

The Role of Anti-Corruption in the Turkish Accession to the European Union **Bryane Michael, Linacre College¹**

Anti-corruption will feature prominently in Turkey's talks on EU accession. Despite claims to the contrary, the data show that corruption levels in Turkey are not radically different than those in many other accession countries. While Turkey already meets with many of the requirements for accession, Turkey will need to bolster its anti-corruption programme. Key elements will include increased public sector co-ordination and the design and implementation of a credible anti-corruption programme. Yet, accession should not be the main motivator for such a programme. Anti-corruption will be necessary to strengthen fragile government institutions and forestall the radicalisation of the political process.

The December 2004 meeting of Turkish and European Union (EU) officials will have determined much about the eventual Turkish accession into the EU. The focus of these talks will be on issues such as the compatibility of Turkish legislation with the *acquis communautaire*, immigration, human rights and other points of contention between the EU and Turkey.² If the accession of other countries into the EU is any indicator for Turkish accession, reducing corruption and improving the rule of law will figure prominently in these discussions. Anti-corruption gets its own section in the EU's *Regular Reports on Progress Toward Accession*. Yet, despite claims to the contrary, Turkey is not radically different from the other accession countries both in the level of corruption and the level of anti-corruption. However, it has engaged less wholeheartedly in anti-corruption programmes than many of the other accession countries. In this essay, I will compare Turkey with some of the other accession countries -- along the very specific and concrete measure of corruption and anti-corruption -- to assess the claims that the Turkish accession will be radically different than the other accessions. Such a comparison will provide some insights for the design and implementation of Turkey's anti-corruption agenda.

Talking Turkey: A Comparison of Turkish Corruption with Other Accession Countries

In both the domestic and international popular press, Turkey is largely painted to be extremely corrupt. For example, a November 24th *Financial Times* article notes that "two former Turkish energy ministers are due in court tomorrow in a case that, if it ends in prosecution, may shed light on an issue that fascinates and horrifies many Turks - the extent of corruption in the country's political and commercial life."³ Certainly Turkey has seen its share of high level politicians under the spotlight -- including Cumhur Ersumer and Zeki Cakan, (energy ministry), Mesut Yilmaz (a former prime minister), Koray

¹ For more information, including links to the sources mentioned in this paper, see <http://users.ox.ac.uk/~scat1663>

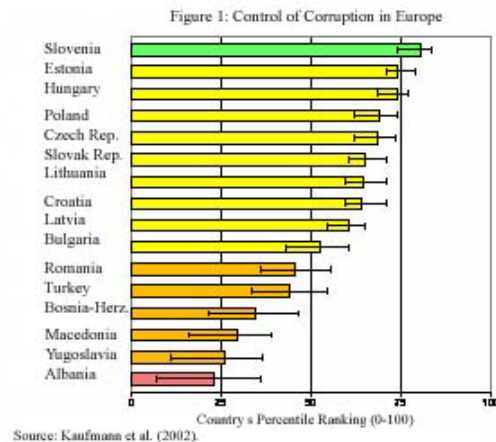
² M. Teitelbaum and P. Martin, "Is Turkey Ready for Europe?" *Foreign Affairs*, Vol. 82, No. 3 (May/June 2003).

³ V. Boland, "Former Turkish energy ministers head to court on corruption charges," *Financial Times* (24 November 2004).

Aydin (housing and public works ministry) and Yasar Topcu (public works ministry), former deputy prime minister Husamettin Ozkan and former economics minister Recep Onal. In the same article an unnamed source at Transparency International said that corruption "is one of the most serious obstacles to Turkey's accession" and notes a culture of "endemic political corruption." More relevant for EU accession is that the European Commission and the European parliament have made reference to Turkey in their reports on the country's suitability for membership.

Yet, the real question is not whether Turkey is corrupt or not – but whether it is comparable to countries which have already acceded. Such prosecutions certainly contribute to popular perceptions of a corrupt Turkish polity. However, these prosecutions may also signal a changing environment and an increasing willingness to fight corruption. If the nature and level of corruption is roughly the same as the other countries, the EU will have a tough time refusing Turkish accession.

The data show a mixed picture. According to one of the best known indicators, the Transparency International (2002) Corruption Perceptions Index, Turkey rates 64 among 102 countries in the Index. This ranking is 12 places below the Czech Republic, Slovakia and Latvia (higher numbers imply more integrity) -- yet 13 places above Romania.⁴ Using the "gold standard" of anti-corruption data, we see from Figure 1 that Turkey certainly has less control of corruption than the "first wave" accession countries.⁵



However, Turkey is closer to the "second wave" countries of Bulgaria and Romania, being statistically indistinguishable from either of them. From the numbers alone (assuming they are correct), failing to open talks with Turkey while conducting negotiations with Bulgaria and Romania would suggest non-technical factors are driving the EU accession process.

A disaggregated view of the data also shows a mixed picture for Turkey. Turkish public sector institutions are not all uniformly corruption ridden. As shown in Figure 2, traffic police have the highest incidence of accepting bribes yet receive the lowest amounts in euro terms. Customs officials though tend to take high value bribes often. While these data probably under-report the true extent of corruption (and fail to report on grand corruption), they still qualitatively demonstrate that corruption is not endemic in all

⁴ Several countries can hold the same ranking in this index and Turkey shares the 64th place with Thailand. For more information, see Transparency International, "Transparency International Corruption Perceptions Index 2002." Available at: http://www.transparency.org/pressreleases_archive/2002/2002.08.28.cpi.en.html

⁵ D. Kaufmann, A. Kraay, and P. Zoido-Lobaton, "Aggregating Governance Indicators," *World Bank Policy Research Working Paper* No. 2195, (1999).

Turkish institutions. On a 10 point scale, the survey respondents opined that tax inspectors were highly corrupt (7.1 on the 10 point scale), yet only 6% of respondents actually paid a tax inspector -- and the actual amount paid was less than almost all other public services.

Figure 2: Extent of Turkish Bribery and Corruption in 2002

Category	Perception of corruption (10 is widespread)	Amount admitting to paying bribes (%)	Average Bribe Amount (euros)
Traffic Police	7.6	23	8
Customs	7.6	20	89
Tax inspectors	7.1	6	20.2
Land registry	6.8	11	31.4
Municipalities	6.4	6	36.2
Non-traffic police	6.1	13	41.5
Public hospitals	5.6	7	30.9
Courts	4.9	7	83
Primary and Secondary Schools	4.6	12	16

Source: F. Adaman, A. Çarkođlu, and B. Aenatar. *Corruption in Turkey: Results of Diagnostic Household Survey*. (Istanbul: TESEV, 2001).

Notes: Armed forces excluded. Average bribe amounts converted into euros from Turkish lira using the 26 November exchange rate.

While Turkey perceives itself to be highly corrupt, such data are comparable with other accession countries. Figure 3 shows data taken from a number of sources and shows perceptions about the degree of corruption in various government institutions for accession countries for which data are available.⁶ Turkish respondents perceive corruption in various services to be slightly higher than respondents in other countries. Yet, customs and traffic police are problematic institutions in the other accession countries as well. Commentators such as Baran (2000) note that privatisation led to much Turkish corruption which is not shown in Figure 3.⁷ However, the qualitative evidence shows that privatisation had similar effects in other countries such as Czech Republic, Poland, and Hungary.⁸

⁶ These data should be treated as best guesses as estimates vary widely from survey to survey and over time. For example, the Smeltz and Sweeney (1999) survey show that 63% of respondents think that police are mostly corrupt in Hungary while the Gallup data for 2000 show 49%. Moreover, slightly different questions were asked in each of the polls, reducing the comparability of these data. See D. Smeltz and A. Sweeney. *On the Take: Central and East European Attitudes Toward Corruption*. (October, 1999). Available at: <http://www1.oecd.org/daf/nocorruptionweb/pdf/OnTake.pdf>

⁷ Z. Baran. "Corruption: The Turkish Challenge." *Journal of International Affairs*. (September, 2000).

⁸ G. Clarke and L. Xu. (2002). "Privatization, Competition and Corruption: How Characteristics of Bribe Takers and Payers Affect Bribe Payments to Utilities." *PRIV Working Papers*.

Figure 3: Comparing Complaints about Corruption

Category	Turkey	Hungary	Latvia	Slovakia	Romania
Traffic Police	7.6	4.9**	6.3	5.0**	4.7**
Customs	7.6	4.7	8.0	4.0	5.2
Tax inspectors	7.1	3.2	4.3	4.4	4.0
Land registry	6.8	--	--	2.0	--
Municipalities	6.4	4.1	4.0	2.7*	3.1
Non-traffic police	6.1	4.9**	5.5	5.0**	4.7**
Public hospitals	5.6	7.8	2.7	6.2	4.7
Courts	4.9	2.2	6.2	5.8	5.5
Primary and Secondary Schools	4.6	2.1	3.5	3.3	2.1

Sources: Turkish data were taken from Adaman *et al.* (2001), Hungarian data from Gallup (2003), Latvian data from Anderson (1998), Slovak data from Anderson (2000), and Romania data from Anderson *et al.* (2001).

Note: Non-Turkish data has been converted into a 10 point system for comparability. Latvian data was originally on a 60 point scale while the Slovak, Hungarian, and Romania on an 100 point scale.

* “Local government” used instead of regional and district offices.

** Slovak and Hungarian data does not differentiate between traffic and non-traffic police.

EU Criteria and Turkish Efforts to Fight Corruption

Irregardless of Turkish levels of corruption, if Turkey wants to join the EU, one of the main obligations Turkey will face is compliance with the Copenhagen Criteria. The Criteria was established by the 1993 Copenhagen European Council and established the accession countries’ mandate to reduce corruption. The Criteria requires “institutions guaranteeing democracy [and] the rule of law” and policies which help secure a “functioning market economy.” More specific guidance for these countries is given by the *acquis communautaire* which requires the adoption of a number of international conventions making bribery a civil and/or criminal offense in domestic legislation.⁹

On paper, Turkey looks well poised to meet the Criteria by having adopted a number of conventions by organisations with largely European membership. The Turkish parliament has already ratified the Council of Europe Civil Law Convention on Corruption. Such ratification has allowed Turkey to become a member in the Group of States against Corruption which monitors compliance with European anti-corruption standards. In 2000, Turkey signed on to the OECD’s Convention on the Bribery of Foreign Officials in International Business Transactions. Turkey has also engaged in a number of more concrete measures aimed at fighting corruption. A parliamentary anti-corruption committee has issued a long report (1,200 pages!) and started investigations

⁹ Examples include the 1995 Convention on the Protection of the European Communities’ Financial Interests, the 1997 Convention on the Fight against Corruption involving Officials of the European Communities or Officials of the member States of the European Union and the 1998 Joint Action on Corruption in the Private Sector. Additionally, accession countries must sign up for the Council of Europe’s criminal law and civil law conventions on corruption as well as the OECD’s convention which outlaws the payment of bribes to foreign officials.

into a number of high level improprieties.¹⁰ In January 2004, a working group was brought together to assist the parliamentary committee in charge of the Action Plan on Enhancing Transparency and Good Governance in the Public Sector. The working group consists of employees from the Prime Ministry Inspection Board, the Ministry of Justice, Ministry of Interior, Finance, the Treasury and the State Planning Organization.

Skeptics see the announcement of such anti-corruption efforts as a whitewash – non-credible commitments to avoid tackling corruption. Despite Turkey’s adoption of international conventions, the data suggest little has changed. Despite being a signatory to the OECD’s anti-bribery convention and a member of the Organisation since 1961, the Kaufmann *et al.* data show Turkey is significantly worse at controlling corruption than its OECD colleagues. Despite the formation of the Inter-ministerial Commission and the formation of an Anti-Corruption Steering Committee a number of years ago, they only managed to meet this year. Skeptics also point to the large amount of ineffective regulation attempting to govern a public sector which is larger than other OECD countries like Portugal and Spain.

Ultimately, the success of the anti-corruption plan will depend on political will within the Justice and Development Party (AKP). The rise of the young Justice and Development Party is partially attributable to its stance on reducing corruption. Prime Minister Recep Erdogan and several senior officials in the current administration have highlighted the importance of fighting corruption in a number of public speeches. An early measure of the AKP government was to pass an Emergency Action Plan which contained various anti-corruption measures. Yet, few announcements of the Plan’s success have been made. Enhanced transparency in political party finance, increased access to information, the lifting of parliamentary immunity, and enhanced dialogue between Government and civil society have met with some resistance. Even the Erdogan Administration’s success in investigating corruption has been tainted by allegations that these investigations constitute a purge of past government officials and leave those close to the AKP untouched. The success of the government’s anti-corruption programme will depend on the anti-corruption systems it can establish more than the political “big fish” the Erdogan administration can fry.

Designing an Anti-Corruption Programme for Turkey

Most of the accession countries have accepted the need to establish anti-corruption systems and have already either engaged in comprehensive (often donor funded) programmes or piece-meal programmes. Comprehensive programmes recognise that the “use of public power for private gain” involves the government as well as the non-government sector. Thus, comprehensive programmes try to incorporate as many non-state actors into the anti-corruption exercise as possible. These programmes also focus on systems and the incentives they provide rather than focusing on law enforcement and big fish frying. Given the systemic nature of such reform, donor funding is usually required – such as World Bank lending for Latvia’s large anti-corruption programme, USAID

¹⁰ European Union. (2004). *Regular Report on Turkey’s progress towards accession*. Available at: http://europa.eu.int/comm/enlargement/report_2004/pdf/rr_tr_2004_en.pdf

funding of Bulgaria's programme, or United Nations funding of the Hungarian programme. Piece-meal programmes also focus on systems, but by contrast, focus on particular institutions. Countries such as the Czech Republic or Poland have seen much reform at the institutional level and relied more on EU and Phare funding for these reforms.

Figure 4: Comparing Anti-Corruption Programmes in the Accession Countries

	Countries	Turkey?
Laws		
Criminal Provisions in Law	All	Yes
Procurement Law	Czech, Latvia, Lithuania, Poland	Yes
Freedom of Information Law	Latvia, Poland <i>and others?</i>	No
Institutional Framework		
Corruption Prevention Council/Group	Latvia, Lithuania, Poland.	No
Public Administration Institute	Czech, Latvia, Lithuania, Poland	Yes
Types of Activities		
National anti-corruption programme	All	Sort of
Administrative (civil servant) training	Czech, Latvia, Lithuania, Poland,	Yes
Municipal	Czech, Latvia, Lithuania, Poland,	No
Politicians	Czech, Lithuania	No
Custom training	Czech, Latvia, Lithuania	Yes
Police training	Czech, Latvia	Yes
Judges training	Czech, Latvia, Lithuania, Poland,	Yes
Investigative journalism training	Latvia, Lithuania,	Sort of
Legislative training	Czech, Latvia, Lithuania.	No
Civil society training	All	Sort of
Deregulation	All	Sort of
International cooperation	All	Sort of

Source: Adapted from B. Michael. *Anti-Corruption Training in Central and Eastern Europe*. Strasbourg: Council of Europe. 2004. (forthcoming).

Note: The results summarized in this table are derived only from the information in the case study and not from the reviewer's own personal knowledge nor from independent research. Kosovo, Russia and Ukraine have been omitted for the sake of comparison.

Turkey appears to be following the way of piece-meal reform. Figure 4 shows some anti-corruption activities undertaken by some other accession countries in comparison with Turkey. As the other countries, Turkey has been able to pass laws. Yet, Turkey lags in the implementation of a number of programmes which support the implementation of these laws. Particularly weak is Turkey's effort to fight corruption at the local level and change the logic of a political system which relies on corruption.¹¹ Turkey also has not engaged in the same level of non-governmental anti-corruption activity as some of the other accession countries. Investigative journalism training is one important element in the fight against corruption -- and while Turkey does have its

¹¹ Baran, Z. (2000).

examples of investigative journalists (such as the famous Ugur Mumcu) -- systems to train increasing numbers of such journalists could be strengthened. Business activity also can be strengthened.

A key area for piece-meal Turkish anti-corruption reform will be comprehensive deregulation.¹² Turkey has embarked on a programme of deregulation outside the public sector covering sectors such as telecommunications, banking, gas and infrastructure as well as increased competition and market openness. In line with IMF recommendations, fiscal transparency has been enhanced by eliminating budgetary and extra budgetary funds. Turkey also complies with internationally accepted standards of public sector budgeting.¹³

Unlike the accession countries, Turkey has no real centre of anti-corruption. Lithuania has its Special Investigation Service, Latvia has its own Anti-Corruption Coordinating Body, as does Hungary, and Bulgaria. In Turkey, a number of executive bodies deal with anti-corruption including the Prime Minister's Inspection Board, Ministry of Finance Inspection Board, Ministry of Justice, Ministry of Interior, State Planning Office and the State Supervision Institute in the President's Office. However, none of these has been given a definitive leadership role and the relationship between these entities is ambiguous.¹⁴ Such ambiguity will be resolved once efforts at public sector reform intensify, once an anti-corruption programme is established and once the Parliamentary Anti-Corruption Committee starts dictating policy to the Turkish executive. Such a systems-based approach must be pursued and Turkey must avoid the temptation to focus only on issues of enforcement.¹⁵

As some of the other accession countries show, systems will be futile without a large programme of anti-corruption training. Such training has occurred slowly in many accession countries -- undermining the reform effort. Unlike training in public sector financial management or even e-government, no established theory or practice exists related to anti-corruption training. For example, Figure 5 shows six elements in the design of a national anti-corruption training regime for four accession countries. Each country's training emphasis varies -- with little consideration given to how such training can contribute to the implementation of anti-corruption legislation. As institutions such as Public Administration Institute of Turkey and the Middle East (TODAIE) decide on anti-corruption training, these are issues they will confront.

¹² For more on Turkish deregulation, see the *OECD Reviews of Regulatory Reform. Turkey: Crucial Support for Economic Recovery*, (Paris: OECD, 2002).

¹³ According to the Kaufmann *et al.* data, Turkish regulatory quality is well behind Hungary and Czech Republic but ahead of Romania.

¹⁴ The International Academy against Drugs and Organised Crime (TADOC) and the Ministry of Finance's Financial Crimes Investigation Board (MASAK) also have a role to play -- though the centrality of that role relative to other institutions can be questioned.

¹⁵ Aliriza, B. (2001). CSIS Turkey Update. Turkey's Crisis: Corruption at the Core. March 5. Available at: <http://www.csis.org/turkey/TU010305.pdf>

Figure 5: The Elements of an Anti-Corruption Training Programme

Area and Description	Czech Republic	Latvia	Lithuania	Poland
Integration Extent to which ethics and anti-corruption training is treated as a separate course or integrated into topic specific courses	High	High	High	Low?
Retraining Extent to which new training takes precedence over the re-training of existing civil servants and others	High	High	High	High?
Level Relative importance of anti-corruption education compared to other types of training	High	High	High	?
Certification Are anti-corruption education/training programmes certified?	?	?	?	?
Quality assessment Is the quality and performance of anti-corruption education programmes assessed or evaluated?	Yes	?	Yes	Yes
University role The role of educational institutions and specifically the university in producing pro-active thinking about anti-corruption	Yes	?	High	Yes

Source: Adapted from B. Michael. *Anti-Corruption Training in Central and Eastern Europe*. (Strasbourg: Council of Europe, 2004).

Note: This table represents a subjective and “inductive” assessment of countries based on a clustering of strategic priorities done by the author based on available information. These rankings do not reflect statements by policymakers from the countries concerned nor the case writers. Question marks were used where even rough estimates could not be made.

Part of the blame for Turkey’s uncommitted anti-corruption agenda lies with the tepid support given by international organisations. In most of the other accession countries, one or more of the international donors has been involved in anti-corruption work. The United Nations has provided assistance to Hungary. The World Bank has been involved in Latvia, the Slovak Republic and Poland. The OECD has an initiative that focuses on South-East Europe (to the neglect of its own Turkish member state). EU assistance under the Phare programme was provided only to Eastern Europe (and under the CARDS programme, this assistance has been extended to the Balkans). The ambivalent international donor response for Turkish anti-corruption partly reflects general pattern in Turkish-West relations. Indeed, Baran (2000) notes that part of Turkish corruption emanated from Cold War politics and financial flows which did not punish Turkish policymakers for self-serving behaviour. Venturing into the realm of political sociology, Turkey (a bit like Russia) sees itself as a large and powerful country – too proud to ask for aid especially given revenues generated by oil and enormous financial flows from abroad.

Civil society -- seen by the donors as the bastion of anti-corruption – is ostensibly weak in Turkey. Transparency International’s local chapter in Turkey --while having done important work -- is less active than in some of the other accession countries. The

Turkish Economic and Social Studies Foundation (TESEV) has sponsored some important work looking at corruption – including the Adaman *et al.* survey previously cited. However, such work has not been picked up by government authorities as fully as it might and no victories have emerged from the TESEV sponsored *Civil Society Platform for Monitoring Corruption*. The US based Ethics Resource Center has held a number of ethics and anti-corruption meetings in Turkey with questionable long-term impact. Foreign organisations funding activities which Turkish civil society should value (and should pay for) may be seen as worrying. Even more worrying are EU requirements that Turkey embrace Western-style NGO-based “civil society” which could undermine social action conducted in Turkey’s highly active political and religious organisations.¹⁶ Local organisations are involved in important work, such as TUSIAD’s involvement in public sector reform.¹⁷ While Turkish civil society anti-corruption activity is modest, other accession countries’ activity has not been orders of magnitude higher.

Avrupahlaştıramadıklarımızdanmısınız?

Turkey should not embrace anti-corruption because of EU requirements for accession. Anti-corruption will help promote Turkey’s own political and economic stability. Turkey is different from the other accession countries because corruption is more damaging to fragile state structures. Turkey has suffered from chronic inflation and budget deficits for the last 25 years, some of which has been caused by corruption. Both the World Bank and the EU have opined that Turkish economic and social fragility is partially a consequence of corruption. The economic crisis of 2001 was partly blamed on a loss of market confidence in the Turkish economic reform which was stalled by corruption.¹⁸ The severity of the 1999 earthquake was more than likely exacerbated by corruption in the procurement and contracting of state construction services.¹⁹

Turkey’s own territorial integrity and sovereignty is also at stake. General Kivrikoglu noted that “after Islamic fundamentalism corruption is the second most important threat to national security.”²⁰ Corruption could become the handmaiden of Islamic fundamentalism if bribery becomes an important revenue source for hard-line public officials and allocates state largesse to their friends. If corruption helped undermine political Islam by undermining the authority of the Sultans during the

¹⁶ Civil society in Turkey is a complicated subject and the reader should see G Nilüfer, “Toward an Autonomisation of Politics and Civil Society in Turkey,” in M. Heper and A. Evin. Eds. *Politics in the Third Turkish Republic* (Boulder, CO: Westview Press, 1994). pp. 213-222. The reader may also consult J. Hall, *Civil Society: Theory, History, Comparison*. (London: Pluto, 1995). While the government has in some cases reacted strongly to certain civil society groups, the government’s response to NGOs is a poor indicator of the development of civil society in Turkey.

¹⁷ Y. Beris and E. Dicle. “Reforming Public Management and Managing Reform in Turkey,” *Turkey in Focus* 4 (March, 2004).

¹⁸ For a good overview of the literature and a dissenting opinion, see E. Yeldan, “*Behind The 2000/2001 Turkish Crisis: Stability, Credibility, and Governance, for Whom?*” (2002). Available at: www.bilkent.edu.tr/~yeldane/Chennai_Yeldan2002.pdf

¹⁹ Kinzer, S. (1999). The Turkish Quake's Secret Accomplice: Corruption. *The New York Times Week in Review*. August 29.

²⁰ S. Kucuksahin, “Turkish Central on Struggle Against Corruption,” *Hurriyet*, 12 April 2000, p. 18. Quoted in Baran (2000).

Ottoman Empire, it threatens to reverse that process in the 21st century – undermining multi-party democracy in favor of political Islam. While it is unlikely that neighboring Iraq will export a militant form of Islam to Turkey, weak Turkish state structures could pose problems for stability in Turkey’s already unstable East. When these structures weaken, Turkish history shows that respect for human rights weakens as well.

The best bet is for Turkey to set her own anti-corruption strategy – taking the lessons of the accession countries – without slavishly following the EU. The unthinking adoption of the *acquis* has weakened strategic capacities in Eastern Europe. Taking Dror and Benking’s phrase, Turkey must develop its “capacity of govern” – its ability to set its long-term strategic anti-corruption direction and then implement with concrete programmes.²¹ Public sector structures must follow politically set strategy. Turkey’s strategic thinking about anti-corruption should move beyond the “Emergency Plan” and accession, toward focusing on long-term considerations. The experience of longer standing EU members such as Italy and France shows that accession does not automatically translate into lower levels of corruption. For equity reasons, the EU should decide the case of Turkey based on its comparison with the other accession countries. Turkey, however, should decide for itself. Turkey should not be one of those people whom we tried unsuccessfully to make resemble the peoples of Western Europe.

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²¹ Y Dror and H. Benking, *The Capacity to Govern: Seven Points to Remember*. Club of Rome, 1995.