QUALITY OF REGULATORY POLICY AND QUALITY OF LIFE

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Good Governance for
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QUALITY OF REGULATORY POLICY AND QUALITY OF LIFE A METHODOLOGICAL NOTE

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INDEX

TABLES AND FIGURES

ACRONYMS AND ABBREVIATIONS

ISSP: International Social Survey Programme

NA: Turkish Parliament National Assembly

NGO: Non-Governmental Organizations

OECD: Organization for Economic Co-Operation and Development

RIA: Regulatory Policy Assessment / Regulatory Policy Analysis

UN: United Nations

SGI: Sustainable Governance Indicators

WVS: World Value Surveys

INTRODUCTION

United Nations has seen a need for redefining the fundamentals for public governance in 21st century and has conducted an inquiry on the criteria of public governance in twenty first century in 2012. The findings of the inquiry were published in the same year. The primary aim of the report is to communicate the main principles that should be implemented in public governance in 21st century. The principles have been summarized in the first page of the report. UN member countries have decided to implement good governance principles in public governance in 21st century. Good governance promotes equity, participation, pluralism, transparency, accountability and the rule of law, in a manner that is effective, efficient and enduring. In translating these principles into practice, holding free, fair and frequent elections, representative legislatures that make laws and provide oversight, and an independent judiciary to interpret those laws are required[1]. UN General Secretary also defined the meaning of rule of law: "…a principle of governance in which all persons, institutions and entities, public and private, including the State itself are accountable to laws that are publicly promulgated, equally enforces and independently adjudicated, and which are consistent with international human rights norms and standards[2]"

The governance style of the 21st century liberal democratic governments' should be in line with the above – defined criteria, which is a requirement as resolved by the UN and acquiesced by the UN member political systems. This fact is a guiding principle for governments, the public, judges who will oversee the process, media and researchers. These guiding principles clarify the framework for evaluating the outcomes of public policies developed by the governments. Basic criteria stated in UN report of 2012 will determine the style of four fundamental functions performed by governments. These four functions are; regulation, distribution, extraction and symbol generation and propagation in and out of the country[3]. Political systems are governed through these functions and the performance of the government has been evaluated according to the success of implementation of these functions.

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1 UN, Global Issues: Governance Report 2012: (https://www.un.org/en/globalissues/governance)

2 (http://issuu.com/undp/docs/issue_brief_-_rule_of_law_and_the_post-2015_develop).

3 Almond, G. A., & Powell, B. G. (1978). Comparative Politics: System, Process, and Policy (2nd Edition ed.). Boston: Little, Brown and Co. p. 286 - 321

Performance evaluation of governments based on these functions and their outcomes have been incorporated into political science / public policy research more frequently after World War II. UN and other international institutions measure and collect data on performance of government functions and the outcomes of their activities. Particularly data related to well-being and distribution such as tax collection, income distribution, and economic growth, have been collected and shared by UN. However, most people in every political system have been affected by effectiveness of regulations and regulatory policy decision making and implementation processes (regulatory policy cycle).

More and more research has been conducted on regulatory policy cycle in the recent years. OECD has been working on regulatory policy and governance since 2012. OECD works on performance criteria, data collection and making comparison between member states based on the UN criteria for 21st century public governance since then. OECD Regulatory Policy Outlook Report was released in 2015 which focuses on three issues of regulatory impact assessment, stakeholder engagement, and ex-post evaluation in regulatory processes. The effectiveness of regulatory policies of 34 member countries have been compared based on the data collected in 2014 on regulatory impact assessment, stakeholder engagement, and ex-post evaluation by a survey the political decision makers. Here, this OECD research enterprise and its findings will be analyzed to understand the value created for public policy and for social science research. In this paper we will particularly make methodological evaluations and also analyze the case of one member, Turkey, which is known best in this country, vis-à-vis the the quantitative OECD data reported in the OECD Regulatory Policy Outlook 2015 Report.

REGULATORY POLICY OUTLOOK

OECD Regulatory Policy Outlook 2015 Report is based on the sources developed by expert meetings conducted in 2008 and regulatory governance activities starting from 2012. Arndt, C., A. Custance Baker, T. Querbach and R. Schultz[4] composed a paper where they presented as the fundamental source of this report.

OECD 2015 Regulatory Impact Indicators survey had been developed by using the OECD Regulatory Governance Indicators surveys conducted in 1998, 2005 and 2008/09. There are 104 questions regarding regulatory impact assessment, 46 questions regarding stakeholder engagement and 45 questions regarding ex-post evaluation according to the methodology of the research. Answers to the questions have been quantified based on positive and negative responses and analyzed by using principal component analysis. Principal component analysis findings have been summarized in two dimensions of primary laws and subordinate regulations. Eight empirical indicators in primary laws and seven empirical indicators in subordinate regulations have been determined. Same

approach has been used for stakeholder engagement and four empirical indicators for each of primary laws and secondary regulations were unearthed. Finally, five empirical indicators for primary laws and four empirical indicators for subordinate regulations have been measured for ex-post evaluation. None of the empirical indicators have been named to be conceptualized. These indicators cover wide range of issues, such as budgeting, risk analysis, costs, transparency, and participation of stakeholders to decision making processes. Questions on regulatory impact assessment were focused on economic and especially financial processes. Questions on stakeholder engagement were focused on participation of people who will be affected by regulations and transparency of engagement process. Questions on ex-post evaluation have been focused on stakeholder participation, transparency and review of the processes.

Arndt et. al. stated in their report that "although countries needed to show examples regarding their evaluations and needed to support their responses with

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4   Arndt, C., A. Custance Baker, T. Querbach ve R. Schultz (2015), "2015 Indicators of Regulatory Policy and Governance: Design, Methodology and Key Results", OECD Regulatory Policy Working Papers, No. 1, OECD Publishing, Paris.

evidence, OECD General Secretariat did not evaluate the quality of the information provided or did not conduct interviews with stakeholders regarding the characteristics of regulatory impact assessments" (p. 13) which was indicated as a deficiency of the research. Arndt et. al. pointed to the need of complementary data collection for indicators with the help of in depth country reviews. In depth reviews provide readers with a more detailed analysis of the content, strengths and shortcomings of the regulatory policies of the member countries, as well as detailed and context-specific recommendations for their improvement (p. 13).

REGULATORY IMPACT ASSESSMENT

It is natural to evaluate Regulatory Impact Assessment (RIA), stakeholder engagement and ex-post evaluation separately. RIA covers environmental, economic and social effects, transparency on effects of the above-mentioned issues, impacts on and risks for different social groups, impacts on the public budget, costs, distribution, and competition. Turkey is ranked as 5th from the last among 34 OECD countries regarding RIA, surpassing in its performance Chile, Portugal, Israel and Norway for both primary laws and secondary regulations (Arndt et. al., Figures 3 and 4). Annex A of the OECD document shows an important finding on the proportion of primary laws initiated by the Turkish Parliament National Assembly (NA) was 6.6% in 2011, 45.6% in 2012, and 26.3% in 2013. Same political party governs the country and has the majority in the NA since 2011, and by-laws and regulations governing parliament have not been changed since then, then what could be the reason of changing performance of the NA from 2011 through 2013? In addition to the above fact, the power of the NA has been further eroded by

issuance of 35 governmental (executive) decrees with force of law in 2011, some of which have changed tax regulations by the government, although the governing political party controls the majority in the NA. There is no doubt that the NA was effectively working during this period. Therefore, it could be said that the NA was ineffective in making primary laws in 2011, in spite of the public perception that it was not inhibited in acting in tandem with the government at the time. Between 2002 and 2011 no governmental decrees with the force of law had been issued, however 36 governmental decrees with the force of law had been issued by the coalition government which had governed Turkey in 1999 - 2002. Issuance of governmental decrees with the force of law have stopped after 2012. However, the government initiated omnibus bills (torba kanun) in the NA since 2014, while unrelated issues have been regulated in the same omnibus bills, which have further decreased the transparency of the primary law-making (regulation) process in Turkey. 64 omnibus bills have been adopted by the NA between 2014 to April 26, 2016[5].

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5   Official Gazette and https://www.tbmm.gov.tr/develop/owa/kanunlar_gd.sorgu_yonlendirme?Kanun_no=&k_Baslangic_Tarihi=1%2F1%2F2011&k_Bitis_Tarihi=2%2F3%2F2016&r_Baslangic_Tarihi=&r_Bitis_Tarihi=&sorgu_kelime=

The total number of omnibus bills that have been issued between January 1, 2000 and May 2, 2016 are 179 and only 12 of them were issued between 2000 and 2002, remaining ones have been issued between 2003 and 2016. Opposition parties and the media have criticized that these regulations have not been transparent, debates in the NA have not had enough depth and openness, and the public has not been informed in good manner. It seems that, the initiation of primary laws by parliament has risen in Turkey while transparency of law making process and information provided to public have been decreased. Therefore, it is not very clear that the quality of collected quantitative data are rigorous enough to measure the RIA indicators for Turkey.

Although, economic impact assessments and the effects of these assessments on budget and cost calculations are in good manner, decrease in the size of the reports of Supreme Audit Office (Sayıştay) to a few pages, where original report size had previously been around 400 pages, from 2012 onwards has created discussion in the NA and among the public. There emerges tension and serious objections from the opposition deputies of the NA whenever Supreme Audit Office reports presented to parliamentary commissions regarding coverage, size and capability of showing the real picture in the last four years which had not existed before 2012[6] . It is impossible to evaluate the performance of the budget and compliance to cost calculations with the current reporting and audit practices in Turkey. Therefore, validity of the responses given to OECD survey regarding transparency, rigor, and the conduct of impact assessments are questionable.

Environmental Impact Assessment (ÇED) has been regulated since 1993. It was stated in 2002 that sensitivity of Environmental Impact Assessments has not been at adequate quality and stakeholder engagement continuous to be a problematic area in the process. If this is the case, a positive reply given to OECD survey regarding conduct of environmental impact assessment has to be further investigated. Considering the protests by the public for mining and hydroelectric power plant projects make the sensitivity of these assessments questionable. It is not clear that Turkey's scores in OECD Report (Arndt et. al., Figures 3 and 4) shows the real situation of the country.

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6   Look at the: http://www.haberturk.com/gundem/haber/1176110-sayistay-kit-raporlariyla-ilgili-aciklama-yapti, http://www.demecgazetesi.com/sayistay-raporlari-makale,2241.html, http://www.aktifhaber.com/iste-meclisten-gizlenen-sayistay-raporu-900568h.htm, http://www.aydinlikgazete.com/mansetler/akpnin-sayistay-raporlarini-gizleme-nedeni-yolsuzluk-h26415.html.

STAKEHOLDER ENGAGEMENT

Informing stakeholders who will be affected, about the regulation, sharing the rationale behind developing the regulation, gaining support from stakeholders and gaining the acceptance of stakeholders are fundamental principles of good public governance. Arndt et al stated in the report that "The results of the survey show that most OECD countries have systematically adopted stakeholder engagement practices and require that stakeholders are consulted especially in the process of developing new regulations"[7]. Turkey's score is approximately at the average of OECD countries, regarding stakeholder engagement in primary laws positioned just between Sweden and Norway according to the figure 5. Turkey's score is close to OECD average regarding stakeholder engagement in subordinate regulations positioned just above Japan and Germany and just behind Belgium and Finland according to the Figure 6 of the same document.[8]

Turkish political decision-makers stated that they care for stakeholder engagement and values oversight and quality control of the process according to findings of the research. The important point is that; only a limited number of stakeholders who will be affected by the regulation, have an interest to monitor, to participate and to communicate with decision makers during primary laws (parliament) and subordinate regulation making processes. Research data has been collected from decision makers. There is no information regarding the review of data by OECD General Secretariat which has been explained in Arndt et al report as an observation. On the other hand, when survey results on political participation in Turkey has been reviewed, the picture is different (Table 1). Table 1 shows that electorate in Turkey has only one intention of participation to elections and there is no intention and interest to affect political decision making processes in the electorate side.[9] Research findings show that civic activism in Turkey is low due to low level of social capital.[10]

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7   Arndt, C., A. Custance Baker, T. Querbach and R. Schultz (2015), "2015 Indicators of Regulatory Policy and Governance: Design, Methodology and Key Results", OECD Regulatory Policy Working Papers, No. 1, OECD Publishing, Paris: p. 17.

8   Same document: p. 17 -18.

9   Ersin Kalaycıoğlu, Karşılaştırmalı Siyasal Katılma: Siyasal Eylemin Kökenleri Üzerine Bir İnceleme, (İstanbul: İstanbul Üniversitesi, Siyasal Bilimler Fakültesi Yayınları, 1983).

10 Ersin Kalaycıoğlu, "Political Culture," Metin Heper and Sabri Sayarı (ed.), The Routledge Handbook of Modern Turkey, (London and New York: Routledge, 2012).

Table1: Regular Political Participation (Frequency Distribution- %)

YEARS >	2002*				2014*			
Activities	No	Yes	Don't know/ No reply**	Total	No	Yes	Don't know/ No reply**	Total
Will vote in the elections November 3rd, 2002	5,3	92,8	1,9	100				
Will vote in the elections March 30th, 2014					2,6	77,6	19,8	100
Submitted a petition to an MP	95,0	5,0	0,0	100	95,5	3,5	1,0	100
Submitted a petition to the Government in Ankara	97,4	2,6	0,0	100	95,4	3,5	1,1	100
Submitted a petition to the Governor	96,6	3,4	0,0	100	91,8	7,1	1,0	100
Submitted a petition to the Provincial Governor	95,5	4,5	0,0	100	89,4	9,3	1, 3	100
Submitted a petition to Mayor	91,1	8,9	0,0	100	86,1	13,0	0,9	100
Participated to a meeting organized to solve a local issue	83,8	16,2	0,0	100	79,6	14,1	6,3	100
Tried to convince others to vote for a candidate or political party	70,0	27,8	2,2	100	--	--	--	--
Contributed to election campaigns by distributing leaflets, posters and other related documents	92,5	7,5	0,0	100	--	--	--	--
Participated to meetings, rallies and demonstrations to support a candidate or political party	83,6	16,4	0,0	100	--	--	--	--
Donated to funds to support a candidate or a political party	97,1	2,9	0,0	100	--	--	--	--

Notes: * Sample size for 2002 (n) =1984, * Sample size for 2014 (n) = 1666,

** Don't Know / No Reply.

(--) It has not been covered in the survey

Resource: Ersin Kalaycıoğlu, "Siyasal Kültür ve Siyasal Katılma" Mehmet Kabasakal (der.) 21. Yüzyılda Türkiye Siyasetinin Sorunları, (Istanbul: Okan University Publications, In print): Chapter 7. Data regarding 2002 is Turkey Election Research data.look. Çarkoğlu and Kalaycıoğlu, 2007.   2014 data ISSP – 2013 Milliyetçilik – Türkiye (İstanbul: Sabancı University İstanbul Policy Center Reports) survey findings.
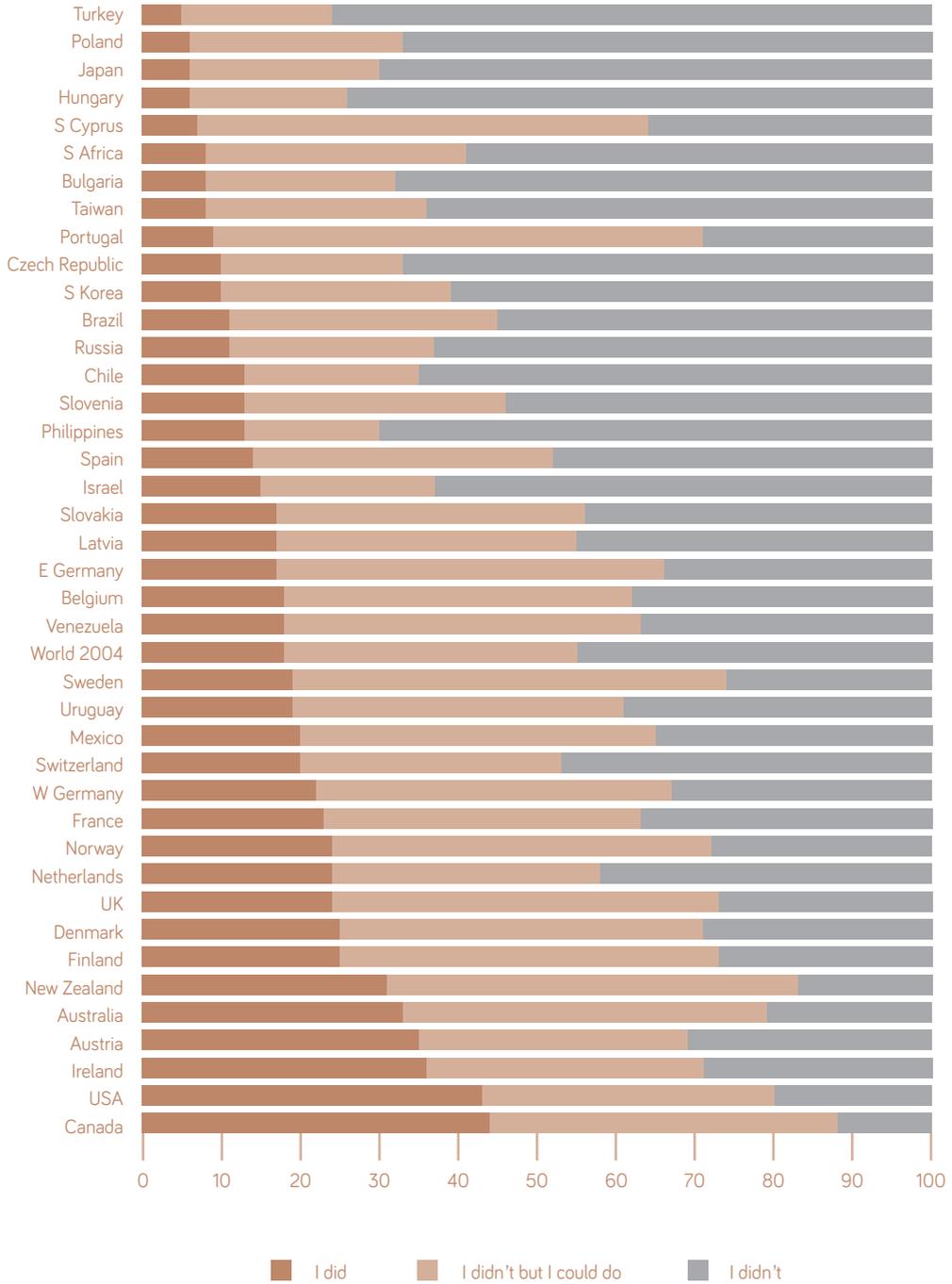
The findings of a national survey on Citizenship in Turkey has been published in 2015. The findings of that research show that "The ratio of electorate who joins the social or political communities, volunteer organizations and NGOs is between 4%-8%, while the ratio of the electorate who never joins such organizations are 90%. Therefore, it should be accepted that capability to create social capital through social networks and communication is low in Turkey"[11]. Findings in the same research show that, "The intention to protest directly by participating in demonstrations or meetings or to be signatory of a petition is very low compared with such consolidated democracies as the USA, UK, Switzerland, and Scandinavian countries. A large number of Turkish citizens find it risky to directly communicate with public officials, which is an ordinary act of political participation in consolidated democracies. Due to the above stated issues it could be said that the only act of political participation engaged by most citizens is to vote in the elections."[12] (Figure 1).

11 Ali Çarkoğlu and Ersin Kalaycıoğlu, Dünya'da ve Türkiye'de Vatandaşlık, (İstanbul, Sabancı Üniversitesi, 2015): p. 21.

12 Same Document: p. 85.

Figure 1: Contacted a politician or a public official to communicate his/her views

I did   I didn't but I could do   I didn't

Table 2: Membership to NGO, Foundations and Volunteer Organizations in Turkey

Organization >	Political Party	Labor Union or Business Chamber or Organization	Religious Organization	Sport, Culture or Leisure Time Related Clubs Organizations	Other Volunteer Organizations
	%	%	%	%	%
Active member	6,0	1,8	1,3	3,2	2,2
Member but not active	5,5	4,0	2,3	2,3	2,4
Has never been a member	4,7	4,8	3,8	6,3	4,0
Never be a member	82,3	87,4	90,5	86,3	89,0
Can't decide	,1	,2	,2	,2	,3
Don't know/No reply	1,4	1,7	1,9	1,7	1,8
Sample size is 1509	100,0	100,0	100,0	100,0	100,0

Source: ISSP 2014 – Turkey Survey (February - April 2015)

The intensity of interfaces between government and citizens is very limited both in personal and through interest groups' levels in Turkey. Political participation means only voting in elections for a large part of the society (around 85%-90%). Membership to NGOs has been lower than 10 % in each of the World Values Surveys (WVS) results conducted in Turkey since 1990.[13] The latest data as of end of 2015 has been obtained through International Social Survey Programme (ISSP) Citizenship in Turkey survey. The results of the survey are presented in Table 2. Data in Table 2 shows that active membership to NGOs among electorate, excepting the political parties, is not too much above the standard error value of 2,6% for the survey sample. This means that participation to NGOs is almost nonexistent and NGOs are not strong enough to instigate active civic participation. There are hundreds of thousands of officially registered NGOs, foundations and volunteer organizations. Then a small number of electorate are the members of more than one NGO, foundation and cooperatives, and majority of the electorate does not belong to or play any role in any civic organization in Turkey. Only a few hundred of more than 100,000 NGOs, foundations and volunteer organizations[14] have active inclusive interface with government[15].

13 Ersin Kalaycıoğlu, "Political Culture," Metin Heper and Sabri Sayarı (der.), The Routledge Handbook of Modern Turkey, (London and New York: Routledge, 2012): 176.

14 Look at : http://www.dernekler.gov.tr/tr/AnasayfaLinkler/dernekler-grafik-tablo.aspx.

15 Some NGOs and foundations express their views regarding important regulations and have close Relations with government and sometimes they play very active role in realization of government policy. For example: IHH, Mavi Marmara incident, that occured in May 31, 2011 when ship tried to brake Israel blockade in Gaza, changed Turkey's foreign policy approach fundamentally to Middle East. A similar example has been observed when alumni of religious high schools played a very active role to pass 4+4+4 education bill in preparation and parliament which was a major change in education policy.

If political decision makers considered these a few hundred organizations as their stakeholders in consultation and regulation making processes and replied OECD survey according to this approach, then it could be accepted that Turkey's results is in line with Sweden, Norway, Germany, Belgium. Then, it can be said that there is external validity problem; since it will be incorrect to generalize findings regarding relationship with only 0,2 % or 0,3% of total civil society organizations. If there is such a reliability issue, then OECD Secretariat should get the list of civil society organizations that have been part of stakeholder engagement processes and analyze if these are the right stakeholders who will be affected by related regulations or not. If the number of stakeholders are low and always same organizations have participated stakeholder engagement processes, then it will not be called stakeholder engagement but it can be called as cronyism. These two facts are not similar but opposite in governance terms. It is not easy to conduct such a research, but complementary information must be obtained to support quantitative data in order to eliminate reliability issues and doubts about what has been measured. In fact, political science researches in Turkey point to frequency of participation, researches regarding political actions show that only participation to elections has regularity and other types of participation is limited to single digit percentages. Therefore, it is very interesting and difficult to explain to have scores close to Sweden, Norway and Germany for Turkey.

EX‑POST EVALUATION

Ex-post Evaluation is the last topic discussed in OECD Regulatory Policy Outlook 2015 Report. Turkey's scores regarding primary laws and subordinate regulations are; ex-post evaluation methodology score is 0,00, systematic adoption of ex-post evaluation score is 0,03, oversight and quality control of ex-post evaluation score is 0,00 and transparency of ex-post evaluation score is 0,33 where the the highest score is 1,00 and the lowest score is 0,00 in the measures used in the Report. These indicators show that ex-post evaluation has not been conducted and used for oversight and quality control of primary laws and subordinate regulations by political decision makers in Turkey. This fact is valid also for systematic adoption of ex-post evaluation since the score is 0,03/1,00. Transparency has the score of 0,33 / 1,00 which could be accepted as only meaningfull result showing that some importance has been given to transparency. However, the average score of 34 OECD countries on transparency for primary laws is 0,60/1,00 with standard deviation of 0,29. The average score of transparency for subordinate regulations is 0,57/1,00 with standart deviation of 0,30. Turkey's score for primary laws of 0,33 is one standart deviation below the OECD average and Turkey's score for subordinate regulation is more than one standart deviation below of OECD average. Turkey's ranking for ex-post evaluation

of primary laws is 32nd among 34 OECD countries as 2nd from the last and above Greece. Turkey's ranking for ex-post evaluation of subordinate regulations is 30th among 34 OECD countries above Greece, Finland and Chile.

A critical observation is that, availability of; internet and communication technologies, ombudsman mechanisms, and mechanism for filling request were investigated in the analysis of ex-post evaluation processes. It is also inquired into if there exists any judicial mechanism for submitting applications and complaints. Turkey has all of these mechanisms, therefore the score for transparency of ex-post evaluations is higher compared with other indicators of ex-post evaluation due to above facts.

Although such mechanisms exist, another analysis needs to be made to fully understand the utility of such mechanisms for the public, and if they are often used by the public so that the government also pays attention to such popular feed-back. If it is expected to measure the effectiveness of the processes public reactions (feed-back) to government regulation implementations, the existence of mechanisms is not enough. The frequency of utilization and availability of socio-political environment to use these mechanisms without fear and consternation, and equitably by all irrespective of gender, ethnicity, sect, etc. must be ascertained as well. When the findings of political participation and

citizenship in Turkey surveys have been reviewed, it is observed that, the ratio of electorate who make comments through media is almost non-existent (see Tables 3 and 4). Even though there is an intention of electorate to comment through internet around 1 out of 5 – 6 voters, the percentage of real action is around 2,6%, which is equal to the sample error of the survey. Because of this fact, it can be said that it is almost zero. Therefore, maximum care should be taken in operationalization of transparency of ex-post evaluation score. Existence of organizations, mechanisms and electronic communication facilities for transparency doesn't mean the active utilization of these mechanisms.There

is no evidence regarding the comments given to government through existing channels on existing and new regulations has made any impact in the formulation of the regulation (Table 5 and Table 6). The findings presented in Table 5 and Table 6 show that between two thirds to three quarters of electorate see no chance to make changes in an unfair regulation by using existing communication channels. The figures are at the average of International Social Survey Program (ISSP) 2004 research participant countries. However, these figures for some of the OECD countries such as USA, France, New Zealand, Canada, Uruguay and Denmark are 10% - 25% above similar scores of Turkey.[16]

Table 3: Making comments through media

Responses	Frequency	Percentage	Valid Percentage	Total Percentage
I did last year	25	1,7	1,7	1,7
I did some years ago	21	1,4	1,5	3,2
I didn't but I could have done	273	18,1	18,7	21,8
I didn't and I never do	1144	75,8	78,2	100,0
I don't know/ No reply/ I can't decide	45	3,0		
Total Observations	1509	100,0		

Source: ISSP 2014 – Turkey Survey (February - April 2015)

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16 Ali Çarkoğlu ve Ersin Kalaycıoğlu, Dünya'da ve Türkiye'de Vatandaşlık, (İstanbul, Sabancı University, 2015): p. 52 – 53.

Table 4: Expressing political views in internet

Responses	Frequency	Percentage	Valid Percentage	Total Percentage
I did last year	57	3,8	3,9	3,9
I did some years ago	48	3,2	3,3	7,2
I didn't but I could have done	243	16,1	16,6	23,8
I didn't and I never do	1117	74,1	76,2	100,0
I don't know/ No reply/ I can't decide	44	2,8		
Total Observations	1509	100,0		

Source: ISSP 2014 – Turkey Survey (February - April 2015

Table 5: What is the probability of changing a regulation which is unfair or hazardous, according to your views by taking action alone or with others?

Responses	Frequency	Percentage	Valid Percentage	Total Percentage
Strongly Probable	204	13,5	14,8	14,8
Very Probable	305	20,2	22,1	36,9
Not very Probable	496	32,9	36,0	73,0
Not Probable	372	24,7	27,0	100,0
Total	1378	91,3	100,0	
I don't know/ No reply/ I can't decide	131	8,7		
Total Observations	1509	100,0		

Source: ISSP 2014 – Turkey Survey (February - April 2015

Table 6: If you take action, what is the probability that the parliament will consider your demands?

Responses	Frequency	Percentage	Valid Percentage	Total Percentage
Strongly Probable	74	4,9	5,5	5,5
Very Probable	213	14,1	15,8	21,3
Not very Probable	561	37,2	41,5	62,8
Not Probable	503	33,3	37,2	100,0
I don't know/ No reply/ I can't decide	158	10,5		
Total Observations	1509	100,0		

Source: ISSP 2014 – Turkey Survey (February - April 2015)

Based on the above findings, it can be said that intention to participate in ex-post evaluation by the electorate does not exist much and around one third to four of ten voters think that no participation is not a problem in effecting regulatory processes. Even though, frequency of political participation is very low, excepting elections, and this limited participation has been made by individuals or by a group of people, still similar number of people compared with other countries believe that they possess the capability to make changes in the face of unfair regulations. This result shows that 35% - 40% of electorate are satisfied with the existing political system and they have limited desire to participate more in the political decision - making processes, and demonstrate more sensitivity towards self - government. This group does not seem to take any action for a more democratic governance style, so they feel happy with the existing status quo. Data in Table 3 and Table 4 show that social media activity for discussions, debates or starting a protest movement lack depth in Turkey. If this is the case, it is very difficult to understand how on earth the voters think that they have the ability to change an unfair regulation. Data in Table 6 shows that only 1 out of 5 voters think that the NA will care any type of protest activity, then we have grounds to think that the responses registered in Table 5 could only be exaggerations. This may be interpreted, people assume that they could achieve this change by just participating in elections. As a concluding remark, it seems to be beneficial to add new survey questions to measure; the frequency of popular participation, number of voters who actively participate through different acts of participation, and what percentage of these actions have been taken feedback by the government agents. Otherwise, the measurement would only be able to show that transparency is possible for ex-post evaluation, which fails to measure whether such an evaluation exists or not, even though that is not exactly what the OECD Report aims to measure.

Turkey has a long way to go in systematic adoption of ex-post evaluation to measure the impacts of implemented regulations. Starting a new project on what have not been fulfilled in ex-post evaluations, quality of information provided to the public regarding regulations, and the will and ability of the political decision-makers in taking such reactions seriously would contribute to reaching at more meaningful results by the OECD. Turkish Statistical Institute and the Ministry of Development have the resources to collect such data not only for the OECD but also for the good public governance practices in Turkey. Turkey's choice to move down this path even if when there is no demand from the public to such an end seems difficult and not likely in the near future; and whether such a picture will change or not only time will tell.

CONCLUSION

OECD Regulatory Policy Outlook 2015 Indicators focus on economic, social and environmental effects of regulations in three phases. 34 OECD governments' performances on regulatory impact assessment, stakeholder engagement and ex-post evaluation of regulatory processes were evaluated in the research. Public officials / authorities of the OECD countries have completed the surveys and data set for the research has been prepared by assigning scores between "0" and "1" to each response given to survey questions. The data have been used to calculate composite indicator scores for each of the OECD Countries. The findings of the analysis for primary laws and subordinate regulations in regulatory impact assessment, stakeholder engagement and ex-post evaluation were presented separately in graphics.

UK has the highest and Chile has the lowest score in regulatory impact assessment for primary law according to findings of the research. Turkey is placed as fifth from the last (29/34) in this ranking. UK has the highest and Iceland has the lowest scores in regulatory impact assessment for subordinate regulations. Turkey is placed as the fourth country from the last (30/34). It is an interesting point that transparency has an important weight in Turkey's scores. Placing regulations in the National Assembly's and Ministries' websites have been used as an indicator to measure transparency. Data regarding;

reaching the right groups, frequency of views received, percentage of these views taken into consideration by the officials and the effects created by these views have not been collected through the survey. Only the responses of public officials about the availability of channels or mechanisms of popular influence have been obtained, but the accounts of individuals, civil society organizations, and voluntary associations on whether these mechanisms are in use and to what effect have not been collected. The report has drawn backs when considered from the stakeholders' perspective. There is no evidence to show that stakeholders are equitably engaged in the process of political regulation making or given any information (transparency) about what is being in the pipeline as a prospective regulation in Turkey. On the other hand, there are a large number of news items on the media, and also social science research findings which indicate that there is widespread cronyism but little, if any, intent or effort on engaging the stakeholders in the making, executing and ex-post implementation evaluation of regulations in Turkey. Therefore, it will be an exaggeration to claim that there is transparency, freedom to reach information, political participation and stakeholder engagement in regulatory impact assessment in Turkey.

Mexico has the highest score and Japan has the lowest score in stakeholder engagement in primary laws, Turkey's score is at the

average score of OECD countries and has been placed between Norway and Sweden. Mexico again has the highest score and Ireland has the lowest score in subordinate regulations, Turkey is again at the average and is placed between Germany and Belgium. Turkey shows a good performance according to research findings but there is no alternative research that point out a similar finding on Turkey's performance for political participation, stakeholder engagement and civic activism. Survey questions that have been asked to public officials have been on; electronic participation, availability of communication systems and existence of environmental impact assessments reports, which naturally have positive answers and this was considered as evidence for sufficient infrastructure for actual stakeholder engagement. However, the finding is not an indicator for existence of stakeholder engagement. Determination of stakeholders, individuals and organizations, is a critical measurement validity issue. It is not clear how this determination of stakeholders was made by the respondents in the report. This purpose can be realized by having more depth in the research which would improve the validity of collected data.

Finally, Australia has the highest score and Greece has the lowest score in ex-post evaluation for both primary laws and subordinate regulations. Turkey is placed one step above Greece in primary laws and three steps above Greece in subordinate regulations. The countries that use ex-post evaluation tool has higher scores in economic policies of Sustainable Governance Indicators (SGI) and in happiness scores according to World Happiness Report and good scores in corruption perception index of Transparency International (see Table 7). The relationship between using regulatory impact assessment tool or stakeholder engagement in regulatory policy cycle, sustainable governance,

quality of democracy, happiness level, lower corruption levels have low correlation scores (see Table 7). Validity of measurement or low effectiveness level of these tools could be reasons for the low correlation coefficients; however, it is very difficult to understand the reason behind this. Particularly, OECD needs more valid indicators to reach more meaningful and reliable results.

Table 7: Quality of Regulatory Policy, Good Governance, Quality of Democracy, Happiness and Corruption

Regulatory Policy Cycle Tools	Sustainable Governance Index "Economy Policies"	Sustainable Governance Index "Policy Performance"	Sustainable Governance Index "Governance"	Sustainable Governance Index "Quality of Democracy"	"Sustainable Governance Index "Democracy"	World Happiness Report	Corruption Perception Index
Regulatory Impact Assessment for Primary Laws	0,21	0,18	0,04	0,10	0,10	0,18	0,06
Regulatory Impact Assessment for Subordinate Regulations	0,21	0,11	0,03	0,07	0,07	0,19	0,05
Ex-post Evaluation for Primary Laws	0,39	0,26	0,26	0,17	0,17	0,41	0,29
Ex-post Evaluation for Subordinate Regulations	0,36	0,22	0,28	0,14	0,14	0,44	0,27
Composite Stakeholder Engagement Scores	0,17	0,09	0,10	0,16	0,16	0,11	-0,04

Source: OECD Regulatory Policy Outlook 2015 Report, Sustainable Governance Indicators 2015, World Happiness Report – 2015 and Corruption Perceptions Index - 2015 have been used to calculate Pearson product – moment correlation scores. Corruption Perception index score is low when corruption perception is high and the score is high when corruption perception is low.

OECD Regulatory Policy Outlook 2105 Report is a very important step in the right direction to understand if UN good public governance principles, which are the principles that must be implemented by 21st century governments, have been implemented, and if implemented, what sorts of problems in implementation and what kinds of solutions for the determined problems arise. It is an important fact that in liberal democracies that when and if the quality of regulations is improved by using ex-post evaluation tool, the quality of public services and goods also improve. Improving the quality of data collected in this research would enable to reach more realistic and meaningful results. Stakeholders must participate in the survey which only collects data from public officials. The data will become much more meaningful if a representative sample of the voting age population in each nation are also included in the survey. Such an extension of the study could help to collect valid, and meaningful data which will enable us to reach more robust results. Current OECD Regulatory Policy Outlook 2015 Report shows potential and capabilities of regulatory policy made by the governments. The views of regulators, views of stakeholders who are affected by regulations and views of the ones who are subject to the implementation of the regulations seem to be missing and it is advisable that they should also be made available. This approach will be very useful in understanding the impacts of regulations on society. If future research takes many actors into its design, with the end product of such a study the OECD governments could spend more effort to improve quality of democracy and public governance in their countries.

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"OECD REGULATORY POLICY OUTLOOK 2015 DECISION MAKING PROCESS IN PUBLIC SECTOR CONFERENCE"

JUNE 6TH, 2016

TÜSİAD (the Turkish Industry & Business Association) and the Argüden Governance Academy launched the "OECD Regulatory Policy Outlook 2015 – Decision Making Process in Public Sector Conference" on June 6th, 2016 in İstanbul.

In the Conference, the latest publication of the Argüden Governance Academy "Quality of Regulatory Policy and Quality of Life" authored by Dr. Erkin Erimez and Prof. Dr. Ersin Kalaycıoğlu was shared with the participants.

In the Conference, Cansen Başaran-Symes (President of TÜSİAD) and Prof. Dr. Metin Çakmakçı (Argüden Governance Academy, Chairman) made the opening remarks. The keynote speakers were Nick Malyshev (Head of OECD Regulatory Policy Division and Advisory Council Member of Argüden Governance Academy) and Prof. Dr. Ersin Kalaycıoğlu (Professor of Sabancı University Faculty of Art and Social Sciences). The Conference concluded with a panel discussion, moderated by Dr. Yılmaz Argüden (Argüden Governance Academy, Founder) with representatives of public sector and civil society, to discuss how the quality of regulatory policy cycle effects the quality of life for the citizens.

ARGÜDEN GOVERNANCE ACADEMY

Argüden Governance Academy is a non–profit initiative, operating under the aegis of Boğaziçi University Foundation (BÜVAK). Academy's mission is to increase trust for institutions by supporting development of good governance culture in every segment of society and thus to improve the quality of life. Academy conducts its activities in four domains: good governance in the public sector, business sector, NGOs, and global governance. The areas of operation are to prepare and implement training programs, to conduct research on governance, and to promote good governance through events and awards.

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