interest situation, for example, by suspending those activities that were carried out without authorisation, or with authorisation but based on inappropriate disclosure. (OECD, 2003,77)

Depending on the seriousness of the violation, disciplinary procedures against public servants may range from warning and reprimand through fines and re-arrangements of duties, to suspension and removal from office: (Ibid.)

- Caution and warning.
- Fine or reprimand.
- Reduction in salary.
- Reassignment of duties.
- Delay in career, transfer of duties.
- Dismissal, termination of employment

Violation of declaration of conflict of interest is subject to disciplinary action or even criminal penalties in countries such as in Austria, France, Ireland, Italy, Korea and Slovakia. It may also result in cancellation of civil service status for any public officer (Hungary) or loss of office for senior officers (Portugal). In addition to the sanctions applicable during the term of office, some sanctions are used after the termination of office, such as the loss of retirement pension. For example, in Germany, a retired civil servant who violated the conflict of interest provisions has to return a maximum 30 percent of his pension (Ibid.).

In countries with a high level of trust in government, for example in Australia, Canada, New Zealand and Sweden, consultation and advice together with information-sharing and awareness-raising methods are applied as a practical prevention measure. Concerning violations in public procurement process, another preventive measure is to cancel the tainted decision and put the company's name in a "black-list" for a specified period (ibid.:78).

Managing Conflicts of Interest: A Comparative Overview of OECD Countries[5]

Increasing societal expectations, public demand for transparency in politics and closer public scrutiny by the media and opposition parties on the one hand, and, the close interaction between the public and private sectors (with more "grey areas" and business-like behaviour of public officials) on the other hand, required effective conflict of interest policies in OECD countries.

Although the majority of OECD countries enact conflict-of-interest policy in laws and regulations, only very few countries have developed a general definition in the law for the term of "*conflict of interest*".

In European countries, conflict of interest is regulated through primary legislation such as laws on public or civil service and public administration. In a few countries, even the Constitution states some principles such as the obligation to serve the public interest. Recently, many OECD countries adopted conflict-of-interest laws or codes of

conduct to set standards for identifying, preventing and managing potentially conflicting situations (ibid.: 45)

There is a shift in approaches and instruments for avoiding conflict of interest. While keeping their rule-based approach some countries like United States has moved from reactive criminal prosecution, to more proactive training, education and counselling programmes (ibid.: 51).

While the rule-based approach (*compliance-based ethics regime*) provides a clear frame of expected standards to which they can be held accountable the absence of general definition in countries with a principle-based approach (*integrity-based ethics regime*) or can be filled by raising the awareness of employees regarding identifying and disclosing conflicting private interests.   For instance, in Australian Public Service, "codes and guidelines together with education programmes raise the awareness of public servants about possible forms of conflicting financial and other personal interests" (ibid.:55-56, see also Demmke et al., 2007: 129-131).

Incompatible financial or political activities and positions with public officials' positions are regulated by countries in different respects. While the countries with strong administrative law traditions have a rigorous list of incompatible activities and situations for public officials most Scandinavian evaluate the cases on an individual basis and on their merits. *Pecuniary interests* such as secondary employment (membership of the management board, supervisory board or audit commission of a company under commercial law, etc.) constitute another major source for incompatibility.

> In Japan, for example, these include the prohibition of political activities for public officials in general, and organising or joining employee organisations by police personnel and personnel working in the Maritime Safety Agency or in penal institutions. Solicitation of political contributions under certain circumstances

5 This section is primarily summarized from OECD, 2003, Part II.

is prohibited for executive branch officials in the United States... In contrast, Norway, for instance, has no formal restriction other than that derived from the separation of powers: the prohibition on a civil servant being elected as a member of the Parliament, for example. Instead, the incompatibility is to be determined in individual cases and on the basis of legal and ethical principles. (ibid.: 67)

In addition to the requirement of disclosing personal interests of public servant and interests of immediate family members is the major instrument some OECD countries request their public officials to provide information on their proposed post-public employment arrangements on leaving public office (ibid.: 70). In this respect, countries like Australia also require the public disclosure of pecuniary interests from elected public officials at sub-national level.

Moreover, considering the close relationship between the private and public sectors some mechanism such as "blind trust" assignments of pecuniary interests are introduced by several OECD countries.

Furthermore, in countries with a high level of trust in public institutions, for example in Australia, Canada, New Zealand and Sweden, consultation and advice are given to public servants (ibid.:78). In this respect, leadership of superiors is the major source of providing a personal example for their subordinates. They play very crucial role in guiding, training, consulting and monitoring in effectively preventing conflict of interest situations.

> While training and distribution of policy documents are the principal measures for awareness raising, managers play a crucial role in creating a working environment with open communication between the employer and employees where the actual difficulties of implementing the conflict-of-interest policy can be openly raised and discussed. In order to develop such an open organisational culture, managers need help through central support mechanisms provided by governments.(ibid.: 80)

Several countries like Germany, Poland and the United States offer induction training for new employees. In service ethics training may focus on "applying the standards of ethical conduct, criminal conflict-of-interest statutes, and public and confidential financial disclosure requirements in day-to-day work." In addition to a variety of training events, the relevant government agencies like the OGE provides several publications on standards of ethical conduct for employees including booklets, pamphlets, audio-visual materials, and *informal advisory letters and memoranda*. In New Zealand, the State Services Commissioner (SSC) provides a resource kit including publics service code of conduct, facilitation guide, and a CD-ROM. In Canada, a guide with general principles and standards as well as specific examples of complying and non-complying conduct was developed to serve as a reference tool for the application of the *Conflict of Interest and Post-Employment Code for the Public Service* (ibid.: 79-80).

In majority of OECD countries, managers and superiors are entitled to provide councelling to subordinates in resolving conflict-of-interest situations. In some other countries (Canada, Denmark, France, Japan, Poland, Switzerland and the United States), a dedicated persons within the organisation (for example, ethics officers, human resource management or

legal staff) as well as external organisations (for example, independent commissions, ethics offices or the trade unions) can also provide advice (ibid.:81,83)

Similarly, monitoring compliance is mainly done by superiors, too. Moreover, central government organisations (for example, civil service departments) and external institutions (civil or public service commissions, auditor generals, inspector-generals, ombudsman and even constitutional courts) can also carry out monitoring the implementation of the conflict-of-interest policy in general. As explained earlier, in Canada, for instance, two different institutions are defined to examine compliance with the policy, namely, the Ethics Counsellor of the Government of Canada for ministers and other public office holders and the Treasury Board Secretariat along with head of departments for public servants (ibid.: 84). Only few countries (Germany, Hungary and the UK) have developed a system of detection by whistleblowers (people who report wrongdoing in the public sector). The other countries under review do not have such a system (OECD-SIGMA, 2007b).

Many countries attempted to inform senior officials in the public service, and the wider public regularly about conflict-of-interest policy in *ad hoc* ministerial statements – for example in Germany, the Netherlands and the United States – and in annual report -the annual report to the Parliament by the Public Service Commissioner in Australia- (Ibid.). For assessing conflict of interest policy, some countries like Canada, Germany, Poland, Spain and the USA, use speical tools and employee feedback mechanism (ibid.: 89).

In many OECD countries a combination of mechanisms – especially those that raise awareness and ensure transparency – is implemented as the most effective in avoiding conflicts of interest.

Summary of Conflicts of Interest Policies for Members of Government in EU Member Countries														
		Relevant Laws												
Countries	Code of Conduct	Constitution	Law	Regulation	Decree-Law	Incompatible Activities	Declaration of Income	Gifts	Missions	Travels	Post-Employment	Professional Confidentiality	Professional loyalty	Impartiality	Enforcement Mechanism
Austria			x	x		x	x	x	x	x	x	x	x	x	x
Belgium	x	x	x				x		x	x	x	x	x	x	
Bulgaria	x		x			x	x	x	x	x	x	x	x	x	
Cyprus (Greek)			x				x	x	x	x		x			
Czech Republic	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
Denmark	x	x	x			x		x	x	x			x		
Estonia	x	x	x				x	x	x	x		x	x	x	x
Greece	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
Germany	x	x	x			x		x	x	x		x	x		
Spain	x	x				x	x	x	x	x	x	x	x	x	x
Finland	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
France	x	x	x			x						x	x	x	
Hungary		x	x			x	x	x	x	x	x	x	x	x	
Ireland	x		x				x	x	x	x	x	x	x	x	x
Italy			x				x				x				
Latvia		x	x			x		x	x	x	x	x	x	x	
Lithuania	x	x	x			x	x	x	x	x	x	x	x	x	x
Luxembourg	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
Malta	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
Netherlands	x		x				x	x	x	x		x		x	
Poland		x	x	x		x	x	x	x	x	x	x	x	x	
Portugal		x	x		x	x	x	x			x	x	x	x	
Romania	x	x	x			x	x	x	x	x		x	x	x	
Sweden	x		x		x	x	x	x	x			x		x	
Slovenia	x		x	x		x	x	x	x	x		x	x	x	
Slovakia	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
United Kingdom	x		x			x	x	x	x	x	x	x	x	x	x
Source: Compiled from Demmke et al., 2008, Annex 3.														

Summary of Conflicts of Interest Policies for Members of Parliament in EU Member Countries

Countries	Code of Conduct	Relevant Laws					Incompatible Activities	Declaration of Income	Gifts	Missions	Travels	Post-Employment	Professional Confidentiality	Professional loyalty	Impartiality	Enforcement Mechanism
		Constitution	Law	Regulation	Act Of Parliament	Rules of Procedures										
Austria			x			x	x	x	x		x		x	x	x	x
Belgium		x			x	x		x		x	x	x	x	x	x	
Bulgaria	x		x		x			x				x	x			
Cyprus (Greek)		x	x			x	x	x				x	x	x	x	
Czech Republic	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
Denmark	x	na	na	na	na	na	x	x	x	x	x			x		
Estonia		x	x					x	x	x	x		x	x	x	
Greece	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
Germany	x	x	x				x	x	x	x	x				x	
Spain		x					x	x					x	x	x	x
Finland	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
France	x	x	x				x	x	x	x	x				x	
Hungary		x	x				x	x	x			x	x			x
Ireland	x		x				x	x	x	x	x	x	x	x	x	x
Italy			x				x	x				x			x	
Latvia	x	x	x			x	x		x	x	x		x	x	x	x
Lithuania	x	x	x			x	x	x	x	x	x		x	x	x	x
Luxembourg	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
Malta	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
Netherlands	x		x			x	x	x	x	x	x		x			
Poland	x	x	x			x	x	x	x					x	x	x
Portugal		x	x				x	x	x	x	x		x	x	x	x
Romania	x		x				x	x						x	x	x
Sweden	x		x		x		x	x	x	x			x		x	
Slovenia			x	x		x	x	x	x	x	x		x	x	x	
Slovakia	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na	na
United Kingdom	x						x	x	x	x	x			x	x	x

Source: Compiled from Demmke et al., 2008, Annex 3.

> The annual updating of formal statements on private interests together with training and consultation are key elements in a system which puts greater reliance on the individual public officials to self-disclose their private interests. On the other hand, in systems which place less reliance on individual integrity arrangements, the updating of legal regulations is the key measure to providing an effective basis for the system.(ibid.: 88-89)

Finally, in many countries, codes of conduct with a" concise focus, flexible nature and straightforward language can be used to both set standards for a whole public sector-wide conflict-of-interest policy and address specific relationships as well as emerging issues in areas such as the interface between the public and private sectors" such as lobbying.

Causes of Ethical Issues in Turkish Public Service

The Turkish-Ottoman state tradition has a long past. During the golden age of the Ottoman state, justice, merit system and prohibition of ill-gotten gains were the major elements of the administration. Having been inherited from the Islamic tradition, the phrase "justice is the basis of governance" is still used in modern Turkish state system. In addition to this, there were several sources referring to morality and good governance in the Ottoman state administration such as *Nasihatname*, *Futuwah*, and *Ahilik*.

However, as a response to erosion in the Ottoman state administration, patrimonial state tradition was transformed into a modern rational-legal bureaucracy during the Tanzimat Era (1839). The principle of rule of law and merit system in bureaucratic appointments were the essential aspects of these reforms in this period. Yet, the essence of the patrimonial state that people were subject to the state did not change. All social and moral codes were defined accordingly.

During the Republican period, a rational-legal bureaucracy was established in line with this heritage basically. Bureaucratic-elitist administrative culture combined with clientilistic and political patronage tendencies dominated in modern Turkish state for a long period. Institutional reform in Turkish public administration continued without any reference to cultural aspects. Therefore, especially after the second half of the 1970s Turkish public administration faced with an intensive and extensive ethical crisis. This was not only a result of global challenges such as the impact of post-industrial society, information society and globalisation but also of structural-functional erosion in the system (Emre, 2000). The post-1980 debureaucratization process further increased the erosion in public sector at large.

It is widely argued that corrupt relations in Turkish public service arise as an organizational issue (Özdemir, 2008). This can be defined as *doing what should not be done* or *not doing what ought to be done*. Therefore, cultural factors are as important as legal-administrative factors in understanding the causes of unethical issues in public service.

Although misconduct of ethical principles including avoding conflict of interest and corruption are not the same things, there is a close relationship between ethics and corruption. According to a recent study, the major causes of corruption public service are as follows (Yüksel, 2005: 85-105):

1. Principle of the state governed by the rule of law is not established in public service;
2. Ethical culture is not established in public service;
3. Bureaucracy;

   a. Centralization and status quo are dominant,
   b. Supervision of local administration is problematic,
   c. Politicians exercise influence on the public administration,
   d. Discretionary authority is exercised arbitrarily,
   e. Quality of public service is under question,
   f. Quality of bureaucratic services is under question,
   g. Lack of commitment in public service is widespread,
   h. Red tape.

4. Lack of administrative procedure;
5. Employment issues;
6. Lack of experience;
7. Economic factors;
8. Insufficient education;
9. Ineffective media and civil society;
10. Bureaucratic privileges;
11. Societal structure.

The impact of the "strong state" tradition combined with the domination of central bureaucratic elites has been transformed into "party-centred" bureaucratic structure since 1950s. Political patronage especially led to the erosion of ethical values in bureaucracy. Additionally, political instability and socio-economic policies throughout the 1970s and 1980s eroded the value system in the public administration (Emre, Hazama and Mutlu, 2003; Ömurgönülşen, 2003 and Ömurgönülşen and Öktem, 2005).

Bureaucratic culture in Turkish public service was established on *comunitaranism*, solidarity and inter-group/community harmony. This fact that essentially originates from the lack of trust is a reflection of societal culture. Like an ordinary citizen a civil servant feels secure as a member of a community. Taking a negative attitude towards other groups, s/he avoids taking responsibility at work. Subjectivity, nepotism, and the place and importance of community leaders in the society also influence the general structure of the public service (Emre, Hazama and Mutlu, 2003).

On the one hand, the relationship between the state and the society has been essentially based on "fear" and "suspicion" in harmony with the "control" function of the central state administration since the Ottoman period. Having essentially been rooted from autocratic state structure, decline of trust in the society in general and high distruct in governmental institutions negatively affected by corrupt relations in public sector. It is obvious that

there is a negative correlation between trust and corruption. In order to restate trust in the society in general and trust in governmental institutions in special can be achieved by means of establishing an effective ethical system. On the other hand, the unquestionable quality of the state is considered to be the major obstacle for developing and establishing ethical behavior in the Turkish public service. Therefore, many criminal acts can be considered *proper* with the idea of protecting the interest of the state by means of legal rules (Ömürgönülşen and Öktem, 2005).

Trust in Institutions, Turkey (2002-2008, %)

Institutions	2002	2003	2004	2005	2006	2007	2008
Military	81	82	89	88	NA	84	82
Police	NA	69	69	73	NA	69	64
Religious Institutions	68	NA	77	73	NA	64	NA
Parliament	NA	63	76	72	38	64	47
Justice	67	65	65	69	48	63	60
Government	47	66	80	72	35	63	47
Television	46	NA	47	50	NA	32	25
Radio	NA	NA	50	45	NA	31	28
Trade Union	NA	NA	38	38	NA	28	NA
Press	16	17	34	25	22	23	23
Political Parties	NA	NA	24	38	NA	23	18
Civil Service	NA	18	NA	NA	NA	NA	NA

Source: http://ec.europa.eu/public_opinion/index_en.htm

One of the basic factors leading to unethical behaviour is the inadequate ethical infrastructure, including insufficient ethical standards in public service, non-functional mechanisms of accountability, erosion of the principle of state governed by the rule of law, ineffective ethical culture in public service, centralized and status-quo oriented bureaucratic structure, arbitrary use of discretionary authority, lack of transparency, and lack of training on the subject matter (TÜSİAD, 2005).

Another factor leading to unethical/corrupt behaviour or relations in public service is to preserve one's official position/duty at the expense of anything. This may encourage a public official to act unethically. Moreover, "goodwill" of public officials may also lead to the adoption of unethical attitudes.

Furthermore, a public official may be greedy and may be involved in unethical relations in return of gains. "Turning the corner in a short period of time" has been a motto in Turkish public service recently. Additionally, "friendship" or "helping a friend" (hospitality) at bureaucratic process may also end with using public vehicles, instruments, or resources for the benefit of relatives/friends illegally. Finally, some public officials may act unethically

and contrary to the legislation with the ideas of using their current position or duty for their post-retirement benefits (Özdemir, 2008).

Sometimes, public officials may implement the legislation flexibly with the idea of protecting public interest or the interest of the state. This jeopardizes the principle of state governed by the rule of law. The crystallisation of human relations and individualism further promote corrupt relations. As a consequence, people lose societal values, including universal, religious and humanistic values to give a meaning to their lives (Şarka and Bali, 2008). Therefore, the cultural aspect of unethical attitudes and behaviour is as important as the legal dimensions. According to TI Global Corruption Barometer 2003 survey 76,1 percent of respondents believed that corruption affects the culture and values of Turkish society significantly. "Here is Turkey anything may happen" has become a *motto* in daily life. Despite penal sanctions ignoring, bypassing or bending the rules has become widespread in bureaucracy. A supporting socio-cultural factor is that being a tattletale has a negative meaning in Turkish culture. Being a tattletale, or in the vernacular of the professional environment, a whistle-blower, often results in a negative response from coworkers and even neighbors.

From a societal perspective, a survey result has a striking finding: the significant majority of respondents expressed the view that many people in Turkey are ready to break the public interest for the sake of their personal interest (TESEV, 2001). Giving or receiving bribe is widely considered as a usual practice in public service for one reason or another (TÜSİAD, 2002). In fact, bribery is widespread in many public services such as the police, customs authorities, health services, and even in education. In another study, it is also stated that "rapid urbanization leads to corrosion in the settled social networks and moral and social control mechanisms" (Çelen, 2007). In this process, these networks are weakened and in turn, increase the level corruption and bribe.

Turkey Corruption Perceptions Index (CPI, 0-10)

YEAR	RANK	CPI
2002	64	3.2
2003	77	3.1
2004	77	3.2
2005	65	3.5
2006	60	3.8
2007	64	4.1
2008	58	4.6

Source: http://www.transparency.org/policy_research/surveys_indices/cpi

The Corruption Perception Index (CPI) prepared by Transparency International (TI) is a standardized index covers regulations and practices including conflict of interest, too. Although Turkey's overall score has been improving recently it is still below average in terms of scoring and well behind of some countries which have less democratic experience in ranking.

It is more important that almost all public institutions and private sector in Turkey were perceived of being affected by corruption seriously and most of the scores did not change since 2004. This underlines a need for an effective ethical regime in Turkey. Therefore, initiating a feasible administrative reform and promoting ethical values as well as establishing effective enforcement mechanisms seem to be very vital to reverse such perceptions.

Corruption's impact on different sectors and institutions in Turkey, 2004, 2007

	To what extent do you perceive the following sectors in this country to be affected by corruption? (1: not all corrupt … 5: extremely corrupt)														
	Political parties	Parliament / legislature	Legal system / judiciary	Police	Business / private sector	Tax revenue authorities	Customs	Media	Medical services	Education system	Registry and permit services	Utilities	Military	NGOs	Religious bodies
2004	4,0	3,8	3,9	4,0	4,1	4,2	4,1	3,8	4,1	3,9	3,8	4,1	3,1	3,5	3,3
2007	3,7	3,6	3,8	4,0	4,0	4,1	-	3,7	4,0	4,0	3,9	4,0	3,4	3,7	3,4

Source: http://www.transparency.org/policy_research/surveys_indices/gcb/2004__1 and http://www.transparency.org/policy_research/surveys_indices/gcb/2007

Naturally, how public personel regime is conducted is very explanatory for respect for ethical standards in a given country. All governments always emphasized the need for reform of public personel regime in Turkey however all governments have been accused of "excessive staffing" in the civil service based on patronage and cronyism. Due to political influence on public officials, a newly elected government party makes a massive change in bureaucratic cadres which hinders merit system in public service. Although it is understandable to make such changes in bureaucracy to a proper extent in order to work with senior civil servants in harmony, a government party(ies) exercises a booty system in distributing official positions based on loyalty. Thus, the state's resources are widely used for political ends, which, in turn, results in the perception of "political nepotism" in the process of public service (TBMM, 2003).

Practicing a "fair competition" among candidates in entering public service is the first and foremost didactic experience on how to comply with ethical norms and values at work. Recruitment of the civil servants in Turkey is carried out through a general apptitude examination (Public Personnel Selection Exam, KPSS) run by the Student Selection and Placement Center (ÖSYM) annually. Public institutions require a minimum score received from this examination in addition to general requirements for being a civil servant. They either organize both a written exam covering professional requirments and interview or only interview for final selection of the candidates. However, especially "the interview stage, do not guarantee objectivity and impartiality in the recruitment process (Acar and Emek, 2009 and OECD-SIGMA, 2006). Moreover, there are widespread complaints about

the interviews that they reflect nepotism, cronyism, and patronage (Sigma, 2006a). Besides, discretionary (and discriminatory) decisions of the superiors and politicians override the rules on promotion, motivation, and accountability in public service (Özgür, 2004). There is no correlation between the performance of civil servants and their promotion and pay and "politicians tend to negatively influence decision-making mechanisms and manipulate bureaucratic decisions excessively for obtaining their own narrowly defined interests" (Acar and Emek, 2009).

On the other hand, cycle of money influencing politics is another factor explaining both conflict of interest and corrupt relations in which bureaucrats, politicians and business involve. A businessman (or an individual) who donates the campaign of an individual candidate or a party generally expects a "return" of expenses as a privilege, concession or public contract from the government (or municipal government at local level). This cycle is the most crucial process of emergence of conflict of interest in public service. In this respect, political finance in general and campaign finance of candidates need to be regulated urgently.

It is obvious that media played an important role in publicizing basically political scandals, corrupt and unethical behaviours of public officials in recent Turkish politics. An independent media as well as effective non-governmental organizations is vital in raising public awareness about ethical matters. Newspaper coverage of major dailies in Turkey on the ethical/corrupt cases during the last six years (2002-2008) was assessed by this study. The findings indicate that the number of relevant cases printed in the newspapers on procurement fraud by means of fraudulent, misconduct, conflict of interest and receiving a gift were distributed unevenly by years.

The highest number of newspaper coverage appeared to result from procurement fraud by means of fraudulent varying between 30-35 news annually. Annual sectoral distribution of news is as follows: 12-13 news for energy sector, 7-8 news for public works and settlement, 5-6 news for health sector, 5-6 news for procurement in local administration and 2 news for education.

Misconduct received the second highest coverage in the newspapers. Annual average of this category of news was 15 and distributed by sector as 8-9 for energy sector, 2 for public works and settlement, 2 for education and health and other 2 for other sectors.

Conflict of interest cases found in the newspapers during this period reflects an average of only 4-5 news annually. Two of them are conceptual, other two are about legal and the final one is about a criminal investigation occurred in energy, public works and settlement sector.

Finally, cases on receiving a gift appeared in the newspapers for two different types. First, a politician receiving a gift that was counted only 3-4 times annually. Second, the regulations/circulars issued by the Council of Ethics for Public Servants rarely.

These media coverages reflect the socio-cultural background as well as legal framework and practices. Although the concept of "public interest" has been a conventional phrase,

the term conflict of interest is a "novel" one in Turkish public service as well as in Turkish society. Because of the tradition of receiving and giving "gift" in Turkish society until recently "gift" offered to public officials was not a subject in media. However, "gift" that has a value above reasonable level given to the Turkish statemen by the foreign state elite created a negative public opinion by media exposure. Then both the Turkish statemen and the Council of Ethics for Public Employees initiated a "zero tolerance policy" for gift receiving in public sector. Due to their legal status as a criminal act, both "misconduct" and "fraud in procurement process" frequently occupy a greater space in media and public. In fact, the last three might be an outcome of potential or actual conflict of interest situations which was not disclosed.

In conclusion, a combination of multi-faceted factors - including patron-client relations, giving and receiving gifts, ineffective merit system in public administration, undefined concept of "confidentiality" in public administration, and unequal and unfair wages in public service - cause ethical misconduct as well as corruption, and obscure enforcement of existing legislation effectively. Eventually, this erodes the public trust in institutions, trust between the state and the citizens, between institutions and between citizens in general. High score of corruption perception and intense corruption in public sector can be considered as an important indication for the need of an effective ethics regime in Turkey.

Samples from Newpaper Coverags

His former secretary Alpyürek said that; Erçel instructed her one week prior to the devaluation to convert his TRL account into USD and he responded "stick with the TRL" when she asked "What should I do with my TRL account?"

ANKARA, Milliyet

Ayşenur Alpyürük, former secretary of the former governor of Central Bank of The Republic of Turkey Gazi Erçel who converted his TRL account into USD prior to the devaluation said that she was told to do so.

Erçel had explained to the Corruption Commission last week why he has converted his TRL account into USD saying " It was a total coincidence. My account has matured on the 19th of February, so we have converted it into foreign currency. I have not dealt with it myself. Members of my staff have completed the procedure."

His former secretary Alpyürük who has given her statement in Ankara 11th Court of First Instance, where Gazi Erçel had been tried for up to 4,5 years of imprisonment with allegations of misconduct, said that Erçel had instructed her one week prior to the devaluation to convert his TRL account held with Halkbank that matured on February 19th 2001 into foreign currency.

IT'S ROBBERY, NOT PRIVATIZATION: THE PRIVATIZATION ROBBERY

30/12/2005 Birgün

The Value Assessment Commission has not sufficiently examined the errors in the report of the consultant. Tütün, Tütün Mamulleri, Tuz ve Alkol İşletmeleri (TEKEL). Altough it had been agreed that the current account relationship between the privatized Alkollü İçkiler Sanayi ve Ticaret A.Ş and TEKEL would terminate on 31.10.2003, the relationship has continued after that date and the current account debt of Alkollü İçkiler Sanayi ve Ticaret A.Ş owed to TEKEL and to all its affiliated companies was erased on the date of the acquisition. As a result of this practice, funds were transferred to the acquiring company. Petrol Ofisi A.Ş. (POAŞ). In the sales of 42,3% of shares of POAŞ the assignment of İş Yatırım Menkul Değerler as Chief Domestic Global Coordinator has created a conflict of interest. In the process of commission payment to the stock broker for the sales of 25,8% of shares in August 2002, The Privatization Administration has not used the right for commission return payment and has not applied to SPK in order to decrease the rate of commission. Therefore, the Administration had to pay 20 times as much commission.

FIRST ENTRY TO THE INVENTORY. 20/01/2005 Vatan Haber

The carpet that Erdoğan has had registered to the Prime Ministry Inventory has become the first. It has been found out that non of the former Prime Ministers has had registered the gifts that had been given to them. Prime Minister Erdoğan's returning the neckless and the brooch and having the silk carpet registered to the Prime Ministry Inventory has ignited a new dispute.

Turkish Legal Framework for Conflict of Interest

Although there is no specific legal regulation of "conflict of interest" in Turkey, there are direct or indirect references to this concept in Turkish legislation including the 1982 Constitution. Below, a general framework for the relevant legislation including the principles, prohibitions and sanctions is summarized

> The 1982 Constitution (Article 5) assumes the state to ensure the welfare, peace, and happiness of the individual and society; to strive for the removal of political, social and economic obstacles which restrict the fundamental rights and freedoms of the individual in a manner incompatible with the principles of justice and of the social state governed by the rule of law; and to provide the conditions required for the development of the individual's material and spiritual existence.

Public services that have to be performed by state, state economic enterprises and other public corporate bodies are carried out by public servants and other public employees.[6]

Employment and other provisions of personel regime including salaries and allowances are regulated by law (Article 128).

The current Constitution (Article 129) defines the basic principle for public service that "Pulic servants and other public employees are obliged to carry out their duties with loyalty to the Constitution and the laws."

Similarly, according to Article 6 of the Law No. 657 on Civil Servants of July 14, 1965 public officials have to "remain loyal to the Constitution of the Republic and its laws, and implement in allegiance to the laws of the Republic of Turkey."

In this respect, the Constitution (Article 137) prohibits the execution of an "unlawful order" by a superior in public service:

> A person employed in public services, irrespective of his position or status, when he finds an order given by his superiors to be contrary to the provisions of by-laws, regulations, laws, or the Constitution shall not carry it out, and shall inform the person giving the order of this inconsistency. However, if his superior insists on the order and renews it in writing, his order shall be executed; in this case the person executing the order shall not be held responsible.

> An order which in itself constitutes an offense shall under no circumstances be executed; the person who executes such an order shall not evade responsibility.

A civil servant starts his/her duty by taking an oath to express his/her compliance to these principles in the presence of his/her competent superiors within one month following his/her appointment at the latest, and signs a "Document of Oath" to be kept in his/her employment file.

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6 In Turkish legislation, the titles of functionary, public servant, civil servant, public or state employee, public agent and public official are indiscriminately used to refer to those persons subject to special constitutional obligations or rights in relation to the public functions they are called upon to perform (OECD-SIGMA, 2008). Civil servant or public servant refers to memur while public official or employee is exclusive one. For definition of public official, see also Article 6 and 252 of Penal Code.

Similarly, Article 26 of Law No. 4054 on Protection of Competition also requires the members of the Board of Competition Authority to take an oath before the First Presidential Court of the Supreme Court of Appeal "that during their term of office, they shall carry out the tasks of the Board with full attention and honesty, and they shall not act or allow others to act contrary to the provisions of the Act."

Definition of Conflict of Interest and General Principles

It was the first time the concept of conflict of interest has been incorporated into the Turkish legislation by the adoption of the Regulation on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials on April 15, 2005. This provides provisions for the implementation of ethical principles and also examination of violations of ethical principles in public service. Regulation refers conflict of interest specifically (Article 13):

> Conflict of interest means all sorts of interests, financial or other liabilities and the situation of having such personal interests provided for the public officials, their relatives, friends or the person or organizations they deal with which affect or seem to affect their performance of the duty impartially and objectively.

> Public officials have personal responsibility in the conflict of interest and as they are the ones to personally know the situation in which conflict of interest may rise. They should proceed cautiously in any potential or real conflict of interest, take necessary steps to avoid conflict of interest, notify the situation to their seniors as soon as they realize conflict of interest and keep themselves away from benefits that are in the scope of conflict of interest.

The United Nations Convention against Corruption which was ratified by the Grand National of Turkey on May 18, 2006 regulates that (paragraph five of Article 8 on "*Codes of conduct for public official*")

> Each State Party shall endeavor, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, *inter alia*, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

The principle of "equality" in public service is emphasized by the Constitution (paragraph four of Article 10) that "state organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings and in utilization of all forms of public services."

Cooperation, service orientation, and non-discrimination are important obligations of civil servants, and they can be sanctioned severely if they fail to fulfill them. Moreover civil servants have to express "integrity" in their acts at work and outside the work and their duty abroad (Law No. 657 Article 7 and 8).

In this respect, superiors have also some responsibilities in fulfilling a public duty (Law No. 657 Article 10).

> A superior treats his/her subordinates with fairness and equality, and exercises his/her authority within the principles set by laws, statutes, and regulations.

In order to prevent patronage, a merit-based system is introduced by the Law No. 657 in the entrance to, promotion in and resignation from public service (Article 3).

Similarly, laws establishing various public institutions including independent administrative authorities describe professionalism and merit system as important principles in public service. For example, Article 92 of Law No. 2499 on Capital Market requires that (see also Article 87):

> Professional staff shall be employed in the main service units of the Agency for tasks that require expertise. The qualifications of the personnel to be employed in the main service, advisory and support service units shall be set by the Board upon the proposal of the Chairman. The number of the Agency personnel that have no manager, advisor and professional staff titles shall not exceed thirty percent of the total number of personnel indicated in the tables annexed to the Law.

> The Agency may employ adequate number of experts that have minimum ten years of experience in the sector and have a PhD degree in the relevant disciplines, under service or procuration contracts, provided that the number of such experts shall not exceed ten percent of the number of the Agency's professional staff.

> The Agency personnel may not be temporarily appointed to other public institutions and agencies.

Finally, Regulation on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials which entered into effect on April 13, 2005 provided a concise list of guiding principles of ethical behavior in public service. These principles were formulated in harmony with the new concept of public administration, governance and total quality management.

Regulation on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials, 13 April 2005

Consciousness of public service in performance of a duty

Article 5 – *Constant development, participating, transparency, impartiality, honesty, protecting the public interest, accountability, predictability, fitness in service and confidence in statement should guide public officials in performance of the public services.*

Consciousness of serving the community

Article 6 – *In performance of the public services the public officials should aim at facilitating the daily life of the community, meeting public needs in the fastest and the most active and effective way, increasing the quality of the service, increasing the satisfaction of the community, focusing on the requirement of those benefiting from the service and on the results of services.*

Compliance with the service standards

Article 7- *The managers and other personnel of the public institutions and organizations should perform the public services in accordance with the determined standards and processes, inform those benefiting from the services by giving essential explanatory information about the work and transactions during the service processes.*

Commitment to the Objective and Mission

Article 8 - *Public officials should behave in accordance with the objectives and mission of the institutions and organizations that they work in. They should act in compliance with the interest of the country, the welfare of the society and the service ideals of their institutions.*

Integrity and Impartiality

Article 9 – *In all their actions and transactions public officials should act in accordance with the principles of lawfulness, justice, equity and integrity, they cannot discriminate with reasons such as language, religion, philosophical belief, political belief, race, sex etc. while performing their duty or providing services. They cannot act in a human rights violating or restricting way and cannot behave in a way obstructing the equal opportunity.*

Public officials should use their discretionary authority in accordance with public interest and service requirements away from all sorts of arbitrariness and in compliance with principles of impartiality and equality.

Public officials should not treat the natural and legal persons in a prior or privileged and partial way breaching the principle of equality, should not act in a way aiming at the advantage or disadvantage of any political party, person or group, and should not hinder the policies, resolutions and actions of public authorities which are in compliance with the legislation.

Respectability and confidence

Article 10- *Public officials should behave in a way that will establish confidence for the public administration and they should display with their behaviors that they deserve the confidence and reputation required by the duty. They should avoid behaviors that harm the sense of confidence of the community for the public service, raise doubts and impair the principle of justice.*

Public officials should act in accordance with the requirements of the service having the consciousness that serving the community is above all sorts of personal and private interests, they cannot misbehave to those who benefit from the service, neglect their work, perform double standard and be partial.

Public officials who are in the position of director or auditor cannot behave arbitrarily, they cannot act in an oppressive, insulting and threatening manner, they cannot arrange reports which are not based on certain facts, they cannot demand service, opportunity or similar interests for themselves against legislation and cannot accept anything presented even there is no demand.

Decency and respect

Article 11 – *Public officials should treat seniors, subordinates, colleagues, other personnel and those benefiting from the service decently and respectfully and give necessary attention. They should direct them to the relevant unit or authorized person if the subject is out of their authority.*

Notification to the competent authorities

Article 12 – *Public officials, in the case that their acting against the principles of ethical behavior which are determined in this Regulation or their carrying out illegal transactions or actions is demanded or when they learn or see such actions or transaction while performing their service, should notify the situation to the competent authorities.*

Supervisors of institutions and organizations should keep the identity of the public officials who notifies and take necessary steps in order to avoid any harm.

Prohibitions and incompatibilities

Economic and financial activities

Law No. 657 forbids a public servant from performing an activity that, according to the Turkish Commercial Code, falls under the category of that of a merchant, tradesman, commercial agent, etc. Public servants whose spouses or children are engaged in activities that are forbidden to public servants must disclose this information, within 15 days, to the head of the administrative institution that employs them (Article 28).

Civil servants shall not be engaged in any economic activity or employment outside the administration, or be appointed as partners in companies, except in limited or joint stock corporations (Article 28); they can be members –- and members of the managing boards –- of construction or consumer cooperatives, however.

Moreover, Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts introduced some Prohibitions and Supervision on the members of the Supreme Council of Radio and Television (Article 9):

> Members of the Supreme Council and their relatives by blood or by marriage up to and including to those third degree, provisions of Law No 5846 of Intellectual and Works of Art being reserved, shall not enter into any commitments pertaining to the function and powers of the Supreme Council within the field of radio and television services, shall not be partners or managers in private radio and television enterprises and in the enterprises that have direct or indirect partnership affiliation with these companies.

> The members, who violate the above principles, shall be accepted as resigned. This issue shall be decided by the Supreme Council as a result of the evaluation either by its initiative or by the application.

There are similar prohibitions members of the Board of Capital Market (Law No. 2499 on Capital Market Article 20):

> Unless permitted by a special law, neither may accept employment in another public or private entity, be involved in commercial business, perform his/her profession independently, give a lecture in consideration of a fee or assume a role in any examination or similar tasks or acquire an interest in any undertaking. The Board Chairman and the members shall transfer or sell any shares and participation certificates of mutual funds the portfolio of which contains shares that they own before assuming their duties, to non-related individuals or who are more distant than 3rd degree blood relatives or 2nd degree non-blood relatives according to the legal definition of such individuals. Members who do not abide by this rule within 30 days will be considered as having resigned from their positions in the Board.

Furthermore, Article 11 of Law No. 4734 prohibits the following persons to participate in any procurement:

c) the contracting officers of the contracting entity carrying out the procurement proceedings, and the persons assigned in boards having the same authority,

d) those who are assigned to prepare, execute, complete and approve all procurement proceedings relating to the subject matter of the procurement held by the contracting entity.

e) The spouses, relatives up to third degree and marital relatives up to second degree, and foster children and adopters of those specified under paragraph (c) and (d).

Finally, Law No. 5393 on Muncipalities (Article 28) puts some obligations for mayors and members of the municipal council:

Any mayor may not directly or indirectly, enter into contract with, or engage in brokerage or become a representative of the municipality or its subsidiaries during his term of office and two years after the termination of his office. These prohibitions are applied to the members of the council during their term in office and one year after the termination of their office.

Recusal or exclusion from decision-making

According to the Regulation on Discipline Committees and Discipline Chiefs of 1982 (Article 6) civil servants are obliged to suspend their participation in discipline committee that affects them or their relatives (*exclusion*). Otherwise, any decisions made during these processes can be annulled for formal reasons. The annulment is not automatic, but the decision can remain valid if it was against the interest of the civil servant or his/her relatives.

Exclusion of the Chairman or any Board member is required under certain circumstance (Law No. 2499 on Capital Market Board of Turkey Article 23):

The Chairman and the members of the Board may not participate in the discussions and in the voting concerning issues related to persons who are their relatives in the degrees indicated in paragraph 3 of Article Article 245 of the Law on Legal Procedures.

In order to avoid conflict of interest, Board chairman and members of Capital Market Board of Turkey can neither attend nor cast votes in the Board meetings regarding themselves, their spouses, their adopted children, blood relatives including the third degree and relatives in law through marriage up to second degree. This shall be indicated in the text of the decision, separately (Law No. 5411 Article 87).

Similarly, the members of the Savings Deposit Insurance Fund Boardcan neither attend not cast votes in the Board meetings regarding themselves, their spouses, their adopted children, blood relatives up to third degree and relatives by marriage up to second degree. This fact shall be noted down in the text of the decision (Law No. 5411 Article 116/last).

Furthermore, The members of the Board of Public Procurement Authority cannot participate in meetings and voting sessions related to decisions concerning their relatives by blood up to third degree or by marriage up to second degree and fosters (Article 53/g)

Law No. 3984 introduced some prohibitions and supervision on the members of the Supreme Council of Radio and Television (Article 9):

> Supreme Council members shall not enter into negotiations or participate to voting in matters relating to themselves or their relatives by blood or by marriage up to and including to those third degrees.

> The members, who violate the above principles, shall be accepted as resigned. This issue shall be decided by the Supreme Council as a result of the evaluation either by its initiative or by the application.

> Finally, Law No. 5393 on Municipalities (Article 27) underlines that

> The Mayor and the members of the Council shall not participate especially in the meetings during which the matters related to them, their second degree relatives by blood and relatives by law and their adopted children are debated.

Confidential information

Civil servants cannot make any confidential information public concerning public service without written permission of the minister concerned even after their resignation from their posts (Law No. 657 Article 31).

Confidentiality of information and offences against the abuse of all properties of the Board are regulated by a special provision (Law No. 2499 Article 25/a):

> The Chairman, members and personnel of the Board, as well as auditing officials who have been appointed in accordance with this Law, may not disclose confidential information of the concerned parties or of third persons that they have learned during the performance of their duties and audit and they may not use such information for their own benefit. This obligation and responsibility shall also continue after the termination of their duties.

Last paragraph of Article 86 of Law No. 5411 underlines that "Board (Capital Market Board of Turkey) chairman and members and other personnel shall not disclose the confidential information and commercial secrets regarding the Agency to any person other than the legally authorized persons and shall not use such information for their or other persons' interests" during and after their employment

According to paragraph (e) of Article 53 of the Law No. 4734 on Public Procurement, the members of the Board of Public Procurement Authority and the staff of the Authority cannot disclose any confidential information or document concerning the related officials or

> **Binding explanations and factitious statement**
>
> *Article 18 – Public officials while performing their duty cannot exceed their authority and make explanation, engagement, promise or attempts binding the institutions they work for, they cannot make a misleading and factitious statement.*

third parties to any entity except for those authorized by law for such disclosures, and cannot use them for the benefit of their own or third parties. This liability of confidentiality shall also continue after they leave their offices.

Confidentiality of information and documents is also a part of this legislation (Law No. 4734 on Public Procurement Article 61):

> Those who are assigned with the implementation of this Law and those who provide consultancy services cannot disclose or use for the benefit of their own or of third persons, any of the confidential information or documents relating to all proceedings about the tender process; works and proceedings about tenderers, technical and financial structures of the tenders, as well as the estimated costs of the procurements. Depending on their relevance, the sanctions stipulated under Article 58 and 60 shall apply in case of violation.

Similarly, the Savings Deposit Insurance Fund Board chairman and members and other personnel can not "disclose the confidential information and commercial secrets regarding the Fund to any person other than the legally authorized persons and shall not use such information for their or other persons' interests during and after their employment. Fund Board meetings are also kept confidential (Law No. 5411 Article 116/last).

According to Article 25/last of Law No. 4054 the members and staff of the Board of Competition Authority

> may not disclose and use in their own or others' interests the confidential information as to the Authority, and trade secrets of undertakings and associations of undertakings that they learned during the implementation of this Act, even if they have left their office.

Finally, Article 7 of Law No. 4046 Concerning Arrangements for the Implementation of Privatization and Amending Certain Laws and Decrees with the Force of Law states that

> As for organizations in the privatization program which are subject to the provisions of the Capital Market Law and whose stocks are traded on the stock exchange, the Chairman and members of the Board of Directors, the internal auditors and other personnel, the personnel of the Administration, the President and members of the Council may not disclose any non-public information or dates they learn during their function on accounts, operations, and enterprises of their organizations.

Regulation on the Principles of Ethical Behavior of the Public Officials

Not using the duty and authorities to derive benefits

Article 14 – *Public officials cannot derive benefit in favor of themselves, their relatives or of the third persons by using their duty, title and authority and cannot intercede, favor their relatives, friends and fellow townsman, perform political nepotism, discrimination or nepotism of any kind.*

Public officials cannot have their or others' book, periodical, cassette, compact disc and any other similar products sold or distributed; cannot derive benefits to any organization, foundation, association or sports club by donations, help or similar ways.

Public officials, when they are on duty or they leave the duty, cannot use the official or secret information they acquired during performance of their duty or as a result of these duties in order to derive economical, political or social benefits for themselves, for their relatives or for third persons directly or indirectly, cannot explain this information to any institution and organization except from the competent authorities.

Public officials cannot use the sources of the institution they work for in the election campaigns directly or indirectly or have those sources used.

Outside activities

Moreover, to provide *impartiality in public service*, the paragraph five of Article 68 of the Constitution states that "civil servants in public institutions and organizations, other public servants who are not considered to be laborers by virtue of the services they perform ... shall not become members of political parties." Furthermore, last paragraph of Article 76 also requires that "employees of public institutions and agencies who have the status of civil servants, other public employees not regarded as laborers on account of the duties they perform, and members of the Armed Forces shall not stand for election or be eligible to be a deputy unless they resign from office. If the former civil servant is not elected, he has the right to be reinstated in his position. These legal limitations aim at preserving the objectivity and impartiality of the behavior and decisions of civil servants, which are considered to be compromised when a civil servant has already expressed his political preferences while running for election.

Impartiality or political neutrality is a major obligation of civil servants. In general, the obligations of public servants are set out in legislation to take account of and protect the constitutional role that the civil service has to accomplish. All kinds of discrimination are prohibited in public service in Turkey (Law No. 657 Article 7):

> Civil servants cannot be members of political parties, cannot act in favor or to disadvantage of any political party, individual or group; cannot discriminate on the bases of language, race, gender, political thought, philosophical belief, religion and sect; cannot express view and act politically and ideologically in any form and cannot participate in such activities.

> Civil servants have to protect the interest of the state in any circumstance. They cannot participate in any activity which is against the Constitution of the Republic of Turkey and its laws, violates the independence and integrity of the country, or endangers the security of the Republic of Turkey. They cannot join any groups, organizations, or associations which operate in the same manner, and cannot help them.

According to paragraph (e) of Article 53 of the Law No. 4734, the members of the Board of Public Procurement Authority

> unless based on a specific Law, can not be involved in any official or private jobs, trade or freelance activities, can not participate in conferences or instruct courses in return of payment, and can not be a shareholder or manager in any kind of partnerships based on commercial purposes. .. The members who do not act in compliance with this provision shall be deemed resigned from their memberships.

Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts introduced some Prohibitions and Supervision on the members of the Supreme Council of Radio and Television (Article 9):

Supreme Council members shall not undertake any civil service or private post for the duration of their membership, they shall not be a party directly or indirectly in matters within the field of function and powers of private or public broadcasting enterprises or nor derive any benefit for such matters, shall not be a member to a political party. Functions in associations and foundations whose purpose is social aid and education and co-operative partnership are exceptions to this provision.

The members, who violate the above principles, shall be accepted as resigned. This issue shall be decided by the Supreme Council as a result of the evaluation either by its initiative or by the application.

Similarly, Law No. 2499 Article 20 states some restrictions for outside work:

Neither the Board Chairman nor members may work as managers of societies, foundations, cooperatives and similar entities.

The new Banking Law of 19 October 2005 (Law No. 5411) also regulates general principles of prohibitions (Article 86/1):

Excluding activities like scientific courses and conferences and the copyrights which do not constitute an obstacle for performing their primary duties, Board chairman or members of Capital Market Board of Turkey cannot accept employment in another public or private entity except for their official duties within the body of the Agency; involve in commercial business; work as managers of societies, foundations, cooperatives and similar entities; perform his/her profession independently; acquire shares in an undertaking operating in the sector or area which the Agency is authorized to regulate and supervise; or serve as a arbitrator or expert witness.

> **Regulation on the Principles of Ethical Behavior of the Public Officials**
>
> **Making use of public domain and sources**
>
> **Article 16-** *Public officials cannot use the public buildings, vehicles and other public domains and sources except for the public objectives and service requirements and can not have them used; they protect these and take necessary precautions to maintain them available for service at any moment.*
>
> **Avoiding extravagance**
>
> **Article 17 –** *Public officials should avoid wastefulness and extravagance in using the public buildings, vehicles and other public domains and sources, behave in an effective and economical manner while using the office hours, public domain, sources, labor force and opportunities.*

Savings Deposit Insurance Fund Board members and chairman have also prohibitions concerning outside work (Article 115):

Excluding activities like scientific publications, courses and conferences and the copyrights which do not constitute an obstacle for carrying out their primary duties, Fund Board chairman or members cannot accept employment in another public or private entity except for their official duties within the body of the Fund; involve in commercial business; work as managers of societies, foundations, cooperatives and similar entities; perform his/her profession independently; acquire shares in the institutions covered by this Law or their direct or indirect partnerships; or serve as a referee or expert witness.

According to Article 25/3 of Law No. 4054 (for Board members of the Compatition Authority) "positions in associations and foundations which aim at social assistance and education, and partnership in non-profit cooperatives fall outside this provision."

Use of Publics Sources and Vehicles

Civil servants shall not move any official document, vehicle and instruments outside the authorized site, or use them for their personal business. Moreover, civil servants shall return all official documents, vehicles and instruments which they receive during their official duties upon the completion of their duty (Law No. 657 Article 16).

Regulation on the Principles of Ethical Behavior of the Public Officials

Prohibition of receiving gifts and deriving benefits

Article 15 – *All sorts of goods and benefits which are accepted directly or indirectly whether having economical value or not and which affect or have the possibility to affect the fulfillment of their duties, impartiality, performance and decisions are within the context of gift.*

The basic principle for the public officials is not to receive or give gift and not to derive interest as a result of duty.

Public officials cannot receive any gift or derive benefit from natural or legal persons who have work, service or benefit relationships related to the duty they perform, for themselves, their relatives or third persons or organizations directly or through an interceder.

Public officials cannot give gifts by using the public sources, cannot send wreath or flowers to a natural or legal person except from official day, ceremony and festivals; they cannot give out a notice of commemoration, make an announcement or a celebration which are not related to the service.

Among the gifts given by the foreign persons and organizations according to the decency and protocol rules in the international affairs, saving for the provisions of article 3 of the Act numbered 3628, the ones that are below the limit of the said article are declared.

- *Donations which mean contribution to the organization for which the public officials work, which will not affect the execution of the organization services in accordance with the law and which are received, provided that they are allocated for the public service, recorded in the fixed assets list of the organization and that they are declared to the public (except from the official car and other gifts received in order to allocate for the service of a specific public official) and the donations which are granted to the institution and organizations,*
- *Book, magazine, article, cassette, calendar, compact disc or such goods,*
- *Gifts or rewards acquired in publicly held competitions, campaigns and activities,*
- *Gifts having the value of souvenir which are given in publicly held conferences, symposium, forum, panel, meal, reception or similar activities,*
- *Advertisement and handicraft products which are distributed to everyone and which have symbolic value,*
- *Credits taken from financial organizations according to the market conditions,*

are outside the scope of the prohibition of receiving gifts.

a) Gifts of greeting, farewell and celebration, scholarship, travel, cost-free accommodation and gift vouchers received from the people who have service or interest relations with the institution they work for,

b) Transactions which are made from unreasonable prices according to the market price when buying, selling or hiring movable or immovable goods or service,

c) All sorts of gifts including jewelry, clothes, food or any other goods given by those benefiting from the service,

d) Loans and credits taken from the people, who have work or service relations with the institution,

are within the scope of the prohibition of receiving gifts.

The officials within the scope of this Regulation who are at least general director, equal to or above general manager notify the list of the gifts they received in the previous year and which are stated in the 5 th paragraph of this article and (a) clause of the 6 th paragraph to the Council until the end of January without waiting for any warning.

Gifts and Benefits

The Law No. 657 prohibits receiving gifts and obtaining a benefit (Article 29):

> It is prohibited for civil servants to ask for a gift directly or in care of an agent, to accept any gift in return of providing an interest even though it would be accepted after official working hours.

Moreover, Article 10 of Law No. 657 emphazises that

> A superior …, cannot ask anything from his/her lowers in order to obtain a private gain, and cannot accept any gift or borrow money.

Furthermore,

It is prohibited for civil servants to obtain any benefit directly or through an intermediary from an agency under his supervision or which has a relation with his duty or with his institution (Law No. 657 Article 30). A similar prohibition was described by Article 31 of the Regulation on Supreme Board of Radio and Television.

Article 3 of the Law No. 3628 requires all civil servants return gifts or items which are above some economic value, to return them to their institutions.

> Public officials listed in the article above must return gifts or items in nature of grants worth more than the total of ten months' minimum wage as at the date of receipt, received pursuant to international protocol, competition or courtesy rules or for any other reason whatsoever, from foreign countries, international organizations, other international legal entities, any private or legal person or organization which is not a national of Turkey, within one month as of the date of receipt, to their institutions. However, the frames of signed souvenir photos given by foreign statesmen and international organizations' representatives are not covered by the provisions of this article.

The values of gifts shall be determined by the Ministry of Finance pursuant to a regulation to be adopted.

The post-employment restrictions

These restrictions for civil servants (public employees) are regulated by Law No. 2531 of 6 October 1981 on Jobs Prohibited to those who have left a position in the Public Service. These activities are all connected with the civil servant's responsibilities while he/she was in office. This prohibition lasts for the first three years from the date of resignation or retirement (article 2):

> Those who resigned from their posts specified in Article 2 (such as public institutions and agencies included in the general budget and municipalities) for any reason, for three years starting from the date of leaving the office, cannot directly or indirectly be assigned to a position or take in charge of any business, make any undertaking, brokerage or representation relating to his/her duties and activities held in their former office, opposing to the office, department, institution and agency where they worked during the last two years before they left the office.

Provisions of special laws are reserved.

Reserve officers and medical people including pharmacists are exempted. Those who violate these prohibitions shall be sentenced to a penalty of imprisonment for a term of six months to two years and a judicial fine of at least 10.000 liras (Article 4).

The new Banking Law of 19 October 2005 (Law No. 5411) also regulates general principles of prohibitions (Article 86/3):

> Within two years after leaving office, Board chairman and members cannot take office in any private company that operates in the sector and area regulated and supervised by the Agency. The Board members who violate the provisions of this paragraph shall be subjected to the penalties set out in Article 4 of the Law No. 2531 on the Jobs Prohibited to those who have Left a Position in the Public Sector.

Savings Deposit Insurance Fund Board members and chairman have also prohibitions concerning post-employment (Article 115):

> Within two years after leaving office, Fund Board members cannot take office at the institutions whose management and control have been transferred to the Fund or at their direct or indirect partnerships. The Fund Board members who violate the provisions of this paragraph shall be subjected to the penalties set out in Article 4 of the Law No. 2531 on the Jobs Prohibited to those who have Left a Position in the Public Sector.

Restrictions applied to the mayors and the members of the municipal councils after leaving the office are described earlier in this study.

Asset and Interest Declaration

As mentioned earlier as a part of transparency and accountability, Article 71 of the Constitution imposes "Declaration of assets by persons entering public service and the frequency of such declaration shall be determined by law. Those serving in the legislative and executive organs shall not be exempted from this requirement."

In accordance with the constitutional prescription (Article 71), the Law No. 657 (Article 14) requires that

in pursuant to the provisions of the special law, civil servants shall submit declaration of assets, including movable and unmovable, credits and debits belong to themselves, their spouses and children.

The paragraph (d) of Article 2 of Law No. 3628 on Asset Declaration, Struggle against Bribery and Corruption (as amended by Law No. 5020 of 26 December 2003) requires all civil servants to declare their assets:

Civil servants in public service who are being paid salary, wage and allowance at general and added budgeted departments, provincial special administrations, municipalities and affiliated organizations and subsidiary organizations thereof, public economic enterprises (state economic agencies and public economic organizations) and affiliated establishments, subsidiaries and businesses, public service institutions and organizations established by special laws or power granted by special laws and subsidiary organizations or commissions thereof, other public officials which are not workers and members of boards of directors and auditors.

Assets whose acquisition cannot be proven in accordance with the Law or public moral values and the wealth increase which cannot be incompatible with the income of the person concerned with regard to his social life is accepted as unjust acquisition of wealth (Article 4).

> Goods which cannot be proved to have been provided in accordance with law and public morale or increases revealed as expenses which cannot be considered commensurate with the income of the concerned in terms of the social life of the concerned are considered unjust acquisition of property within the context of the implementation of this Act.

> Asset declaration is renewed regularly (Article 7):

> Those continuing duties within the scope of this Act shall renew their declarations until the end of February of years ending with (0) and (5) at the latest. New declarations shall be collated by competent authorities with prior declarations.

The scope of declaration in terms of who shall declare and what is described by law (Article 5):

> The subject matter of declaration of property is the immovable property of officials within the scope of this Act, their spouses and children under their guardianship, and separately for each of more than five times the amount of the monthly net payment made to the official, or in case of officials not paid, more than five times the amount of monthly net payment made to Public Servants of the 1st degree, money, shares ve debentures and gold, jewelry and other movable property, rights, receivables and incomes and resources, debts and reasons thereof.

Only the authorities empowered by other laws can have access to this information. The information is confidential and kept in the special file of the person submitted the declaration (Article 9):

> Without prejudice to the provisions in the special acts, property declarations shall be kept in the declarant's private file. No statement can be made and no information can be given about the contents of declarations save for the provision of Article

20. Furthermore, no publication can be made about the contents of the property declaration based on the information and records in the property declaration.

Although it is stated by the law that the new and additional declarations shall be reviewed by the declaration processing authority in comparison with the previous ones, these regular financial declarations are not opened unless there is an administrative or criminal investigation.

The members of the Board of Public Procurement Authority have to submit a declaration of property, within one-month following the date of commencement and expiry of office, and every year during their office period (Law No. 4734 Article 53/f)

In compliance with Law No. 3628, members of the Supreme Council of Radio and Television submit annual declaration of property (Law No. 3984 Article 10).

According to paragraph (e) of Article 53 of the Law No. 4734, the members of the Board of Public Procurement Authority

> … are obliged to dispose off any stocks or securities they have acquired prior to starting their offices, belonging to legal entities carrying out activities in the market or their subsidiaries, via transferring or selling off to persons other than their relatives by blood up to third degree or by marriage up to second degree, within thirty days following the start of their assignment periods, except for those securities issued by the Undersecretariat of Treasury for domestic borrowing purposes. The members who do not act in compliance with this provision shall be deemed resigned from their memberships.

The Law No. 5411 requires Board chairman and members of Capital Market Board of Turkey, their spouses and their children under their custody (Article 86/2):

> shall dispose off any security they own, within the framework of any capital market that falls under the Agency's competence of regulation and supervision, other than those issued by the Treasury for borrowing purposes, by selling them to persons other than their spouses, adopted children, blood relatives up to third degree and relatives in law through marriage up to second degree. The members, who do not act in line with the provisions of this paragraph within 30 days after their appointment, shall be considered as having resigned from their positions in the Board. Such cases shall be recorded by a Board decision and be notified to the relevant Minister.

Regulation on the Principles of Ethical Behavior of the Public Officials

Declaring property

Article 22 – *Public officials should declare of property of the movable and unmovable goods, loans and credits belonging to themselves, their spouses and children under their custody as per The Law on numbered 3628 Declaring Property and Anti-Bribery and Corruption.*

The Council has the authority to investigate the declarations of property if it is necessary. The related persons and organizations (including banks and special finance houses) are responsible to give the requested information to the Council within 30 days at the latest with the aim of controlling the accuracy of the information in the declarations of property.

In this respect, Board chairman and members of Capital Market Board of Turkey shall be subject to the provisions of the Law No. 3628.

According to Article 115/2 of Law No. 5411, before taking office, Savings Deposit Insurance Fund Board chairman and members, their spouses and their children under their custody

> shall dispose off any security they own in the credit institutions covered by this Law as well as their direct or indirect partnerships, within the framework of any capital market that falls under the Fund's competence of regulation and supervision, other than those issued by the Treasury for borrowing purposes, by selling them to persons other than their spouses, orphans, blood relatives up to third degree and relatives by marriage up to second degree. The Fund Board members, who do not act in line with the provisions of this paragraph within 30 days after their appointment, shall be considered as having resigned from their positions in the Fund Board. Such cases shall be recorded by a Fund Board decision and be notified to the relevant Minister.

Savings Deposit Insurance Fund Board chairman and members shall be subject to the provisions of the Law No. 3628 (Article 116/1).

According to Law No. 4054 (Article 25/2) the Chairman and members of the Board of Competition Authority

> are, prior to assuming office, obliged to dispose of all kinds of securities in their possession within the meaning of the capital market legislation, apart from securities issued by the Treasury in connection with borrowing, by means of selling or transferring them to persons other than their kin by blood up to the third degree and their kin by marriage up to the second degree. Those members who do not act in conformity with this provision within 30 days shall be deemed to have resigned from membership.

Briefly, the mechanisms of disclosing conflict of interest in public service compared to the requirement of regular asset declaration is limited to few institutions dealing with banking, capital market or procurement affairs.

Transparency and Accountability Regulations

Open and transparent governments increasingly recognize the importance of accountability. In this respect, public access to information, whistleblowing and financial accountability of public institutions are vital for enhancing democratic engagement, building confidence in government institutions and strengthening their credibility and effectiveness.

The Right to Information

The right to information is important for many reasons: creating a more open and democratic society, challenging corruption and enhancing transparency in government. Public access to government information, excluding certain fields, enables citizens to maket he public administration accountable and prevent wrongdoings and corrupt activities of public officials.

> **Regulation on the Principles of Ethical Behavior of the Public Officials**
>
> *Notification, transparency and participation*
>
> ***Article 19** – Public officials should help the community to exercise their right to receive information. They should submit the information and documents upon the demand of natural and legal persons duly apart from the exceptions determined in The Law numbered 4982 on Right to Information.*
>
> *Top executives should present their institutions' processes of tender, activity and audit report to the public opinion through acceptable means under the allowance of related laws.*
>
> *Public officials should pay attention to provide that those who will be directly or indirectly affected from the decision unless there is a contrary legal provision contribute to one or some of the stages of the preparation of fundamental decisions on public services, maturation, decision taking and application of these decisions.*

Law No. 4982 on Right to Information was adopted in 2003, regulates the right of information in compliance with the principles of equality, impartiality and openness as required by democratic and transparent governance (Article 1).

This law is applicable to "the activities of public institutions and organizations, and professional organizations which have the capacity of a public institution" (Article 2). The provisions of the law on Exercising of the Right of Petition No 3071 of 1.11.1984 are reserved.

However, the law also puts comprehensive limitations on the right of information acquirement (Articles 15-25). These limitations include, transactions which are not subject to jurisdictional audit, information or documents on secrets of state, information or documents on the economic interests of the country, information or documents on intelligence, information or documents on administrative investigation, information or documents on judicial inquiry and prosecution, privacy of private life, privacy of communication, trade secrets, intellectual and artistic works, intra-institutional arrangements.

There is a gradual increase in the use of this right in Turkey yet it is not sufficiently known by the citizens. With extensive use of this right, the standards of public services can be promoted and a trustworthy relation can be established between the public institutions and the citizens.

Whistleblowing

In the first instance, any public servant has a responsibility to report the matter to his/ her immediate superior. If, however, that superior refuses to act, then the public servant

must be able to alert the public to the problem, notwithstanding the provisions of his/her employment contract. This *«whistle blowing»* provision is a crucial safeguard of the pubic interest and an important element of an access to information law.

The status of whistle-blowing had been defined by several laws in Turkey, e.g. Law No. 1905 on Reporting Tax Evasion adopted in 1931. Earlier, Articles 5 and 7 of Law No. 4422 on Organized Crime regulated the protection of eye-witnesses and whistle-blowers; however, this law was repealed on March 31, 2005, by Law 5320 on Penal Trial.

According to Article 18 of Law No. 3628, the identities of the whistle-blowers cannot be made public without their consent. However, when the denunciation is valid, the identity of the whistle-blower shall be made public upon the request of the prosecuted person. Internal Circular No. 1990/1 also regulates "confidentiality of the identity" of whistle-blowers.

Recently Law No. 5726 on the Protection of Eye-Witnesses, which covers only those who shall testify at the Penal Court, was adopted. In other words, those who report any corruption-related cases do not have any legal protection against recrimination or other consequences. It should be bear in mind that whistle-blowing is not a looked on favorably in Turkish culture. The laws are general and apply to all citizens in the public and private sectors. (See also, Law No. 1905 on Reporting Tax Evasion adopted in 1931, Articles 5 and 7, of Law No. 4422, Law 5320, Article 24 (Protection of Eye Witness) and 25 (protection of aggrieved persons) of Law No. 4800 on Transnational Organized Crime, Internal Circular No. 1990/1, Nov. 22, 1990 on Whistle-Blowing).

Public Financial Management and Control

The most significant development in terms of transparency and accountability in public administration was the enactment of Law No. 5018 on Public Financial Management and Control Law in 2003.

In order to ensure responsibilities of the public officials, transparency and accountability in public service, the law underlines fiscal transparency first (Article 7):

In order to ensure supervision in the acquisition and utilization of all types of public resources, the public shall be informed timely. Accordingly, the followings are compulsory:

a) To clearly define the duties, authorities and responsibilities,

b) To prepare government policies, development plans, annual programs,

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Managers' liability to render account

Article 20 – *Public officials can render account about their responsibilities and liabilities while performing public services and they are always open and prepared for the public evaluation and audit.*

Executive public officials take the precautions required by their duty and authority in order to obstruct the transactions or actions that are inappropriate to the objectives and policies of the institutions on time.

Executive public officials should take necessary steps in order to avoid the personnel under his/her authority from corruption. These steps should include practicing legal and administrative arrangements, making appropriate studies in training and notification; proceed cautiously about the financial and other difficulties which the personnel face with and being a model for the personnel with their personal behaviors.

Executive public officials are responsible to provide his/her personnel with the appropriate education about the principles of ethical behavior, to observe whether they abide by these principles, to view the life of the personnel incompatible with their income and to guide about the ethical behavior.

strategic plans and budgets; to negotiate them with the authorized bodies; to carry out their implementation and to make the implementation results and the relevant reports available and accessible to the public,

c) To publicize the incentives and subsidies provided by the public administrations within the scope of general government, in periods not exceeding one year,

d) To establish public accounts in line with a standard accounting system and an accounting order in accordance with generally accepted accounting principles.

Public administrations are responsible for making necessary arrangements and taking measures to ensure the fiscal transparency, which shall be monitored by the Ministry of Finance.

Then the law describes the scope of accountability (Article 8):

Those who are assigned duties and vested with authorities for the acquisition and utilization of public resources of all kind are accountable vis-à-vis the authorized bodies and responsible for the effective, economic and efficient acquisition, utilization, accounting and reporting of the resources on the basis of law, as well as for taking necessary measures to prevent the abuse of such resources.

The other relevant articles of the law also explain the responsibility, transparency and accountability in public service (Articles 11, 67, 70, 71 and 72). In this respect, undersecretaries, superior public officers in public institutions, governors and mayors are defined as responsible officers. By means of this law, all public financial transactions approved by these responsible officers shall be transparent and accountable. Thus, determining causes of conflict of interest situations in these processes may be easier. According to a recent assessment (OECD-SIGMA, 2008) change takes time, "a firm commitment from Turkish administration, clear and strong co-ordination, and a realistic timeframe" are required.

Public Controller (Ombudsman)

The Law No. 5548 entitles the Office of Public Controller to examine and investigate the complaints of natural and legal persons about the working of the administration within the scope of characteristics described by the Constitution of Republic of Turkey and its acts, actions, attitudes and behavior with the idea of justice and in relation to respect for human rights and conformity with fairness and to recommend accordingly to the administration. The law has been under constitutional review and this institution does not exist. The Constitutional Court ordered stay of execution of this law on Oct. 27, 2006.

Enforcement Mechanism and Sanctions

Institutional Structure

Discipline Committees and Disicipline Chiefs

According to the Regulation on Discipline Committees and Disicipline Chiefs dated 1982 discipline committees are set up in the central and provincial (or regional) organizations of public institutions, municipalities, unions and the Constitutional Court (Law No. 657 Article 134). Organization and functions of these committees are described by the Regulation (the Regulation Article 4-8).

Discipline chief for each department is determined by the special regulation. They are basically the superior officer for each institution hierarchically. At top Prime-Minister and ministers are discipline chief of all public servants. However, in practice, undersecretary, director general, department head, secretary general, and directors in the central administration and governor, regional director general, mayors in local/provincial administration and foreign mission chief abroad are the discipline chiefs (Law No. 657 Article 126 and 134 and the Regulation Article 16).

Public servants have the right to recourse the disciplinary decision (excluding warning and reprimand) before administrative courts (Constitution Article 125 and Law No. 657 Article 21) in accordance with the internal administrative appeals procedure established by the regulation on Implementing Complaints and Applications of Civil Servants. There is no other internal dispute resolution or mediation mechanisms in the Turkish public administration.

As a part of wider internal control mechanisms in public administration, there is Prime Ministry Inspection Board and ministerial Inspection Boards which carry out supervision and reporting functions on several issues including corruption upon the request of the superiors (Prime-Minister or ministers)

Public servants and public employees have constitutional immunity from prosecution; they can only be criminally prosecuted or sued in civil court with the prior authorisation of their superiors, except in cases prescribed by law (article 129 of the Constitution). Exceptions to this immunity rule are basically corruption-related crimes or serious criminal offences.

Law no. 4483 on Trial of Public Servants and Other Public Employees of 2 December 1999 regulates the matter. Public servants and public employees have constitutional immunity from prosecution; they can only be criminally prosecuted or sued in civil court with the prior authorization of their superiors, except in cases prescribed by law (Article 129 of the Constitution). Provisions of the Law No. 5065 Concerning the Ratification of the COE Criminal Law Convention on Corruption contradict those in Law No. 657. (See also, Articles 10-13 of Law No. 657, Article 3 of Law No. 4483 on the Trial of Public Servants and Other Public Employees, various articles of Law No. 5237 on Penal Code).

There are special provisions regulating the prosecution of their officers in the laws establishing some independent administrative authorities. However, the provisions of the Law No. 657 on Civil Servants apply to all public officials unless there is a special provision (Article 127).

Council of Ethics for Public Employees

The most important development in establishing an ethical infrastructure in public service in Turkey is the enactment of Law No. 5176 on the Establishment of Council of Ethics for Public Service and Making Modifications on Some Laws. This law aims to

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AGREEMENT OF ETHICS FOR PUBLIC SERVANTS

In full understanding and awareness that public service is above any individual's interest and public servant is at public's service, I hereby pledge to;

- *Work in order to facilitate the daily life of the public and satisfy their needs in the fastest, most effective and most productive manner, improve the quality of service and to increase the satisfaction level of the society,*

- *Fulfill my duty in the with the principles of; respect to human rights, transparency, participation, trustworthiness, accountability, protection of public interest and supremacy of law,*

- *Act in compliance with the service requirements with impartiality without giving way to conducts and practices that hinders equal opportunity and without discriminating against; language, religion, philosophical belief, political view, race, age, gender and physical impairment,*

- *Fulfill my duty without accepting gifts from any real or juristic person who is involved in the duty, benefiting him tangibly or intangibly or seeking any interest of similar nature and without anticipating any individual interest,*

- *Neither use public properties and resources nor let them be used for purposes other than public use or services, and not waste these properties and resources,*

- *Respect the rights of people to obtain information, file a petition, a complaint or a lawsuit,*

- *Treat my colleagues, the individuals I serve and all those concerned in an attentive, kind, prudent and respectful manner,*

- *Conduct and provide service in compliance with ethical behaviour, principles and values which are set out in the regulations which are prepared by Public Servants Ethics Board.*

Name, Surname

Date

Signature

PLACE OF DUTY AND TITLE:

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the establishment, duty and working procedures and fundamentals of the Council of Ethics for Public Service as to adopt and observe the implementation of ethical attitude principles such as transparency, impartiality, honesty, accountability, that should be abided by the public officials.

This Law covers all the personnel employed at departments included at the master budget, annexed budget administrations, public economical enterprises, floating capital establishments, local administrations and unions thereof; all the

public establishments and institutions founded under the names of committee, upper committee, institution, institute, enterprise, organization, fund and similar possessing public judicial entity; chairmen and members of the management and auditory committee and council and supreme councils.

The provisions of this Law does not apply to the President of the Republic, members of the Grand National Assembly of Turkey, members of the Board of Ministers, Turkish Armed Forces, adjudication members and the universities (Article 1).

The Council is entitled to promote and ensure ethical standards in public service. Members of the Council are appointed by the Council of Ministers for a four-year term. Although the Council does not have any executive power, it receives and examines complaints about ethical misconduct of superior public officials.

regarding public officials that are at least general manager or at the similar level, with the claim that implementations are present at the public institutions and establishment in the scope of the Law that are violating the ethical attitude principles. The fact that which titles are to be deemed as equivalent of the general manager shall be determined by the Council by taking into account the organizational structure of the institutions and establishments and the character of the service they are executing (Article 4).

The Council prepared a regulation offering ethical guidelines which were adopted by the Prime Ministry on April 13, 2005. The board is empowered to determine the limitations of the prohibition concerning receiving gifts.

The aim of this Regulation

is to establish ethical culture in public, to determine the principles of ethical behavior of the public officials who have to abide while executing their duties, to assist them in order to display behaviors in accordance with these principles and to raise the confidence of community to the public administration by eliminating the situations which create distrust in the society and which impairs the principles of justice, integrity, transparency and impartiality in carrying out the duties, to inform the community about the behaviors they are entitled to expect from the public officials and to arrange the procedures and essentials of application to the Council (Article 1).

An Ethical Principles Contract was signed by all civil servants in accordance with the Regulation.

All public institutions established Ethical Commissions and the Council organises training and awareness-raising activities.

Application Procedures and Essentials, provides provisions for the implementation of ethical principles and also examination of violations of ethical principles in public service. In parallel with the Law No. 5176 (Article 4), the regulation describes the procedure of the application as follows (Article 33):

> The applications that are related to the officials who at least have general manager rank or a rank equal to the level of a general manager that is accepted by The Council as in list on Appendix- 2 should be sent to the Presidency of Council. Other applications should be sent to the related institutional authority in order to direct them to the committees of institutional discipline authority. Applications by real persons via petitions should include their names, surnames, residences or business address' and signatures.

Detailed procedure about application process is explained by the regulation (Article 33, 34 and 35).

January 27th 2009, Tuesday　　　　　　　　*Official Gazette*

No: 27123

BOARD DECISION
> *From Public Servants Ethics Board*
> *File Number: 2008/97*
> *Date of Application: 02.10.2008*
> *Date of Decision: 26.12.2008*
> *Decision Number: 2008/206*

A. APPLICANTS
> *1. M. Naim Yalçınel*
> *2. Taner Talaş*

B. PUBLIC SERVANT WHO IS SUBJECT TO INVESTIGATION

Aytaç Durak, Mayor of Adana Metropolitan Municipality

DECISION

...

Article 27 named "Occasions when the mayor and the members of the municipal council are not allowed to attend the meeetinmgs" of the Law of Municipality numbered 5393 includes the clause "the mayor and the members of the municipal council area not allowed to attend the meetings of the council during which the matters which involve exclusively themselves, their blood relations and relations by marriage as far as second degree and their adopted children are discussed.

Although there is no such clause in the Metropolitan Municipality Law numbered 5216, the third clause of the Article 12, which is about Metropolitan municipality council, of the Law implies that as for the other matters pertaining to the principles and procedures of operation of the Metropolitan Municipality Council, the clauses that are included in the Municipality Law will apply.

In accordance with this implication, the prohibitory clause which is included in Article 27 of the Municipality Law applies to the chairman and the members of the Metropolitan Municipality Council. With this clause, the Lawmaker has aimed at achieving objective and impartial decisions that are taken by the Metropolitan Municipality Council.

On this occasion, although Aytaç Durak was not supposed to attend the meeting during which the development and construction plan for the area that includes the real estate that belongs to his wife was discussed, he has acted adversely. His adverse behaviour is explicitly against the aforementioned clause of the Law. In the second part of the regulation on Public Servants Ethical Behaviour Principles and Their Application Terms and procedures which was issued based on Article 5 of the numbered 5176, "The Principles for Ethical Behaviour" were set out and in the first clause of Article 9 which incorporates "trustworthiness and impartiality", it is made clear that public servants should conducts in line with the principles of legality, justice, equality and trustworthiness in all their activities, and in clause 2, that the public servants should use their judical discretion in accordance with public interest and service, far from arbitrariness of any kind and in line with the principles of impartiality and equality.

In Article 13 "Abstinance from Conflict of Interest" of the Regulation, Conflict of Interest is defined as public servants' possessing individual interests such as any kind of benefits and financial or other liabilities thereof that are provided to themselves, their relations, friends or persons or institutions that they have relationships with so as to prevent or potentially prevent the public servants from performing their duties in an impartial and objective manner. Public servants have personally responsible for conflict of interests. Since public servants are persons who are able to personally predict the occasions in which conflict of interest may arise, they act carefully in case of an actual or potential conflict of interest, take necessary actions in order to prevent the conflict of interest, report the situation to his superiors as soon as he is aware of the conflict of interests and they abstain from the benefits that can be considered within the scope of conflict of interests.

...

In the light of the above examinations and assessments, on 26.12.2008 it was unanimously decided that Aytaç Durak, Mayor of Adana Metropolitan Municipality, has breeched the principle of "Trustworthiness and impartiality" that is incorporated in Article 9, and the principle of "Abstinance from conflict of interests" that is incorporated in Article 13 of the regulation by means of taking part in the practices and procedures constituting a change in the existing development and construction plan in favor of the real estate that belongs to his wife, that this decision be issued in the official gazette, be declared to the parties so as to be eligible for administrative procedure within 60 days following the date of declaration.

Sanctions

Turkey's legislation on combat corruption has been harmonized with the international standards starting from the turn of this century especially. In this respect, Law No. 4518 on the Ratification of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions was first adopted by the parliament on February 1, 2000. Later, Turkish National Programme for the Adoption of the Acquis, including Priority

Objectives Relating to Combat Corruption were issued by the Turkish government (24 March 2001).

As a part of efficieny and effectiveness program of the government in public administration, a working group to aid to the Committee on Effective Governance and Combat Corruption was formed on May 16, 2001. An Action Plan on "Increasing Transparency in Turkey and Enhancing Good Governance in Public Sector" was issued at the beinning of January 2002. Following the new early election, an Emergency Action Plan, including priorities for combat corruption, was issued by the 58th Turkish government, on November 16, 2002. A Commission on Increasing Transparency in Turkey and Enhancing Good Governance in Public Sector was establihed by the circulars of the Prime-Ministry (2003/17 and 2007/23).

Recently, Turkey ratified a series of the Council of Europe Conventions: Civil Law Convention on Corruption of 4 November 1999 on April 17, 2003; Criminal Law Convention on Corruption of 27 January1999 on January 14, 2004 and Convention No.141 on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg Convention) on June 16, 2004, and adopted significant anti-corruption legislation such as Misdemeanor Law (No. 5326 dated 2005) and Law No. 5549 on Prevention of Laundering Proceeds of Crime (2006). In the meantime, Turkey has become a member of GRECO in 2004.

Disciplinary Penalties

The disciplinary provisions of the Law No. 657 shall not be applied to those who work at the public institutions and agencies which were established by special laws. The disciplinary provisions of the special laws are reserved (Article 125).

According to the Law No. 657, there are three rationale of imposing a disciplinary penalty:

- Do not fulfil the duties imposed by laws, statutes and regulations at home and abroad (Articles 6, 7, 8, and 11);
- Do not fulfil the things obliged by laws, statutes and regulations (Articles 26, 27, 28, 29, 30 and 31) and
- Carry out the things which were banned by the legislation

In accordance with the nature and seriousness of the disciplinary action (Article 125), Law No. 657 defines certain disciplinary penalties ("warning", "reprimand", "deduction from monthly salary", "delay in the salary step increase", and "discharge from the civil service")

Nepotism, cronyism, and patronage within the civil service are indirectly subject to penal sanctions in Turkish law and are not defined as identical types of corruption. However, when any of these violations occur, it is considered to be either malpractice (neglect of duty) or abuse of office. (See Law No. 657 on Public Servants, Articles 7 and 29)

Law No. 3628 on Asset Declaration, Struggle Against Bribery and Corruption

Those who breach the provisions of asset declaration face with some penalties (Article 10):

> Those who do not declare their properties within the time limits specified in Article 6 shall be warned by the authorities to whom the declarations are to be submitted. Those who do not declare their properties without good excuse within thirty days as of the notification of the warning shall be sentenced to a penalty of imprisonment for a term up to three months.

Those who do not declare their properties within the time limit given regarding the investigation shall be sentenced to a penalty of imprisonment for a term of three months to one year of imprisonment.

First of all, the relevant authority issues a warning to the person concerned. If unattended or validly unexcused within thirty days, the person concerned can be sentenced to a penalty of imprisonment for a term of up to three months. If the person under investigation fails to submit asset declaration within the assigned period, the term of imprisonment may be between three months to one year. Deceitful declarations are also subject to be sentenced for a term of six months to three years imprisonment unless it is subject to a heavier penalty (Article 12):

> If a heavier penalty is not required by law, those who make false declarations shall be sentenced to a penalty of imprisonment for a term of six months to three years of imprisonment.

The penalties for unlawful acquisition of wealth, evading or hiding wealth are subject to a penalty of imprisonment for a term of three to five years (Article 13):

> If a heavier penalty is not required by law, those who unjustly acquire property shall be sentenced to a penalty of imprisonment for a term of three years to five years of imprisonment and imposed a heavy fine from five million (read thousand) liras up to ten million liras.

Those who smuggle or conceal the unjustly acquired property shall also be sentenced to a penalty of imprisonment or fined in the same manner.

Secondly, a heavy fine and confiscation of the assets shall be decided (Article 14):

> Properties unjustly acquired shall be confiscated. In cases where confiscation is not possible due to failure to get these properties or in the event that the entire

property is not the subject of unjust acquisition of property, it shall be resolved to pay to the treasury a price equivalent to the asset unjustly acquired. This price shall be collected pursuant to the provisions of the Act on Collection Procedure of Public Receivables.

According to Article 15, those who were convicted by means of the above mentioned offenses are banned from public service for the period of conviction (if they breached the provisions on confidentiality and deceitful declarations) or for life time (if they breached the provisions of Article 13).

Finally,

Penalties set out in this Section cannot be deferred save for Subparagraph 1 Article 10, personal criminal penalties cannot be converted into money or injunction, the provisions of Article 119 of Turkish Penal Code shall not be applicable to perpetrators (Article 16).

Penal Code

The Penal Code of September 26, 2004 (Law No. 5237, Articles 235-236, 239, 247-266, 279 and 333) describes several offenses having to do with the corruption of public servants, such as bribery and embezzlement. These offences are basically related to "misconduct" or "unlawful benefit." Major provisions of the Code are as follows:

Procurement fraud

Article 235. - (1) Any person who acts fraudulently in goods and service procurement on behalf of public institutions or agencies shall be sentenced to imprisonment for a term of between five to twelve years.

(2) Following situations shall be considered as fraudulent act:

..

1. To enable persons who do not meet the eligibility criteria or requirements for the bid;
2. To leave offered goods out of assessment regarding them not to meet the qualifications described by the terms of reference even though they have the specified qualifications.
3. To accept the offered goods for assessment regarding them to meet the qualifications described by the terms of reference even though they do not have the specified qualifications.

   b) To enable others to access the information related to the offers that must be kept confidential according to the procurement legislation and the terms of reference.

…

(4) Public officials who obtained benefit by means of acting fraudulently shall be sentenced to a penalty in accordance with penal provision for this crime.

Fraud during the discharge of Contractual Obligations

Article 236:

(1) Any person who acts fraudulently during the discharge of contractual obligations with a public institution, public corporation, professional institution (presumed in law, to be public institution), a company (incorporated by the aforementioned professional institution, or a public institution or a public corporation or a foundation operating within the framework of such institutions or corporation), an association acting in the public interest; or a co-operative shall be sentenced to a penalty of imprisonment for a term of three to seven years.

(2) The following act are presumed to constitute fraud during the discharge of a contractual obligation;

   a) Delivery, or accepting delivery, of goods other than those described within the contract;

   b) Delivery, or accepting delivery, of fewer goods than described within the contract;

   c) Accepting goods outside the limit specified in the contract, or the conclusion of the tender, for their delivery.

   d) In construction tenders, accepting the completed construction, or material used in such, which does not comply with the conditions, quantity or quality as described within the contract or in the detailed specification of tender;

   e) Accepting an obligation of service as having been completely discharged although the service rendered was deficient or contrary to the term described within the contract or in the detailed specification of tender.

(3) Any person who is under an official duty who gains a benefit through his involvement in fraud during the discharge of contractual obligations shall be additionally sentenced according to the relevant offences.

Disclosure of Confidential documents of Information Relating to Commerce, Banking or Private Customers

Article 239

(1) Any person who discloses confidential information, or documents, relating to commerce, banking or private customers, which he holds by virtue of his title, duty, profession or trade, to an unauthorized person shall be subject to a penalty of imprisonment for a term of one to three years and a judicial fine up to five thousand days, upon complaint. Where such information or documents are disclosed to an

unauthorized individual by a person who unlawfully acquired such information or documents such person shall be subject to a penalty in accordance with this section.

(2) Section 1 shall apply to information relating to scientific invention and discovery, and the industrial implementation of such.

(3) Where such confidential information is disclosed to a non-citizen (who is not resident in Turkey) or his staff the penalty shall be increased by one third. In such case, no complaint is required.

(4) Any person who, by using force or threats, compels another to disclose the information or documents within the scope of this article shall be subject to a penalty of imprisonment for a term of three to seven years.

Within the scope of confidential information related offences; if any public officer "who publishes or discloses any confidential document, decision, order or other official notification under his control, or within his knowledge, by virtue of his office, or who facilitates, by any means, the access to such information by another shall be sentenced to a penalty of imprisonment for a term of one to four years" (Article 258). The same penalty shall be applicable where a public officer commits such an offense after the expiry of his status as a public officer.

Additionally, "exploitation of state secrets and disloyalty in government services" is also an offense regulated by the Code (Article 333):

> Any person who uses any knowledge, which has been obtained by virtue of holding a public office, of scientific explorations, new discoveries or industrial innovations, either for his or another's benefit, and such information is to be kept confidential for State security, shall be sentenced to a penalty of imprisonment from five years to ten years and judicial fine up to three thousand days.

Embezzlement

Article 247

1) Any public officer who embezzles property, for the benefit of himself or another, which is under his custody or control or which is held by him as a consequence of his duty shall be subject to a penalty of imprisonment for a term of between five years to twelve years.

2) Where this offense is committed by deception for the purpose of concealing the embezzlement, the penalty shall be increased by one half.

3) Where the offense is committed with the aim of returning the property after temporary usage, the penalty may be reduced by up to one half.

However, "Mitigating Factors|" can be taken into account by judge: "Where the value of the subject of the offense (embezzlement) is minimal then the penalty to be imposed shall be reduced by one third to one half" (Article 249).

Extortion

Article 250

Any public officer who compels another to make a promise or provide a benefit for himself or another by misusing the influence derived from his office shall be subject to a penalty of a term of imprisonment from five to ten years.

Any public officer who convinces another, by deception, to make a promise or provide a benefit for himself or another by misusing the influence derived from his office shall be subject to a penalty of a term of imprisonment from three to five.

Where the offense defined in section two is committed by taking advantage of a person`s mistake the sentence to be imposed shall be a penalty of imprisonment for a term of one to three years.

Acording to Article 251 of the Penal Code, those who fail to supervise as a superior shall be legally responsible, too:

Where a public officer, in a supervisory role, intentionally ignores the commission of an offense involving embezzlement and extortion, he shall be culpable as a joint offender.

Any public officer who provides the opportunity for the commission of the offenses of embezzlement or exploitation by failing to fulfill his supervisory duty shall be sentenced to a penalty of imprisonment for a term of three months to three years.

Bribery

Article 252

1) Any public officer who receives a bribe shall be sentenced to a penalty of imprisonment for a term of four to twelve years. The person furnishing the bribe shall be sentenced as if he were a public officer.

2) Where the parties agree upon a bribe, they shall be sentenced as if the offense were completed.

3) Where a person who receives a bribe, or agrees to such, is a person in a judicial capacity, an arbitrator, an expert witness, a public notary or a professional financial auditor, the penalty to be imposed according to section one shall be increased by between one third and one half.

4) A bribe is defined as the securing of a benefit by a public officer by his agreeing with another to perform, or not to perform, a task in breach of the requirements of his duty.

5) Section one shall also apply where, through a breach of duty, a benefit has been conferred upon a person acting on behalf of a professional institution (presumed in law, to be public institution), a company (incorporated by the aforementioned professional institution, or a public institution or a public corporations or a foundation operating within the framework of such institutions or corporation),

an association acting in the public interest, a co-operative, or a public joint stock corporation, in order to establish a legal relationship with such entities or in order to continue an existing legal relationship with such.

The following actions shall be presumed to be bribery: offering, promising or giving a direct, or indirect, benefit, for the purpose of ensuring the performance or non-performance of a task, or obtaining or protecting an unjust benefit concerning international commercial activities, to an elected or appointed person in a foreign country who is a parliamentary officer, a member of a public institution charged with judicial or administrative duties; a person working in an international organization that has been established by another international public institution, state or government (regardless of its structure or function), or any other person performing a duty having an international character in a foreign country.

Other legislations on bribery include; Article 128, 135, 140, and 248 of Law No. 5271 on Penal Trial, Law No. 3628 on Property Declaration, Struggle against Bribery and Corruption, Article 17 of Law No. 4734 on Public Procurement, Article 25 of Law No. 4735 on Public Procurement Contracts, Article 23 and 27 of Law No. 5506 Concerning ratification of UN Convention Against Corruption, Law No. 4518 on Combating of Bribe of Foreign Public Officials in International Business Transactions -OECD Convention.

Unlawful benefit

At institutional level, the Code underlines that "where a legal entity secures an unjust benefit through the offense of bribery security measures specific to legal entities shall apply" (Article 253). In this respect, an "effective remorse" can be taken into the account in the following situations (Article 254):

EFFECTIVE REMORSE

Where, prior to the commencement of an investigation, the person in receipt of the bribe presents the consideration of such, in its original state, to the authorities, no penalty shall be imposed for the offense of bribery. Where, prior to the commencement of an investigation, a public officer who, after having agreed to receive a bribe, informs the authorities of such, no penalty shall be imposed.

Where, prior to the commencement of an investigation, a person who offered and gave a bribe to a public officer informs the authorities responsible for investigation of such, no penalty shall be imposed and the bribe he gave to the public officer shall taken from the public officer and handed back to him.

Where, prior to any investigation, any other person who participates in the offense of bribery demonstrates remorse by informing the authorities responsible for investigation of such, no penalty shall be imposed upon such person.

The Code describes "Securing a Benefit for a Task outside the Scope of Activity" as an offense against trust of public administration trust and practice (Article 255):

Any public officer who secures a benefit by giving the impression that he is able to perform a task, either by himself or through another which is outside the scope of his duty and is unauthorized shall be sentenced to a penalty of imprisonment for a term of one year to five years and a judicial fine.

Misconduct

One of the major and widely observed offenses related to public servants is "Misuse of Public Duty" regulated separately by the Code as follows (Article 257):

> Excluding any situation defined elsewhere as a separate offense in law, any public officer who secures an unjust financial gain for another or causes any loss to the public or an individual by acting contrary to his duty shall be sentenced to a penalty of imprisonment for a term of one to three years,

> Excluding any situation defined elsewhere as a separate offense in law, any public officer who secures unjust financial gain for another or causes any loss to the public or an individual by failing to discharge his duty, by omission or delay, shall be sentenced to a penalty of imprisonment for a term of six months to two years.

> Any public officer who secures financial benefit for himself, or another, in return for fulfilling the requirements of his duty shall be sentenced according to section one, provided such act does not constitute the offense of extortion.

In parallel to the provision of Law No. 657 "Trading by a Public Officer" is prohibited by Article 259 of the Code:

> Any public officer who attempts to sell goods or services to another by using the influence derived from his duty shall be sentenced to a penalty of imprisonment for a term of up to six months or a judicial fine.

Use of Public Sources

Use of public vehicles or materials in public service during the commission of an offense also constitutes an offense (Article 266):

> Provided that a constituent element of an offense does not include a reference to a public officer, then where a public officer uses a vehicle, or material, which he holds as a result of his duty, during the commission of an offense, the penalty to be imposed shall be increased by one third.

Any public officer, who fails to report an offense or delays in reporting such offense to the relevant authority after becoming aware of such offense in the course of his duty, shall be sentenced to a penalty of imprisonment for a term of six months to two years. A judicial law enforcement officer`s penalty shall be increased by one half (Article 279). If this offense was committed by a member of the medical profession who provides health services to report an offense penalty of imprisonment is up to one year (Article 280).

Law No. 2499 on Capital Markets

Offences against the abuse of all properties of the Capital Market Board of Turkey are regulated by a special provision (Law No. 2499 Article 25):

b) The money, documents and all kinds of properties of the Board are considered State Property. The Chairman, members, and personnel of the Board who commit offenses against these who abuse or neglect their functions and duties shall be subject to the same penalties as civil servants. Prosecutions on these subjects shall be implemented in accordance with the general provisions.

An Asessment of Managing Conflict of Interest in Turkey

The concept of conflict of interest is not regulated by primary legislation for all public officials in Turkey. Although the Constitution and some laws (Law No. 657 and Law No. 5237) state some principles such as "public interest" and "impartiality", it was the first time the Regulation on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials of 2005 (Article 13) referred to the principle of "avoiding conflict of interest." However, under what conditions a conflict of interest may occur is not specified by the Regulation.

Turkish ethical infrastructure is essentially based on the rule-based approach (*compliance-based ethics regime*). Considering the legal provisions prescribed by the legislation it can be said that the ethical system in public administration which is in transition attempts to prevent unethical behavior/attitude by adopting general prohibitions by law. In fact, the Regulation seems to be an indication of transition to a principle-based approach (*integrity-based ethics regime*) in Turkey.

Naturally, in the process of free market economy of 1980s and 1990s the establishment of the so-called "independent administrative authorities" such as Capital Market Board and Public Procurement Authority needed some special provisions concerning ethical behavior of their officers including "avoiding conflict of interest." However, even these provisions are limited and do not cover all aspects of the phenomenon. Procurement process in local administration is open to portentional and actual conflict of interest. In this respect, it can be siad that there are lots of prohibitions but no integrated legislation for all which can make the system effectively work.

Similar to the countries with strong administrative law traditions Turkey has also a long list of incompatible activities and situations for public officials. However, the related provisions are too general and do not specify conditions. Although civil servants cannot be members of political parties "what will happen if a civil servant campaign for a political party voluntarily?" More importantly, Law No. 2531on post-employment restrictions for public officials is not effectively implemented. Considering the fact that lobbying is not regulated by law in Turkey and bypassing the provisions of this law may cause more problematic situations. Heads and the members of the Boards have strict limitations on outside employment for two years after leaving the office as well as post-employment restrictions. Confidentiality of official information during and the post-employment period is also effective in these institutions.

Considering avoidance, disclosure, divestment or resignation, or recusal dimensions of the issue, the Turkish legislation do not have general and firm provisions. It can be said that there are sufficient statements to encourage avoidance yet how effective is this provision in practice doubtful. Although asset declaration including family members is a regular practice for all public officials imposed by the Constitution and the Law. No. 3628, there is no general requirement of disclosing conflict of interest. In fact, the effectiveness of the former is also questionable due to the fact that files of declaration of assests are not inspected by the relevant authority which is a legal requirement unless there is a discipline or criminal investigation. The last three dimensions are not regulated by law exclusively. Only the members of the boards of independent administrative authorities such as Capital Market Boards, Supreme Council of Radio and Television are subject to these provisions extensively.

Despite the fact that civil servants cannot engage in economic activities and such activities of their immediate family members must be declared in definite period the effectiveness of these provisions is doubtful. There is no mechanism such as "blind trust" assignments of pecuniary interests for appointed public officials in Turkey.

Similar to many OECD countries monitoring compliance is mainly accomplished by superiors in Turkey, too. Moreeover, there are inspectorates in the Prime-Ministry and the ministries. Furthermore, internal auditing system for financial management created another mechanism. Although all of these mechanisms are directed to eliminate corruption in public service, a harmonious reorganization of all these institutions is a subject of a public administration reform. There is no external mechanism to examine the conflict of interest situations effectively. Public Controller (Ombudsman) law which was adopted by the parliament has been under constitutional review since 2006. Similar to many OECD countries

Turkey does not have a system of detection by whistleblowers regulated by law.

The organizational affiliation of the Council of Ethics, which is the sole institution directly related to ethical dilemmas in Turkey causes a significant legitimacy problem. Despite the qualifications of the members of the Council the political and administrative tutelage of the Prime-Ministry is percieved that it is a part of the government. Secondly, organizational capacity of the Council is not sufficient to fulfil all functions prescribed by the law and the regulation. The activities of the Council in order to create an ethical culture in general and to avoid conflict of interest in special gradually increasing. Although six years passed since the establishment of the Council, it is not widely known by public officials too.

Despite few striking examples, the ethics commissions in central and local adminsitations are not effective bodies. They were officially formed by the relevant authorities yet many of them did not make any ethics related activity. It is up to the initiative and personal efforts of the relevant public officials.

Alongside ethics training, the urgent need for consultation in resolving conflict of interest related issues needs to be organized effectively. Public officials do not have any clear idea about "Why they signed the ethics contract?" "What does conflict of interest really mean?"

"How to act in special circumstances?" In other words, it seems that public officials act and behave according to their own norms and values developed throughout socialization period or according to the values of the superior.

It should be noted that the principles of ethical behavior such as "impartiality," "honesty," "prevention of unjust interest" are explicitly defined in the Turkish legislation yet the principle of "accountability" is referred implicitly or little.

Both disciplinary and criminal sanctions are regulated in such a way that public officials can refrain from vioalting the provisions. However, immunity of a public official from prosecution constitutes the major obstacle. Similarly, holding a disciplinary action is of the discretionary authority of the superior. Therefore, effectiveness of the discouraging discplinary provisions is under question. The law enforcement mechanisms are not covered by this study, however, it can be said that alongside with the international cooperation and the capacity building measures prosecution of the corruption related offences has been improved in Turkey.

As complementary of legal framework, political campiagn finance and lobbying is not regulated in Turkey. Despite the constitutional requirement (Article 69/last) the parliament failed to adopt a framework for campaign finances of candidates and political parties. This constitutes a big loophole for potential and actual conflict of interest relations. Registration of all campaign spending sources may have a preventive effect.

Survey on the Perception of Senior Civil Servants on Conflict of Interest

The scope of this study is basically limited to conflict of interest; however, it covers a diverse range of issues extending from public service values to available infrastructure for establishing an effective ethical regime in Turkish public service. Keeping in mind that Turkish public administration has been passing through a transformation for decades and the reform in public service has been a continuous but failed objective, this research is more concerned with picturing a general perspective of the situation in Turkey.

Following the establishment of the Council of Ethics for Public Officials in 2004, the Regulation which was adopted in 2005 set the Principles of Ethical Behavior in Turkish public service, including avoiding conflict of interest and required the public institutions, central and local branches, to form an ethics commission consisting of at least three people from the institution in three months in order to establish and develop ethical culture, to advise and direct about the problems the personnel face with about the principles of ethical behavior and to evaluate ethical practices. After four years, a survey with special focus on ethical standards assessed by the first hand knowledge of higher public officials might provide an overview on the legal and institutional developments in ethics.

Research Methodology

The research methodology to explore the perception of ethical standards in general and of conflict of interest in public service specifically is based on a qualitative analysis of in-depth interviews with the selected public officials from the selected cities: three metropolitan

cities –Ankara, İstanbul and İzmir- and three medium size cities –Mardin, Trabzon and Uşak. The last three cities were selected according to the State Planning Organization's Socio-Economic Development Index of 2005. It is considered that by means of this sampling, the project may describe the variations on ethics culture between different localities (small vs. big cities) and different socio-economic development levels, if any.

A Convenience sampling method was used in this survey. The members of the provincial ethics commissions constituted the first group of interviewees. The second groups consisted of the representatives of the departments of each municipal government –basically senior officials, head of departments or equivalent-. This second group is consisted of those who have civil servant (*memur*) status, too. Interviewing with the senior/junior officials from the relevant departments of the municipalities would provide both their views on ethical standards in their units and their interaction with the citizens on ethical manners at work. Since the research design did not include a citizen dimension, this would help to explain the major problems occurring between the public officials and the citizens at the time when public service is provided from the perspectives of the former. Similar interviews with seven senior public servants at the selected ministries (Finance, Education, Energy, Public Works and Settlement, and Health) and the deputy-head of Capital Market Board (the oldest independent administrative authority) in Ankara. Most of them were the members of ethics commission of their institutios.

Before holding interviews, we visited the superior public officials, namely the minister, the governor, or the secretary general of the institution to explain the scope and purpose of the project. Due to time limitation, the interviews were held by a panel of all interviewees basically. However, we had also chance to talk with some of them after panel interview. The interviews with governors, mayors and public officials in Ankara were held individually.

During the interviews, at least one case study (See Appendix A) was introduced to the interviewees and after they read the text carefully they were asked the following questions: "Do you observe any unethical/unruly behaviour/attitude in the case study you read?" "If any, what are these unethical/unruly behaviours/attitudes?" "Are you familiar with such cases in your current work environment or were they common in your previous post?" "How would you act if you were in the place of actors involved in the case study?" In the second part of the interview, two more questions were asked to the interviewees. First, "What are the most important factors to lead unethical/corrupt activities in public service?" Second, "What is/are the most important institutional value(s)/norm(s) in your institution and how do you teach this/these to the new generation civil servants?"

These open ended questions followed by an open discussion originating the cases with special reference to ethical infrastructure, violations of legislation, and the expectations of civil service in general.

Interviews were set through the instrument of governorship in the selected cities An official letter from the Council of Ethics for Public Employees indicating the scope and objective of the project and the name of the project coordinator was also sent to each governor's office earlier. Interviews were conducted in the period of 15 December-15 January, 2008.

Except for Ankara, the governors were visited and informed about the project personally and then a deputy-governor helped the organization of the interviews with the members of the provincial ethics commission and the municipal government.

Except for few cases; interviews were digitally-recorded and deciphered separately. The interview texts were analysed qualitatively and presented anonymously.

General Observations

It should be underlined that both the governorships and the municipal governments expressed a great interest and attention to this survey by providing time and arranging personnel in a short period of time. Panel interviews took four hours on average. Individual ones varied between one to three hours according to the time reserved by the interviewee.

Panel interviews, as opposed to the expectations, provided a more open discussion environment on the subject matter. With the presence of other colleagues, the interviewees felt secure in expressing their "true" thoughts. However, while some of them expressed themselves extremely few talked about the facts common to everybody. Due to their position in the rank and file and the status of the project owner, the Council of Ethics for Public Employees, many of the interviewees started talking reserved. Especially in municipalities, they considered this study as a survey directly initiated by the Prime Ministery. During the interviews these obstacles were generally minimized and an open and free conversation environment was created.

First of all, all interwiewees expressed how they are careful in complying with the rules governing public service, including the Constitution, and shared good examples from their experinces with a good faith (*bona fides*). On the other hand, they agreed that there are evidences of "corruption" and "graft" in public service but this is a matter of scale. There are big ones and small ones. There are several factors affecting a civil servant's behavior in such cases. Sometimes, without considering the legal/social consequences of a small favor for a relative/friend, a civil servant implements the procedure flexibly at the expense of public interest. However, it is understood once more that such small "favors" e.g. speeding up a bureaucratic process, became a part of organizational culture and is widespread in practice.

Secondly, it was not clear in the minds of many civil servants "what is moral and what ethics is?" Some interviewees expressed lengthy ideas on moral and religious values. However, the term ethics is basically perceived as a new, alien and technical concept. Many have a general notion about ethics yet they do not have a detailed understanding of the major aspects of the subject matter. Although what is moral has an overall consensus among the participants but ethics is considered to be something imposed or imported. In any case, ethics is also taken as something necessary and "required by this century."

Thirdly, although the civil servants were aware of the concept of "interest" but no idea about whose interest creates a conflict. They are well aware of the concept of "public interest" in public service, they do not know or neglect to know the fact that conflict arises between the public and personal interests. Alternatively, some of them called the situation

as "convergence of interest." They comply with the principle of public interest basically but when their interests appear they fail to care it.

Fourthly, only one of them remembered the oath that he took an oath when he entered the public service. Such ceremonies have been a part of privileged status of being a civil servant. In fact, this oath refers to the guiding principles to be followed by a civil servant (memur). This may be an indication that oath-taking has no practical value at all.

Fifthly, many of them expressed that recently they have signed the ethics contract but they do not know the purpose of this contract! They were not asked "Did you fully read the Regulation and remember the basic guiding principles" but it could easily be said that none or few of them –only those who work at the ministries- read it due to their duty, position and responsibilities. Especially the superior officials brought a copy of the Regulation along to the interview.

> ***An interviewee's assessment:*** *Honest persons must be braver than dishonest ones. On the one hand, a security chief who was banished from Ankara to Edirne does not act impassivity and clamp down on corruption in custom, health service and municipality. On the other hand, a chief physician at a public hospital accepts the membeship of audit board of a private hospital and earns a high salary from this position. Another example, a ministrial inspector accepts the position of membership in the executive or audit board of joint ventures of the ministry He does not go to auditing of this company but his colleauge does. A bank examiner resigns from his position due to his failure in auditing bank Y. After a while, he starts working at bank Y as a high-pay director. This is a reward of his failure. A tax inspector also starts working at companies he audits after he learns the professional tricks. These are widespread. A judge at the age of 23 starts his career with a corrupt relation. He searches references for being a judge. Then, one can observe the residues of this corrupt relation in his career or in his subconscious at least.*

Most interviewees were not aware of what the Council is and does basically. Many argued that it may be difficult to apply such a set of values and ethics (the Regulation) to daily routine of bureaucracy. It was also emphasized that senior officials/politicians need to demonstrate their commitment to values and ethics in their decision making and their interactions with civil servants and citizens. The lack of commitment is reflected in conflicting values and messages in many areas, e.g., hire the right person but respond to employment equity; take risks and improve, but don't make mistakes.

> ***An interviewee's assessment:***
>
> *Ministry of Finance is crucial for all public institutions, therefore, a spoiled relation may break out. In order to maintain good relations with this ministry any mediation demand is quickly accepted. I do not attend the hiring commission or I do give reference about someone in another institution. My colleague asks mediation from me for hiring someone in my institution*

Moreover, hiring an unqualified person to certain positions creates fidelity and then s/he pays back. A person, who was promoted to a position without merit, follows his benefit or the benefit of the person who appointed him to that position. Most interviewees underlined that public service is not based on merit system which is the major cause of "graft" and corruption. Appointments made by unmerited ways and a high turnover at the level of senior officials undermine the importance of role model in public service. Public service is not based on an effective merit system. Although the centralized entrance exam (KPSS) eliminated favouritism in written exams, oral exams are open to any influence. Interwiewees were unanimous that the key to public sector integrity is leadership: the tone at the top. Political influence in the promotions above the level of section chief is widespread. Such kinds of employees do not take risk and initiative because they do not know their job description.

It is expected that lawmakers –politicians- must comply with the rules, first. As opposed to this, it cannot be expected the practioners –public officials- to be loyal to these rules. In other words, unless politicans become ethical it should not be expected that public officials ought to be ethical. It is unanimously supported that "political influence" is widespread especially in municpalitiest. Civil servants always refuse illegal demands of the citizens; however, citizens eventually find a political connection and solve their issue. Some expressed the fact when they opposed the illegal demands of the citizens they faced with a death threat.

Similarly and more importantly some of the interviewees argued that it is a fact that there is a cycle of money through political campaign finance. Procurement process is one source of political rent-seeking. Although all participants from municipalities expressed that their institutions implement the rules carefully they underlined the fact that there are legal loopholes and discretionary authority offers bid to any clientile firm. If there is a price of citizen's vote citizens cannot make the corrupt people accountable. Therefore, the biggest conflict of interest is the fact that there is a price of each vote. There is no public accountability in public service, citizens do not complain, or complain about the cases adverse to them.

A real story:

During the Democrat Party period in Turkey (in 1950s), a private company offers a partnership to the son of the former Prime Minister Adnan Menderes. The son tells this offer to his father.

Adnan Menderes: Do you have sufficient money to be a partner in this business?

The son: No, I don't, but they did not ask money but want me to become a partner because of my knowledge.

Adnan Menderes: They want to set a partnership not with you but with me as Prime-Minister. And then they will get a payoff in return of your partnership without capital. Therefore, you would rather continue using your knowledge to become an officer at the Ministry of Foreign Affairs.

Furthermore ,it is underlined that socio-economic conditions of public officials are not compatible with the duty they perform. Personal rights and psychological situation of employees are insufficiently regulated by the personnel regime in Turkey. Unfair salary system is another important factor for negligence of ethical principles. This is especially true for those who audit a company of trillions of liras. Wage inequality in public service and economic pressures lead civil servant to act improperly. There is no clear-cut job description for any public official except for payroll. In some units, the excess volume of workload also causes unethical behaviour.

As a result of booty culture spoiling public resources is considered usual in this country. It is observed that the superiors permit the lowers to use public vehicles for private purposed when and if the official duty is not jeopardized. For example, a driver may stop on the way to an official duty and may pay his utility bill or shop at the grocerystore.

All participants shared that distrust is a major issue in the society. Participants agreed trust is easier to destroy than to create, whatever the causes. A single incident can demolish what may have taken decades to build, whether in the public or private sectors. Fortunately, history shows recovery of trust is possible; periods of low confidence in the past have been followed by periods of rising confidence.

There was a strong consideration among the interviewees that the "things" shall be conducted unjust. This constitutes the basis of unethical behavior in public service. On the other, the bureaucracy does not sufficiently inform the public or the procedures change quickly. Consistency in public service should be essential. Double standards may lead to unethical behaviour. In other words, loopholes of the legislation also cause unethical behavior.

Many of the participants expressed that average moral values is below the ethical values. Everybody attempts to find a way to do his affair at bureaucracy unfairly but expects others to comply with the rules and regulations. Ethical values exist in our culture; however, we have forgotten them. The current societal values do not reject the unruly behavior. Therefore, public employees prefer to conform to the dominant order.

Interviewees argued that sometimes individual characteristics take precedence in this process. In some occasions, "gaining a benefit" is subject to personal decisions. A person who can afford being excluded from the institution and criminal sanctions may attempt to do unruly behavior. When and if superiors are tolerant to such employees for one or another reason and his behavior infects organizational integrity or creates divisions.

> **An Interviewee's assessment:**
>
> *Public procurement constitutes the most important area where conflict of interest arises. Pre-procurement period should be kept confidential until the procurement day. In collaboration with security and intelligent units, cost of procurement should be determined carefully. Transparency needed on the procurement day and after but not during the pre-procurement period. Otherwise some people stir up interest in procurement process.*
>
> **An interviewee's story:**
>
> *I was a member of the hiring committee. I turned off all my phones; however, many people reached met to get help before the interviews took place. In another case, before I was informed about the fact that I would be a member of a hiring committee, a friend of mine called me and asked me to help one of his relatives in the interview.*

Confidentiality was described as an ethical issue by most interviewees. They were aware of the importance of maintaining confidentiality and felt comfortable with the procedures in place to do this. In fact, it was argued that especially in small localities many of the confidential information are available due to clientilistic relations and insider information. In this context, what is "state secret" becomes a usual news until it arrives at their office!

On top of all, the interviewees pointed out that there is no organizational culture, therefore, public servants do not have a value but nepotism and clientilism are widespread. Principles guiding the behaviors and attitudes of public officials are regulated by law. However, corruption in public sector during the post-1980 period caused erosion of ethical/ moral values in public administration. Ethical values and principles are not considered as important as technical qualification of an employee such as computer knowledge and good command of speaking. On the other hand, there is no official mechanism of teaching the existing organizational culture in many institutions. In service training has become a kind of leisure activity together with family members. Therefore, values, norms and principles guiding public officials are learnt by means of "mastery" relations. This leads to different perceptions of guiding principles in public service in accordance with the "priorities" of the sector, the agents and the circumstances.

Civil servants are reluctant to come forward and report suspected wrongdoing. Civil servants who have career and personal relationship in the workplaces are afraid of taking

risk. Lengthy investigative processes and public inquiries may be abrasive. Whistle blowing, which is not regulated by law in Turkey, on suspected wrongdoing is the 'right' thing to do, however, it means disloyalty to the employer and colleagues. Organizational culture in many public institutions is closed, secretive and risk-averse. Bad news is hidden as long as possible for fear of public scandal and punitive political reaction.

It is widely argued that discretionary authority of some superiors causes several ethical issues including conflict of interest. For example, planners should interact with investors to facilitate development. In this process, planners either compromise or use their discretionary power. Instead of following the rules they may negotiate something "behind the scene." How can we trust ethics of planners (hidden interest) in this negotiation? It is clear they protect public interest or not? Additionally, some superiors intentionally protect some employees due to relative/friendship/political relations even though these employees violate some simple principles guiding public service. In these circumstances, an ordinary civil servant faces an ethical dilemma between different attitudinal preferences.

Finally, almost all interviewees criticized why the Regulation isn't applicable to politicians and academic personnel and some others. According to their view, this creates discrimination without any rationale.

Within the scope of this study it was observed that there is an implicit consensus on the need for an effective system of guiding principles in Turkish public service. While some public officials emphasize on moral (religious/societal or combination of both) diemsion of the issue others prioritize an effective ethics regime regulated by law or code with sanctions. Although it is not discussed few of them mentioned that if the case does not fall into the scope of criminal investigation all wrongdoings are subject to paper over the cracks. Therefore, there is a need for organizational effort too. In order to accomplish this objective, it was always repeated that a committed leadership together with the sincere participation of all stakeholders, including the greater public, media and non-governmental organizations is necessary. Otherwise, they are the cogs in the machine. It is equally shared that these efforts must be combined with the efforts of the formal education from seven to seventyseven.

Dominant (Core) Values in Public Administration

During the interviews, we asked the interviewees "what are the most guiding (core) public service values according to their personal experience?" They listed lawfulness (rule of law), impartiality/honesty and public interest as the most recognized values. Service principle and duty of care stated moderately and followed by equality, and transparency/openness. And accountability was the last recognized value.

Although the interviewees complained about unfair practices the principle of rule of law has a strong emphasis in Turkish public service. The phrase "according to black book" is still dominant principle for civil servants. This was especially true for members of civil administration (mülki idare). On the other hand, service principle and fairness were estimated the most core values in municipalities.

Public servants have a general understanding of these concepts basically developed through their personal experiences yet lack of current challenges significantly. For instance, the term public interest is considered to be an abstract concept above all everything. However, how do they apply these concepts in practice requires another survey.

It is striking that "avoiding conflict of interest," "accountability" and "unlawful benefit/gift receiving" which are the most important principles of the Regulation and the Ethics Contract, none referred to them in priority. The first two concepts are new to Turkish administrative culture as well as to the society and they are in the process of taking their forms. Gift receiving/giving ("lavishing"), on the other hand, is very wide spread in Turkish culture. It is argued that receiving a gift as a bribe is not acceptable or a gift beyond acceptable value is not correct. However, gift giving and gift receiving at the times of celebrating a completed job etc. should not be considered as a bribe. Refusing a gift is not approved in Turkish culture. While it is widely argued that there is no small or big gift Some of the interviewees stated that "an ordinary gift" is nothing we have to focus on "big corruptions."

The ethical values specified in the Regulation were not incorporated by the public officials very well. However, the representatives from the municipalities expressed the challenging concepts such as transparency, openness and accountability more than the representatives from the provincial ethics commissions. It is obvious that municipalities are more prone to changes than civil administration. It was obvious that most public officials do not have time to think about these values under the limitation of daily routine. Although the relevant departments of some ministries organize regular in-service training on these matters there is a clear need for ethics training in provincial organizations.

According to the available data through web pages of the ministries and other public institutions one can generalize that ethics commissions and ethics training have not been given priority consideration. In provincial organizations, it was observed that the ethics commissions were formed on paper but did not convene until recently. Therefore, there is an urgent need to regenerate the ethics.

The interviewees also mentioned some other values which are not present in the Regulation such as loyalty to public, empathy, a consistent relation between the superior and the lower, effectiveness and responsibility. Loyalty to public as a value comes close to service principle. Empathy can be linked to respectability and confidence. Consistent relation between the superior and the lower can be understood as courtesy and respect. Effectiveness is a part of avoiding extravagance. And finally, responsibility is implicitly linked to accountability.

Finally, it was observed that in civil administration (mülki idare) and financial institutions (maliye) civil servants have established professional principles and values institutionally. However, in other institutions values are not established institutionally. Civil servants follow the values they learned in the family, in their peer groups or by an influential superior. Therefore, institutionalizing values is the major phenomenon in Turkish public service.

Common Comments of the Interviewees on the Case Studies

Interviewees overwhelmingly agreed that case studies that they read were very expressive of the "degeneration" and "erosion" in public service and reflected the reality. However, most of them stated that "they hear such rumors or read from newspapers" but these are not "usual" in their current institution." Few of them argued that these behaviors/attitudes might be legitimate if the relevant actors did not intend to obtain an unfair benefit. They also underlined that individuals may violate the rules unintentionally under the inluence of an external factor, economic, political or so on. Therefore, it is equally important to question the constraint factor(s) leading to an unethical behavior.

Case 1:

His behaviour is unethical but very much humanly. Any parent who faces a similar situation can act similarly. A father has to save his kids especially when a daughter is concerned. Unemployment and economic crisis might have made him hopeless. The director also acted whatever a usual friend does. This is a very widespread situation around us. We would also act similarly in this case.

DECISION: NO CONFILICT OF INTEREST AT ALL

Case 2:

Public vehicles are used by civil servants frequently. There are loopholes in the legislation and sometimes superiors act tolerantly. We also permit a driver to stop and pay his electricity bill etc. on the way to his official duty. He can do both public duty and his personal business simultaneously if this does not obscure the public duty. Public do not express a negative attitude towards such things and never complain about it. However, unless a senior official permits a lower civil servant he cannot attempt to do such things. The phrase "my civil servant knows how to survive well!" creates a mental pollution; first we should correct this! When a boss –senior civil servant- drives to his summer house by his official car and a civil servant does not use the car available to him he is called "silly!" When your superior acts honestly and transparently you have to comply with the official rules. The system is wrong; the housing facility was built in a distant place first. You should not leave a space for loopholes and tolerance. Such issues must be solved by means of legal provisions. However, compared to money laundering using an official car for personal business is nothing! At least he pays gasoline price.

When an inspector or senior public official visits our department we organize sightseeing for him/her at the weekend and use public vehicles for transportation. This is a routine honouring that we offer. Sometimes we offer my official car for their family, too. IT IS A USUAL DECISION: SITUATION BUT SHOULDN'T BE DONE BUT NO PROBLEM UNLESS A PUBLIC DUTY DELAYED/INTERFERED

Case 3:

This is also widespread but not applicable for all civil servants. Sometimes our department does not offer advance payment for our official trips. In this case we have to use our credit card to book a ticket. We do not have that much cash money available. Sometimes we

book an international flight ticket for an offical visit by lending money from someone else. In this case, it is not important to win a TV or a free ticket. Tickets must be booked by the institution, and mileage can be collected in a pool system. Mileage is a small thing; there are bigger problems to be solved in priority.

DECISION: NOT APPLICABLE TO ALL. IT SHOULDN'T BE DONE IN PRINCIPLE. FRINGE BENEFITS (DO NOT) CAUSE AN ETHICAL PROBLEM (INTERVIEWEES ARE DIVIDED)

Case 4:

Mayors should not seek self-interest. Both political party(ies) and citizens exercise influence on the municipalities. Small gifts may influence individuals. However, big gifts may cause fidelity and the things get done accordingly. It is natural for anybody to start working at another job after retirement; however, it is unethical to set an interest relation with another private company while s/he is working in public service. Public officials basically comply with the principle of public interest; however, when their individual interests appear in front of them they do not take painstaking. In the case of yacht club, one might think for a second time and find it as an investment in the city.

DECISION: A GOOD SENARIO EXPRESSING "ACTUAL" CONFLICT OF INTEREST

To conclude, the interviewees first make a distinction between small and big benefit. Second, they have a tolerant attitude towards the cases considering the fact that same thing may happen to me in near future. Third, they do not differentiate what is public source and what is private source properly. Finally, sometimes they act under the influence of external factor –family, financial, political and social- when and if the rules are not specified properly.

Conclusion and Recommendations

Within the limited scope of this study, both the existing literature and the survey results commonly underline an urgent need for an effective ethics regime in Turkish public service. Although there is a gradual improvement in ethics related issues it is timely to further institutionalize ethical environment in Turkey.

Issues:

- Organizational culture deteriorated
- Personnel regime including merit system and pays is unfair and ineffective
- New public management reforms including public procurement system cause ethical dilemmas in transparency and accountability
- Confidence in public service is low due to lack of sufficient transparency and accountability
- Relevant legislation is too dispersed

- Preventive measures are insufficient
- Public awareness and control limited
- Need for an autonomous body to monitor, investigate and report to public

Positive developments:

- Harmonizing the legislation with the relevant international regulation
- Encouraging operations of law enforcement agencies
- Cooperation with the international institutions
- Public demand
- Continious strong will of the government

What should be done?

Recommendations for short term:

- This study first recommends an ethics training program linked to revised Chapters 2 and 3 of the Regulation. This training should include the aspirational elements of the key principles and stress the following objectives:
- Public Servants are required to abide by all legislation, including the Constitution
- Serve the public and to put the public interest first;
- Execute the policies of the government of the day, regardless of individual political affiliations; and
- Promote sound, efficient, effective, transparent and accountable administration.

- In order to enlighten civil servants an addendum based on actual case studies to assist interpretation of the principles of ethical behavior should be regularly published and distributed.
- While the Council is responsible for promoting ethics in public service an ethics champion for each ministry or province should be appointed. A contact person in every provincial ethics commissions should be determined to answer the questions of civil servants and a toll free hotline should be set up.
- Law No. 5176 on the Establishment of Council of Ethics for Public Service and Making Modifications on Some Laws and the Regulation should be revised and updated. Other relevant laws and regulations should be harmonized.
- A general conflict of interest regulation should be enacted. Other sectors should be encouraged to develop their own conflict of interest mechanisms.
- Political/campaign finance law should be enacted.
- Parliamentary Ethics and Judicial Ethics should be regulated either as a code or law.
- Public procurement process should be more competitive and transparent
- Finally no ethics regime will succeed unless there is a clear message from the top that the executive supports ethical behaviour.

<u>Medium-term</u>:

- A whistle blowing mechanism should be enacted by the parliament in order a civil servant to inform unethical behaviors as well as illegal actitivities in conflict with public interest to the appropriate authorities.

- Discretionary authority of public officials which may cause conflict of interest must be narrowed down.

- Council of Ethics for Public Employees should be reorganized.

- Ombudsman law must be readopted

<u>Long-term</u>: A strategic plan should be developed by the participation of all relevant stakeholders including public, business, non-governmental organizations and the media.

KEY RECOMMENDATIONS FOR MANAGING CONFLICT OF INTEREST

1. Identify relevant conflict-of-interest situations. Provide a clear and realistic description of what circumstances and relationships can lead to a conflict-of-interest situation. Ensure that the conflict-of-interest policy is supported by organisational strategies and practices to help identify concrete conflict-of-interest situations at the workplace.

2. Establish procedures to identify, manage and resolve conflict-of-interest situations. Ensure that public officials know what is required of them in identifying and declaring conflict-of-interest situations. Set clear rules on what is expected of public officials in dealing with conflict-of-interest situations, so that both managers and employees can achieve appropriate resolution and management.

3. Demonstrate leadership commitment. Managers and leaders in the public service should take responsibility for the effective application of conflict-of-interest policy, by establishing a consistent decision-making process, taking decisions based on this model in individual cases, monitoring and evaluating the effectiveness of the policy and, where necessary, enhancing or modifying the policy to make it more effective.

4. Create a partnership with employees. Ensure wide publication, awareness and understanding of the conflict-of-interest policy through training and counselling. Review "at-risk" areas for potential conflict-of-interest situations. Identify preventive measures that deal with emergent conflict-of-interest situations. Develop and sustain an open organisational culture where measures dealing with conflict-of-interest matters can be freely raised and discussed.

5. Enforce the conflict-of-interest policy. Provide procedures for establishing a conflict-of-interest offence, and consequences for non-compliance, including disciplinary sanctions. Develop monitoring mechanisms to detect breaches of policy and take into account any gain or benefit that resulted. Co-ordinate prevention and enforcement measures and integrate them into a coherent institutional framework. Provide a mechanism for recognising and rewarding exemplary behaviour related to consistent demonstrated compliance with the conflict-of-interest policy.

6. Initiate a new partnership with the business and non-profit sectors. Involve the business and non-profit sectors in elaborating and implementing the conflict-of-interest policy for public officials. Anticipate potential conflict-of-interest situations when public organisations involve persons representing businesses and the non-profit sector through boards or advisory bodies. Include safeguards against potential conflict-of-interest situations by making other organisations aware of the potential consequences of non-compliance and reviewing together high-risk areas.

Source: (OECD, 2003)

Appendix A. Case Studies Used During the Interviews

Case 1

Şakir Dürüst who works as a unit chief at the revenue office and is a member of hiring committee. Jale Dürüst, daughter of Mr. Dürüst, received a higher score from the Aptitude Examination for Public Employees, and applied for a vacant position at the revenue office and met the requirements for an interview. Due to his long career at public service, Şakir Dürüst, committed to impartiality and merit system in the service. He thinks that he should resign from the membership of the hiring committee and tells this to Mr. Cahit Dostel, who is the deputy-director of the revenue office and the head of the committee. However, before leaving Mr. Dostel's room, he adds that she is unemployed for a long period and fell into a psychological depression, therefore he requests Mr. Dostel to help them. Despite there were more qualified and experienced candidates among interviewees, Jale Dürüst is employed.

Case 2

Zeki İşbilir who has a family with five children works as a driver at a power station company. Housing facility is 30 minutes away from the closest shopping centre and the only transporation facility, the municipality's shuttle bus operates at every two hours. It takes 10 minutes by walk from the bus station to the housing facility. Both shopping and the children's attendance to weekend courses at the downtown create big trouble for İşbilir family which doe not have a private car. After a while, Zeki İşbilir solved the problem by using the official car under his responsibility for both shopping and driving the children to the course at the weekend. He paid the gasoline by his pocket. Sometimes he serves the colleagues at his apartment.

Case 3

Zeynep Çokuçar, who attends the training programs fort he harmonization with the EU acquis, frequently flies to Brussels. Her travel expenses are paid by her institution. However, the institution does not offer advance payment and pays her expenses in return of bills afterwards. Therefore, Ms. Çokuçar pays her expenses by using her credit card. After a while, when her mileage reaches at a certain score she gets a free ticket from the airline company. Then she wins a 32 inch LCD tv from the Karopuan drawing of the bank. She is quite happy.

Case 4

İhsan Yanbakan wins the recent local elections. The former municipal council decided to construct garbage and recycling project nearby his elder brother İrfan Yanbakan's inarable land. Mr. İhsan convened the relevant public officials and asked them to review this decision as the first business. He wants to develop the region where his elder brother's land located as a collective housing area. He also plans to move the recycling Project closer to farmyards. He thinks that farming is unproductive, increases hidden unemployment and leads to migration. He argues that building small enterprises on agricultural lands will

decrease unemployment. He also thinks that they can get vegetables and fruits for urban consumption cheaper from Yantalya, a close city.

Case 5

Cafer İşbilir, mayor of Atılımkent, plans to build a five star international hotel and shopping center on a land determined as a green zone, closer to the city centre. Besides negative propaganda of the local media and environmentalist, some members of the municipal council and the governorship approach the issue with reservation. Later, with the support of Ketko Company, an internationally known company, mayor, deputy-governor and some members of the council with their wives attended a local government conference organized in Canary Islands. They paid their wives expenses by themselves. Mr. Cihan Saygıdeğer, a civil engineer and the elder brother of Vecdi Saygıdeğer, the deputy governor, worked at a company which was busy with construction of shopping centres in big cities.

After the conference, the elder brother of the deputy-governor Mr. Cihan, under the influence of the telling of his brother, applies for a job at Ketko Company. After a while, he started to work at the company's Turkey headquarter and assigned to an important position.

After six months, a new ÇED report is prepared and with the consent of the opposing members, construction of the yacht club and shopping centre is opened for bid. Ketko Company also applied fort he bid. Mr. Vecdi, the deputy-governor, is a member of the competition committee but resigns from membership due to his elder brother's position at Ketko Company. At the end Ketko Company gets the bid.

Before the start of the construction, Ketko Company establishes a centre at the city. Akın İşbilir, the son of the mayor and graduate of management starts working at Ketko as deputy expert responsible for operations. Sadık Değişken, who prepared the new ÇED report, starts working at Ketko's environment unit after he gets retired.

Appendix B:

Guidelines For Managing Conflicts Of Interest

Organisations can use a number of strategies to prevent conflicts of interest arising and help resolve any conflicts that do occur.

The first step is to recognise what situations could give rise to potential conflicts of interest. The second step is to make sure that staff discloses these conflicts. The third step is to decide how to resolve the conflicts or minimise their potential impact.

1. Organisations should identify areas of potential conflict of interest as part of their corruption risk assessment.

Before you can put procedures in place to manage conflicts of interest, you need to know where they are likely to arise and the effects on the organisation if they do.

There are some examples of potential risk areas on pages 2-5 of this module, but the level and type of risks will vary from one organisation to another depending on its structure and functions.

2. Organisations must develop a clear code of conduct and promote it to all staff.

The code should help staff to act ethically and with integrity in their day-to-day work. It should include topics such as personal and professional behaviour, the acceptance of gifts or benefits, other employment or businesses and how to deal with conflicts of interest.

The code needs to stress that it is the responsibility of individual members of staff to be aware of possible conflicts, to think about how others might view the situation and to notify senior staff if they think a conflict may exist. You might like to include some examples of where personal interests might conflict with public duties in your organisation.

The code should also explain what to do if a situation arises where there might be a conflict of interest. For example, a local government code of conduct might give the following guidance to staff and councillors:

If staff believe that there could be a situation involving a conflict of interest, they must advise their supervisor or the General Manager in writing, stating the full facts, in order to protect both themselves and council.

Councillors must disclose any interest in matters being considered by council. This disclosure must be made at the start of the council meeting. The onus is on the individual councillor to declare his or her interest.

You also need to make it clear that, as far as staffs is concerned; a breach of the code may constitute grounds for disciplinary action and possible dismissal. Councillors may also be liable to disciplinary action.

Having staff and elected officials formally disclose their personal interests is an important corruption prevention strategy. Elected officials in local government are in fact required

to comply with pecuniary interest provisions in the Local Government Act 1993. A public record of a person's interests is a significant disincentive to his or her acting corruptly, in their own self interest.

3. Organisations should develop policies and procedures for identifying and dealing with conflicts of interest.

The policy should explain what a conflict of interest is, who should be notified and what records should be kept and give some examples of how conflicts may be managed.

The purpose of the policy is to identify potential conflicts at the outset of a project, such as a purchasing contract, and then deal with them appropriately.

Meeting procedures and guidelines for selection panels should specify when staff and other public officials should declare a conflict and what action should be taken.

All policies and procedures should be periodically reviewed and updated to make sure that they remain relevant to the organisation's current situation.

4. Organisations must make sure that all staff and elected officials are aware of conflict of interest issues and know what their responsibilities are.

Your organisation may need to have an ongoing awareness program to remind everyone connected with the organisation of their obligations regarding conflicts of interest.

To do this you could:

provide all new staff with a copy of the code of conduct and ask them to certify that they have read and understood it

raise awareness of conflict of interest issues through articles in staff newsletters, posters and bulletins

include information and discussions on conflicts of interest in induction and management training programs

Staff attitudes and behaviour are often influenced by the examples set by senior management. Staff look to managers for guidance and support. It is important that all senior staff are good models of ethical behaviour, are able to identify potential conflicts of interest and know the appropriate action to take.

inform current and potential suppliers and contractors of the need to disclose any conflicts of interest at the time they offer to provide goods or services

Many public sector organisations now include a requirement that if conflicts of interest are not disclosed the contract can be terminated as part of the terms of contract.

explain to all customers and outside organisations the importance of integrity in the public sector. Explain that it is unacceptable to try to influence public officials through the offer of gifts and benefits.

Some public sector organisations have a 'Statement of Business Ethics' which outlines the ethical responsibilities of public and private sector staff in their business dealings with each other.

No-one working for or connected with, the organisation should be able to claim that they didn't know what a conflict of interest was, didn't realise they had one, or didn't know they had to disclose it.

5. Organisations must clearly state who is responsible for receiving conflict of interest disclosures and fully documenting any disclosures made.

Clear, open and accountable procedures help to prevent confusion and uncertainty and encourage staff and other public officials to discuss and report possible conflicts. The message should be: if you are in doubt, talk to a senior member of staff.

Staff responsible for accepting disclosures must make sure that the details of the disclosure are recorded. A record must be kept of any action taken to resolve the conflict.

If a conflict of interest is disclosed at a meeting, the minutes of the meeting should record the disclosure and any action taken. It should also give details of who was entitled to vote and make decisions or recommendations on which issues.

6. Organisations should consider a range of options to resolve actual or potential conflicts of interest.

Often the immediate reaction when a conflict of interest is disclosed is to remove the person with the conflict from the situation altogether. However, there are other options available. The option you choose could depend on:

the nature and extent of the conflict

whether the interest is of a controversial nature

the cost of the contract or action

the damage the conflict might cause to the process

public perceptions of the situation.

Some possible ways of managing conflicts of interest are:

Take no action

If the conflict of interest is minor or the person concerned is not in a position to influence decisions, you may decide that no action is necessary apart from documenting that the conflict has been disclosed.

Allow a limited involvement

Depending on the nature of the conflict, the person may still be able to be involved in the process, for example, by providing technical advice on a tender, but not be part of any decisions made. It must be remembered however, that the provision of technical advice could heavily influence the decision and should be avoided or corroborated where possible.

In a meeting, the person might be able to participate in the debate but not be allowed to vote or influence the decision.

Remove the source of the conflict

The staff member or elected official may be prepared to dispose of the interest that has caused the conflict. This could involve, for example, selling their shares in, or resigning from a position with the company involved in a tender.

Include an independent

You may decide to ensure impartiality by having an independent person on, for example, a selection panel. For complex or controversial projects, it is a good idea to have a probity auditor who can review the process and provide advice about how to resolve issues which arise.

Establish an ethics committee

Some organisations have set up an internal ethics committee which adjudicates on conflicts of interest and helps to decide what action should be taken. The committee should include a cross-section of staff from different areas and no one person should be allowed to dominate the process.

Checklist

_ Has your organisation identified areas of possible conflicts of interest within the organisation as part of its corruption risk assessment?

_ Does your organisation's code of conduct include clear information on conflicts of interest? Do all staff have a copy of the code?

_ Has your organisation developed policies and procedures for managing conflicts of interest?

_ Do these policies and procedures explain how to recognise and disclose a conflict of interest? Have they been clearly explained and promoted to all staff and elected officials?

_ Have all staff, elected officials, suppliers and contractors been told of their obligation to disclose any actual or potential conflicts of interest?

_ Is information on conflicts of interest regularly included in staff newsletters and training sessions to raise awareness of the issues involved?

_ Are there open and accountable procedures in place to resolve conflicts of interest?

_ Do your meeting procedures include details of how to deal with conflicts of interest that arise during a meeting?

_ Are all conflicts of interest that are disclosed fully documented and records kept of any action taken?

_ Do you consider a range of options for resolving conflicts of interest?

_ Have you considered setting up an internal ethics committee, having a probity auditor for major or controversial projects, or preparing a statement of business ethics?

_ Does your organisation periodically review and update its conflict of interest policies and procedures and make sure that they are relevant to the organisation's current needs?

Source: ICAC, 1996, Practical Guide To Corruption Prevention, http://www.icac.nsw.gov.au/files/html/pub2_27cp.htm

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