

## A Critical Evaluation Of The City Councils In Turkey: Institutional, External Environmental And Legislative Aspects

DOI: 10.26466/opus.688170

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### Abstract

*The appearance of the City Councils in Turkey has dated back to 2006, and they have been considered as the local practitioners of the governance idea from the date onward. Along with the local governments, the councils have aimed to be one of the essential means of participation that serves the democratization process of the society. There are currently a total of 1398 municipalities in Turkey; nevertheless, only 285 City Council exist in these municipal areas. Thirteen years after the city councils have started to be established, and despite the fact that the local governance notion has still continued to be on the march, the city councils have struggled to get the place they ought to be. From the internal structuring of the council, legislation they are based on, their budget, the balance of political-citizen representation, to the partnership issues like integration of local administrations, the city councils need to be scrutinized. The paper reveals nine points which can be categorized under the titles of institution, external environment and legislation. It offers some suggestions on the issues the city councils have currently faced.*

**Keywords:** City Councils, Local Participation, Evaluation, Turkey

## Kurumsal, Çevresel ve Hukuki Açılardan Türkiye’de Kent Konseyleri: Eleřtirel Bir Deęerlendirme

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### Öz

Ortaya çıkışı 2006 yılına dayanan kent konseyleri, bu tarihten itibaren yönetim fikrinin Türkiye’deki en temel yerel uygulayıcıları olarak kabul edildi. Yerel yönetim kurumlarıyla birlikte konseyler, toplumun demokratikleşme sürecine hizmet eden katılım yollarından biri olmayı amaçlamaktadırlar. 21. yüzyılın Yerel Gündem girişiminin bir devamı olarak, daha sürdürülebilir bir gelecek yaratmak ve yerel sorunlara farklı çözümler üretebilmek amacıyla, yerel paydaşları bir araya getirmek için oluşturulmuşlardır. Türkiye’de toplam 1398 belediye bulunmakla beraber, bu belediye bölgelerinin sadece 285’inde Kent Konseyi bulunmaktadır. Bu konseylerin ilk kurulmasının üzerinden 13 yıl geçmesine rağmen, yerel yönetimler üzerindeki etkinliği kısıtlı kalmaktadır. Konseyin iç yapılanmasından, dayandıkları yasalara, bütçelerine, siyasi-vatandaş temsil dengesine ve yerel yönetimlere entegrasyonu kadar kent konseylerinin bir dizi incelemeye tabi tutulması gerekmektedir. Bu çalışma, kent konseylerinin halihazırdaki yapılanmasını ortaya koyarak belirtilen bu alanlar üzerine bir takım önerilerde bulunmaktadır. Bu öneriler, kent konseylerinin kurumsal yapılanması, dış çevresi ve mevzuatı kapsamında sınıflandırılacak dokuz noktayı açığa çıkarmıştır.

**Anahtar Kelimeler:** Kent Konseyler, Yerel Katılım, Deęerlendirme, Türkiye

## Introduction

City Councils are defined as the structures in which representatives of non-governmental organizations, public and private sectors are represented together so that common cooperation between different actors can be achieved (Taş and Çiçek, 2017, p.5). In 1996, Habitat II conference held in Turkey within the Conference of Local Agenda 21 movement has generated the foundation of the embodiment of today's City Council. Upcoming 21<sup>st</sup> century was seen as a turning point for the humankind so as to achieve sustainable development (Akman, 2018, p.743). Chapter 28 of Agenda 21 draws attention on who will be the implementer of this changes intended and gives this duty to the local governments in each country to begin a negotiation process with the locals in each part of the country. UCLG - MEWA<sup>1</sup> has the responsibility to conduct the initiative, later will turn into the city council (Emrealp, 2005, p.33; Deniz, 201, p. 397). Eventually, the City Councils acquired a legal ground with the legislation of the City Councils right after it declared in the article 76 of Municipal Law<sup>2</sup>.

In a conventional type of administrative structure, municipalities are mainly responsible for collecting garbage, urban planning, reconstruction permit etc. However, local governance, as a new type local management, also desires to improve participation to strengthen civil society (Çelik, 2013, p.219). The citizens, as real owners of the city, should protect the identity of their city and have a say in the decisions taken about themselves. City councils, which is one of the mechanisms enabling participation, emerges as an important platform for the success of local administrations (Eroğlu, 2009, p.3; Tosun and Keskin, 2015, p.8).

## Background of the City Councils in Turkey

The councils have a variety of missions in order for improving the city vision and citizenship awareness in urban life. For instance, protecting the

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<sup>1</sup> Until 2004, it is called as IULA - EMME (International Union of Local Authorities, Eastern Mediterranean Middle East Regional Organization). In 2004, with the organization of IULA as UCLG (United Cities and Local Governments) as the new world organization of local governments and IULA-EMME continues its activities under the name of UCLG-MEWA (United Cities and Local Governments – the Middle East and West Asia).

<sup>2</sup> Law No. 5393 enacted in 2005.

rights and law of the city, sustainable development, environmental sensitivity, social assistance, solidarity, transparency, accountability, participation and decentralization are some of the main principles of these entities.

Article 76 of Municipal Law No. 5393 defines the City Councils as follows;

To promote democratic participation at the local level, to develop citizenship law and common life awareness and to adopt multi-partner and multi-actor governance. To ensure the preparation and implementation of the plans for ensuring sustainable development and solving the problems arising in this regard. Contributing to the establishment of a common mind that covers the whole city in the determination of the basic strategies and activity plans related to the city, implementation and monitoring processes.

Developing participation, democracy and culture of reconciliation within the framework of the principle of locality. To protect and develop historical, cultural, natural and similar values regarding the identity of the city. Supporting to the effective, efficient and fair use of urban resources. To improve environmentally sensitive and poverty alleviation programs that improve the quality of life of the city based on the understanding of sustainable development. Promoting to the development and institutionalization of civil society.

To increase the activities of children, young people, women and disabled people in social life and to ensure that they take an active role in local decision-making mechanisms. Assisting in the implementation of the principles of transparency, participation, accountability and predictability in urban management. To ensure that the opinions formed in the city council are sent to the relevant municipality for evaluation.

Since the scope the city councils cover is quite wide, the relevant partners which is needed to be engaged in them also numerous. The city councils will be composed of the representatives of the following institutions and organizations;

- The largest local administrative authority or his/her representative,
- Mayor or his/her representative,
- The number of governors in the provinces shall not exceed 10 and by the district governors' representatives of public institutions and organizations to be determined,

- All village headmen in municipalities up to twenty, in other municipalities do not exceed 30 per cent of the total number of muhtars and representatives to be elected from among themselves,
- Representatives of political parties established in the town,
- At least one, at most two representatives from universities in the city. If there is more than one university, one representative from each university,
- Public institutions, professional organizations, trade unions, notaries, representatives of bar associations and related associations and foundations,
- Representatives of councils and working groups established by the City Council.<sup>3</sup>

Furthermore, the city councils do not have their own budget; their share is allocated by the municipalities in which they affiliate (Göktolga and Ekici, 2016, p.123; Akman, 2018, p.760; Cesur, 2018, p.815). However, there is an uncertain definition of the “share” since neither the municipalities nor the city councils know how much money needs to be reserved for the councils or how this budget will be transferred to their work.

The final point would be the alteration in recent years in the perception of consciousness of citizenship and how this point makes the works of the city councils much essential. In Article 76 of the Municipal Law No. 5393, “one of the functions of the city council is to improve citizenship awareness”. The law emphasizes that “everyone living in one municipal areas is a citizen of that city and has the right to participate in decision making process and to be informed about local activities”. People residing in the city and subject to the law of foreigners are also regarded as the citizens of the city (Altay and Gümüş, 2010, p.5; Çelik, 2013, p.224). This inclusive definition about citizenship makes the engagement easier by including all the fellow citizens in order to express their opinions on the local issues. Here, the city councils have a vital role in ensuring the awareness of citizenship by bringing it to a more formalized platform.

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<sup>3</sup><http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=7.5.10687&MevzuatIlski=0&sourceXml-Search=kent+kons>

## **Critical Assessment of the City Councils**

The city councils in Turkey are relatively new bodies and the parts of a recent development regarding the world's agenda of building and creating together which is mainly called governance (Ağır, Belli and Arslan, 2017, p.323; Göktoğla and Ekici, 2016, p.108). Although the establishments of the councils under the municipalities across Turkey has been still continuing and the existing councils have done many activities which can be the reflection of the governance and local participation in practice, the city councils are still an under-investigated area in Turkish public administration literature. It is widely acknowledged that the councils have both the legal and practical drawbacks that would prevent them functioning well (Akman, 2018, p.742). The current situation of the city councils has been addressed as yet, in the following section, a series of problematic issues regarding this existing state of the councils have been discussed.

### ***The Dominant Presence of Senior Local Administrators Within the Council May Leads to a Hierarchical Structure Rather Than Governance.***

While the foundation of the City Council is being formed, their structure, formed as horizontal, enables to build an equal relationship between the actors of the state and the civil society (Tosun and Keskin, 2015, p.365; Gerwin, 2018, p.72). In other words, the structure of the councils was aimed to be set up voluntarily on the axis of responsibility, not based on superior - subordinate relationship. However, in practice, the council's executive committee is composed of municipal and provincial councillors, directors of provincial as well as district state institutions and the decisions to be taken are implemented the executive body, which means by the top local administrators (Cesur, 2018, p.815; Altun and Toker, 2017, p.464). This issue has weakened the characteristics of the city councils that intend to bring local actors together in decision-making processes regardless of whether they are a regular citizen or local administrator. The city councils are actually formed to do so, yet, in practice, the councils are predominated by the top-down procedures on the grounds of the traditional hierarchical structure of the public institutions in Turkey. To eliminate this problem, all components

of the council including the general administrative team, the assemblies and the working groups should be effective equally in decision-making stages.

***The Councils' Ultimate Mission Should Be the Local Participation and Activities, Not Solely Their Organizational Structure and Existence.***

Encouraging participation in local areas is the primary purpose of the councils (Ağır, Belli and Arslan, 2017, p.330; Cesur, 2018, p.812). Therefore, the councils, both in the establishment process and later, ought to concentrate on how to include people to the council in order to accomplish this function (Deniz, 2013, p.399; Akman, 2018, p.755). There are a variety of issues about the regulation of the city councils, and the fundamental ones are expected to be about to what extent the council can be beneficial for the city or who can be the part of it to fulfil its mission instead of such questions on organizational structure such as who will be the President of the council or how many times the council needs to gather in a year etc.

The problem called in the literature as the structure overrides the purpose and process in the organizations. The city councils are new establishments in the context of Turkey, and it is understandable for them to strive to find their real purpose. Their mission and efforts in the local areas are still known by few local citizens. So, the councils with the local government organizations can work together to the council functions well and in a wider scale. Scrutiny on the action of the councils might be done, however, as the councils are considered as the closest bodies to the praxis of direct democracy, having any control mechanism might be against its inherent form.

***City Councils Should Mainly Produce Ideas and Create Synergies in Local Areas Rather Than Being Implementers***

The primary focus of the city councils is expressing local needs widely based on more concrete ideas and projects, asking the municipality and the mayor for accountability as well as creating a public opinion on the issues in cities. The councils are not supposed to be the rival of the mayor or the deputies but exist as an authority in which the local managers can be tested and be proved that they are on the right track. The city councils make local governments aware that there is a civil initiative they need to be accountable

and to act more responsible accordingly (Üzülmez, 2012, p.193; Emrealp, 2010, p.62). In contrast, the councils commonly overlook their reason for being, transforming their collaborative thoughts into actions, for instance, making financial aid or disbursing stationery materials to the migrant students in Turkey. However, the councils' duties do not mean to support the locals financially, but creating awareness and unite the local government and the needies together. In that case, the mission of the councils should be to generate ideas on the integration of the immigrant students to the education system of the country up to the university as well as adapting them to their new educational environment. Procurement of the need for locals can be fulfilled by public institutions within the process of creating public policy, while the city councils should be in charge as local mechanisms for the social and humanitarian dimensions of the issues.

### ***Reporting and Publishing of City Council Activities***

Achieving measurable results is vital to success in the public sector activities. Periodic activity and recommendation reports should be prepared and published on the city councils' websites (Gerwin, 2018, p.32). Also, assessing the performance of the councils yearly could help them to figure out what improvements they have made in a year. When looking at the websites of the councils, the vast majority of them either do not publish any report or working papers or do not issue them regularly.

Although city councils are places where local people meet with each other, their main purpose is to contribute to the local policies and needs on this occasion, detecting these needs is not rather straightforward. Therefore, city council members should be expected to come prepared before each meeting. Each assembly or even each working group should collect data in their own field, and this facilitates the councils in reporting in the areas they function. For this, another advice might be that the councils can produce long term management strategy, policy or plans. This also helps the councils figure out what the risks and opportunities in the environment they make enhancements.

### ***The Local People Should Be Familiarized with the Fellow Citizenship Concept***

In conventional urban relationships, the citizens are inclined to belong themselves to a very specific territory where they live for a long time and belong to a clique sharing the same cultural background even though they do not necessarily share a mutual interest. However, in contemporary cities where the strangers need to live together, citizenship is defined as a mechanism in composing of the interactions between heterogeneous groups (Üzülmez, 2012, p.195; Çelik, 2013, p.11). City councils aim to realize this idea of residing in the same place no matter if you know each other closely, you migrate from another country or not a citizen of the country. Considering the current situation of Turkey where many foreign people from all over the globe have migrated in the recent years, the inclusion of these non-domestic elements into the country needs a great effort, that's why the city councils have a big-time responsibility to put this mission into practice and admittedly, it is not an easy task to do. Bringing all the citizens from different background together is also a major level policy issue and need a greater strategy, planning and monitoring. Here, the duty of the city councils can be to support the central government liability concerning this issue.

### ***City Councils Should Adopt the Best Practices From Turkey As Well As The World***

One of the topical argument encountered in the public policy process is considered as the issue of 'reinventing the wheel'. Adopting the best practices from the similar domains or policies enables the practitioners to gather the disseminated theoretical and technical knowledge cumulatively, in the age of digitalization (Bahtiyar and Şaşmaz, 2015, p.125; UCLG-MEWA, 2018, p.58). Creating diffusion and adopting mechanisms among the implementation of local policies and initiatives of the city councils might save time to generate more projects and services.

As of 2000, European Sustainable Cities and Towns Conferences have been held continuously. The local governments participating in the campaign come together on a regular basis through these conferences and have

the opportunity to exchange experiences and knowledge about the functioning and development of local agenda processes. For instance, Turkish City Councils Association would be an ideal collaborator where the city council across Turkey meet so as to trigger dissemination. Turkey has already taken several initiatives for the success of the city councils, nevertheless, most of the time, their concerns are merely found solutions to the problems of the certain local area<sup>4</sup>. Hence, the councils need to stay in touch with all their stakeholders to obtain more impact from the activities of the councils (Ağır, Belli and Arslan, 2017, p.323). Besides, it should be noted that the needs of each city, even each council area, and the solutions to be provided should be different and specific to that region. Consequently, the current conditions (economic, social, political and cultural etc.) of the city should not be overlooked while observing the practices of other councils.

***City Councils Along with Working Groups in All Local Areas in the Country Should Be Built Up as The Council Legislation Requires.***

The establishment of the city councils in all municipal territory is a legal obligation since 2009<sup>5</sup>, however, it is known that almost all of the city councils, currently running, have been existed in the cities which have already been involved in the Local Agenda 21 initiative. It can be explicitly said that having a legal basis for the city councils after 2005 has not served to spread them throughout the country. The number of the councils are 285, whilst there are 1398 municipalities in Turkey.

In the same way, a large part of the City Councils tends to underestimate the positions of working groups. Working Groups as subunits are especially seen as they need to be established so as to comply with the regulation (Emrealp, 2010, p.10; Deniz, 2013, p.399). In relation to that, working groups within the city councils are not given enough right to express their opinions. In fact, the rationale behind why the working groups exist in the councils – aim to produce instant solutions to the problem in some certain areas such as woman & children right, elder, disabled people- are defined in the relevant legislation clearly; nonetheless, the groups remain inactive by reason

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<sup>4</sup> For instance, "Neighbourhood Forum" held in Antalya Local Agenda 21 initiatives or "City Volunteer Houses" in the scope of Bursa Local Agenda 21.

<sup>5</sup> With the changes in the City Council legislation (Article 5)

of being unable to establish a connection between groups and local action planning. Some of the city councils have not formed any working group yet or even some of them are not able to allow people to be a part of a working group without being a member of General Assembly in their councils. For example, according to the research on politics and youth participation, in spite of the fact that politics is not very popular among the youth, when it comes to active participation, young people are more attentive than any other group (Kızılkaya and Onursal-Beşgöl, 2016, p.103). These practices and facts need to be taken into consideration to build solid and participative councils across the country.

### *Budget Constraint Have an Adverse Effect on the Functioning of the Councils*

There was no provision in the 2006 regulation for the financial support of the city councils; nevertheless, the regulation made on the legislation in 2009 postulated that in-kind and cash aid should be provided to the city councils by allocating shares in the budgets of the municipalities<sup>6</sup>. This article provides a strong basis and ensures that Municipalities have to provide funds to the councils. In practice, however, the issue of how and what ways this budget will be transferred to the activities of the city councils is unclear. For, the city councils do not have a legal entity and are not involved in the organizational structure of the municipalities (Akman, 2018, p.746). The councils should take actions to allocate their own budget by revising the legislation. The city councils would be given legal entity for being able to function independently since it requires autonomous workplace. However, as it is not an easy process to change a law in the short run, the councils need to take strong initiatives to acquire some money from the municipalities. One way to realize it could be taking part of the strategic planning process in municipalities and of the local action planning processes. If the five years plan of the councils can be included in the strategic plan which also allows the municipalities make their next year financial allocations, the city councils can secure their allowances which need to get consequently.

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<sup>6</sup> Article 16/A: <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=7.5.10687&MevzuatIliski=0&sourceXmlSearch=kent+kons>

### ***Members in the City Council, as a Direct Democracy Mechanism, Should Be Elected Instead of Appointing***

Another issue is the organizational structure of the city councils which aim to constitute a pure example of direct democracy in terms of its essence and foundation (Gerwen, 2018, p.67). It must be ensured that council members and sub-units are selected in an impartial and representative manner to represent the general public. The practices about the executive part of the councils limit its envisaged structure regulated in legislation (Çukurçayır, Eroğlu and Sağır, 2012, p.18). For example, in many cities, executive councils of the youth assembly can be appointed by the city council president or secretary-general. According to the legislation of the city council, president of the youth assembly is a natural member of executive council of the city council and getting permission from the secretary-general, which is responsible to the Executive Board which also includes executive councils of youth assembly. One advice could be to have a general election for each assembly with their targeted group to sort the confusion out. For instance, it would be more sensible if the executive board of the woman or youth assemblies are elected by all women or youngsters in that local area.

### **Suggestions to Improve City Councils**

- *Getting rid of the strict hierarchical structure and top management hegemony;*
- *Focusing on local participation instead of predominantly organizational mechanisms;*
- *Not just being implementers but producers of synergies and ideas;*
- *Reporting and publishing the councils' activities;*
- *Good comprehension of fellow citizenship concept by local people;*
- *Adopting the best practices from different settings;*
- *The necessity to establish the councils and the working groups in each municipal area;*
- *Getting a separate budget allocation;*
- *The positions taking up by the council members should base on a local election.*

## Discussion and Conclusion

In an age of tremendous changes occurred, public organizations all over the world need to engage citizens to keep up with the transition smoothly, and the city councils are not out of this. They are even designed to be the most prominent places where the production of citizen engagement, participation and inclusion become meaningful at most (Kızılkaya and Onursal-Beşgöl, 2016, p.103). These are the fundamental reasons why the paper examines what the structure of the councils are and strives to draw attention to the defective aspects of them.

The paper begins with an overview of the foundation of the city councils and clarifies that the councils are established grounded upon the Local 21 Agenda initiatives in Turkey where the localization movement in the scope of this attempt is undertaken extensively. Then the paper carries out explaining the internal structure of the councils within the frame of the relevant legislation, including its duties, members, budgeting and most importantly, how it means to the citizenship concepts. The final part propounds nine statements concerning some suggestions so as to evaluate the city councils in Turkey.

Since the very first initiative to be found the city councils in Turkey were started between 2003 and 2005, these local bodies have not lost their popularity nevermore as the number of the councils have increased gradually up to 285 till now. Considering the current situation of the councils, a series of suggestions have been made from three different dimensions, namely institutional, external environmental and legislative. As of the institutional structure, hierarchical structure and top management hegemony; focusing on the local participation and relevant activities instead of predominantly organizational mechanisms; not being implementers but producers of synergies and ideas; reporting and publishing the councils' activities. In relation to the city councils and their environment, good comprehension of fellow citizenship concept by local people and adopting the best practices from different settings. As for the legal constraint, the necessity to establish the councils and the working groups in each municipal area; not getting a budget allocation because not having a complete legal entity and council memberships based on an election by all the local citizens. Putting all the factors above together, some implications might be made: The members of

the councils should be more responsible for regulating the institutional issues. Also, not only city councils but also their stakeholders such as local citizens, municipalities and other local actors that the councils may collaborate should take the suggestions about the environment into account. As a final remark, lawmakers ought to scrutinize the legislation of the city councils in collaboration with the city councils across Turkey.

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#### **Kaynakça Bilgisi / Citation Information**

Genç Tetik, E. (2020). A critical evaluation of the city councils in Turkey: Institutional, external environmental and legislative aspects. *OPUS–International Journal of Society Researches*, 16(29), 2093-2107. DOI: 10.26466/opus.688170