

Astercüme

YEMİNLİ TERCÜMEN
VE YASALMI DİL SÖZLEŞME MERKEZİ

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TUSEV

THIRD SECTOR FOUNDATION OF TURKEY

Authenticated Contract of Foundation

TÜSEV EDITIONS NO. 4



It is confirmed that this translation is authentic
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beyanına istinaden onaylarım.

Astercüme

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THIRD SECTOR FOUNDATION OF TURKEY PRESIDENCY BOARD:

İhsan Doğramacı
President of the Board of Trustees
Vehbi Koç
Acting President of the B.T.
Sakıp Sabancı
Acting President of the B.T.
Aydın Bolak
President of the Board of Directors
Zekai Baloğlu
Acting President and Secretary General
Istanbul, October the 18th, 1994

Presentation

Authenticated Contract of the Third Sector Foundation of Turkey.

It is arranged with the Authenticated Contract of the Foundation according to the Arrangement Form with number 6265 and dated February 11, 1993 of the 6th Notary Public of İstanbul, Republic of Turkey;

registered with the Decree numbered E:19931189, K:1993171, and dated 11.3.1993, of the Judgeship of Şişli 2nd Court of First Instance;

published in the Official Journal numbered 21583 and dated May the 16th 1993 by the General Directorate of Foundations;

some modifications at the Temporary Article Annex 1 and at articles 7, 8, 10, 16, and 1, 4, 5, 6 mük.* have been executed by the Modification Contract of Foundation according to the Arrangement manner numbered 23908 and dated 26th day of September 1994 of the 6th Notary Public of İstanbul, Republic of Turkey;

the modifications have been registered by the Decree of the Judgeship of Şişli 4th Court of First Instance, numbered E:19941887 K:19941768 and dated 18th day of October 1994.

We present you enclosed in this booklet the latest form of the text including the modifications.

According to the authorization attributed at the assembly of the Board of Trustees which took place on 26th day of September 1994, the list of the new Members which has been accepted at the assembly of the Board of Directors dated 18th date of the October 1994, has been added at the end of the text.

Respectfully yours,

Zekai BALOĞLU

Acting President and Secretary General



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(_____)

AUTHENTICATED CONTRACT OF THE THIRD SECTOR FOUNDATION OF TURKEY

Introduction

At Europe, beside the public sector (the ones which become leader by the elections) and the private sector having the objective of profit (including the syndicates and chambers), the voluntary establishments such as foundations and societies which work for the benefit of the public and which do not have the objective of profit are getting more and more organized under the name of THIRD SECTOR or EUROPE INDEPENDANT SECTOR; especially after the dissipation of Soviet Unions, it carries out important duties, authorization and responsibilities in the restructuring of the big Europe together with the East and West.

In fact, at the "Conference about New Europe" which has been assembled at the UNESCO Center in Paris on 8-10th days of July 1992;

- A "Europe Communications Program" including especially the legal and financial statutes of the Foundations, their field of duty-authority responsibility, their main troubles and the solution proposals has been developed;
- "Europe Foundations Code Project" prepared by the authorized organs of EC has been discussed and assumed;
- A "Europe Independent Sector Declaration" including the rights, duties and the responsibilities of the Third Sector has been accepted and published. The preparations for this Declaration to be presented in a World Conference soon are still going on.

At the parallel to these developments, the foundations and societies in each country have forming international associations or national centers; each association strengthens the membership relation with the International Out of State Establishments (NGO) in the same field, and the principal ones of them take place in the organizing within the Third Sector Activity.

Thus, the activity of voluntary establishments formed of the base on the international level, brings out an independent third sector which influences the first and second sector and of which the importance grows day by day in the pluralist democracy. Briefly, the organizing of the third sector in the international and national levels, becomes the most effective instruments of the democratic development, of participating to the foreign market and to unifying with the external world.

In our country, the consideration and publication as "Independent Sector" or "Third Sector" of the establishment of foundation according to the current conditions in Europe, which had been developed during the Seljukian Period, which had reached its highest peak during the Ottoman Period, and which plays a role of example to the world, in exploiting the land property, in organizing the State, in executing the religious, social and cultural duties, in institutionalizing of the individual wealth by this way to the benefit of the public and in regaining for our country some great works of art of an incomparable beauty,

- Is a reason for us being proud of, and has a main importance about,
- The Foundation Institution getting more and more developed in our country from now on,
- Encouraging the private sector to participate in the public service via foundation,
- Turkish Foundation Institution having its deserved place in the Third Sector of Europe,
- and bringing out the necessity of organizing of the Foundations and Societies as Third Sector among themselves in our country.

By this reason,

-We have decided upon establishing this foundation under the name of THIRD SECTOR FOUNDATION OF TURKEY, after having agreed on organizing as the THIRD SECTOR - beside the public sector and the private sector having the objective of profit - of the foundations and societies working for the benefit of public and which do not have any objective of profit distribution in Turkey.

We are all that our foundation to be developed by the participation of the real and persons having the same objective, to have power over the country and to provide reliable services for our country.



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Astercume

YERLİ VE YABANCI DİL TERJÜMANI VE YAZARLIK VE DÜZELTME HİZMETLERİ

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SECTION I - ESTABLISHMENT SENTENCES

ESTABLISHMENT

ARTICLE 1- (together with the modification dated 26.9.94) To offer profitable services to public and to be managed according to the Laws and Authenticated Contract Sentences "TÜSEV THIRD SECTOR FOUNDATION OF TURKEY" has been established, it has been briefly called as Foundation in the following articles.

CENTER AND BRANCHES

ARTICLE 2- The residence of the Foundation is in İstanbul. Its address is "Cemil Topuzlu Cad.68/3, Karaozman Apt.B Blok 3, 81080 Göztepe- İstanbul", this address may be changed by the Decree of the Board of Directors. After having the necessary legal authorizations, the branches in the country and abroad may be opened.

OBJECTIVE AND SERVICE SUBJECTS

ARTICLE 3- The objective of the Foundation is to assist the Foundations and Societies established according to the Turkish Civil Code sentences as THE VOLUNTARY ESTABLISHMENTS WORKING FOR THE BENEFIT OF THE PUBLIC AND WHICH DO NOT HAVE ANY OBJECTIVE OF PROFIT in the social fields such as education, science, culture, health, environment, (they shall be briefly called as "establishments" below) in effectively realizing the specific objectives and service subjects stated in their regulations and contracts, in serving the country benefits in harmony and cooperation, in forming a communication and service network among them; thus to provide this independent sector consisting of the mentioned institutions, gaining power as the THIRD SECTOR beside the public sector and private sector having the objective of profit, and taking its place among the similar international institutions of this sector, and especially Europe Third Sector Activity which has been getting organized rapidly related to the restructuring of Europe.

This being the objective, the service and activity subjects of the Foundation have been stated below:

- 3.1) To accomplish examinations, researches and public opinion polls to determine and resolve the existing problems, to collect data and to appreciate them;
- 3.2) To make the expert study groups prepare reports, within the limits of these reports, to present to the concerning authorities and to the public the purposes to be accepted by the Foundation authorized organs, to pursue the results continuously and appreciate them;
- 3.3) To encourage the new establishments to be founded, to guide them;
- 3.4) To prepare administrating, legal, social and economical activities which provide the Establishments to act harmoniously about the objective and service subjects;
- 3.5) In condition that it shall take place at least twice annually, to prepare the Third Sector Conference on an international platform and to provide the participation of the Board of Trustees, The Honorary Trustees, the cooperation establishments and guest together with the high level representatives of the first and the second sector;
- 3.6) To arrange in the country the scientific assemblies, panels, seminars, symposiums, courses and exhibitions or to help them to be arranged;



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işine uygun olarak yapıldığını
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Astercume

YEMİNLİ TERCÜMAN
VE YEREL İDARELERİN HİZMETLERİ

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to participate in the similar activities which take place abroad or to encourage the concerning authorities to participate in;

- 3.7) To participate into the activities of the Establishments, to become member of the establishments;
- 3.8) To offer encouraging awards or to give award to ones who contributed for the Third Sector in another way;
- 3.9) To publish bulletin, magazine, newspaper, book and declaration; to establish library, documentation and publication services;
- 3.10) To educate managers and experts for the Third Sector; to offer scholarships for education or specialization both in the country and abroad for this purpose; to support the educational and cultural institutions; to open new ones if necessary and to help them opening;
- 3.11) Also by calling the foreign sources, to provide or to try providing any kind of material and immaterial support and aid to the regions of the country damaged by the disaster, to ones who are in need or weak, to the ones who have been damaged because of an event causing grief to our nation;
- 3.12) By taking the necessary legal authorizations, to become member of the similar establishments abroad, to cooperate with them and to participate into the works;
- 3.13) According to the Third Sector Declaration of Europe, to prepare the Third Sector Declaration of Turkey in a national level and to develop it;
- 3.14) To encourage and support the Establishments of Third Sector in our country to communicate on an international platform with the establishments having similar objectives;
- 3.15) To work for forming a sensible and reasonable public opinion for strengthening and developing the Third Sector in the pluralist democratic system;
- 3.16) For accomplishing perfectly the objectives and duties mentioned above, to cooperate especially with the concerned ministries, with the universities, with other education, science and culture institutions and all other concerned institutions and people and to work for creating, managing and developing the mechanisms which shall make the cooperation permanent and effective;
- 3.17) To make build and exploit the buildings and plants necessary to execute the above mentioned duties and objectives;
- 3.18) To execute other operations and functions the Law and Authenticated Contract sentences anticipate.

THE PROPERTY OF THE FOUNDATION

ARTICLE 4- (together with the modification dated 26.9.94) The first establishing property of the foundation is 400.00.00.- (four hundred million) Turkish Liras, which has been undertaken to be paid by the founder within a year. The grants given with the condition of being added to the main property after the establishment, shall be directly added to the main property. The participation shares taken from the members and which are not used during the year together with the surplus of income may be added to the main property in the end of the year, according to the Decree of the Board of Directors.



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AUTHORIZATION FOR LEGAL OPERATIONS

ARTICLE 5- Except the legal limitations, to reach its objective the Foundation is authorized and permitted according to the 46th article of the Turkish Civil Code, to have or use the movable and immovable good of which the quantity and value have not been limited by grant, inheritance, purchasing and renting; to sell, transfer what it possesses according to the law sentences related to the foundations, to take the incomes of them and to spend it; to use in one or several investments one or several immovable properties or their incomes which are included in the Foundation property; in condition not to be opposed to the Foundation objective and service subjects, to manage and economize the movable and immovable goods and moneys possessed by grant and inheritance, purchasing and other ways, to take the movable goods and to appreciate and sell them according to the objective of the Foundation; to cooperate with the establishments making similar works as the Foundation objectives in the country and abroad after having the necessary legal authorization, to have aid from the native and foreign Foundations, Societies, State, other institution and people, to make agreements to provide this aid, to accept the grant with condition such as spending the money within the year necessary or fund providing added to the property anticipating the preservation of the capital, to participate into the companies and their management with the values included in its money or property to increase the incomes it shall spend for its objectives; to accept the unreal rights of the proprietorship of the immovable goods such as coalescence, right of usufruct, right of habitation, transfer, mortgage, pledge, to use these rights, to have any kind of assurance including the movable and immovable goods for the agreements to be done together with the present or future incomes, to accept the current bank guarantees, to borrow if necessary to realize the objective and service subjects of the Foundation, to give the guarantees and other assurances, to have incomes from the projects which are currently carrying out or shall be carried out and from any kind of works related to the objective and service subjects of the Foundation, to establish plants, economical exploitation, companies, associations which shall work according to the ordinary exploitation principles in order to gain some income for the Foundation, to make them manage to a manager directly or under its control, to conclude the enterprising, economizing, property possessing, construction and similar agreements deemed necessary for the realization of one or several of the objective and service subjects of the Foundation. The Foundation can not use these authorizations and incomes of its in the ways and for the objectives prohibited by the Law numbered 903.