

## THE SYSTEM OF LOCAL GOVERNMENT IN TURKEY

Hikmet KAVRUK\*

181

### ABSTRACT

The Turkish system of local government was set up in the late Ottoman period under the influence of the West. These institutions were expected to have significant functions also after the declaration of the Republic. Despite being autonomous structures having incorporated public body, these institutions had to operate as institutions under the central government. The administrative tutelage of local governments has been applied strictly by the central government. Its laws have become out of date and need to be brought up to date. The Constitution determines the local administration units as local governments, provinces, municipalities and villages. Apart from the ones mentioned, Neighbourhoods of towns or cities having no public corporate personalities and local authority associations having public corporate body are also available. These must also be made effective.

Nowadays the problems of local government are being discussed more frequently. The draft of public administration law, which is directly related with local governments, has also been on the agenda of the Grand National Assembly. The draft law has been kept on the agenda and was expected to be passed as a law before the March 2004 local elections. However, the reform laws to be passed just after the new elections may be functional. Changes on laws regulating local governments have also been prepared for this purpose and presented to the public opinion. The views of the public opinion can only be revealed through the media, the internet, the explanations of people or of institutions, and the reports prepared by political or academic circles. Today there is no doubt in public opinion that Turkish administrative organization has not been functioning well and needs regulating. Only the arguments on the way in which the regulations will be implemented, the extent to which these regulations will bring reforms and the consequences of these regulations are expected to reach maturity.

This study focuses on local governments that are parts of the Turkish public administration. The historical development, the regulation in the constitution, the local government units, the organizational structures, the duties and powers, and the election styles of the local government are pointed out in this study. The issue of the administration of big cities has been explained under a separate title. The general problems of local governments and the general approaches of the new draft laws towards local governments are presented separately.

Keywords: Turkish Public Administration, Local Governments in Turkey, Municipality, Province Administrations, Villages, Big City Administration in Turkey, Local Administration Reform in Turkey

### INTRODUCTION

Upon the collapse of the Ottoman Empire, following World War I, Turkey was established as a new state on April 23, 1920; then on October 29, 1923, the Republic was declared and Turkey took its place in the community of nations under the name of the Turkish Republic. The Turkish Republic has a written constitution. With the first article of the constitution the form of government was determined as that of a republic. According to the constitution, Turkish Republic is a democratic, secular and social law state which observes human rights and which upholds Atatürk's nationalism. The Turkish state is an integral whole with its country and nation. Its official language is Turkish.

The Turkish Republic is a unitary state governed by the parliamentary democratic system. Political power is owned by the nation unconditionally and is used through the related organs within the principles laid by the constitution. With regard to the use of political power, the principle of separation of powers is accepted. The legislative, exec-

\*Asst. Prof. Dr. Gazi University, Economic and Administrative Sciences Faculty, Department of Public Administration, Ankara, Türkiye

utive, and judicial powers are separated. The power of legislation is exercised by, the Turkish Grand National Assembly in the name of the Turkish nation. This power cannot be transferred. The executive power is used by the president and the council of ministers in accordance with the constitution and the laws. The judicial power is used by independent law courts in the name of the Turkish Nation.

Conducting public services day by day is the duty of the administrative bodies. According to the existing constitution, administration is based on the system of central administration. Central administration is composed of ministries and institutions under these ministries, and of provincial organizations at the level of provinces and counties.

According to article 127 of the Constitution, "local governments are public corporate entities whose principles of establishment are determined by law and whose decision organs are formed through election for the purpose of meeting the common needs of provinces, municipalities and villagers. The establishment, duties and powers of local governments are regulated by law in harmony with the principle of central administration." Local governments as public corporate entities have their budgets and have the power to make executive decisions. They can possess goods, owe money, litigate, and can use the powers that are provided by the status of public corporate entity. Their structuring autonomously and differently from the central administration is limited by the principle of the unity of administration. They cannot act in a way as to violate the unity of administration. Being a part of the administration, all their acts and procedures are subject to judicial supervision. Administrative tutelage is applied on them. This control is an administrative tutelage over actions and procedures of local governments, and is limited by the law.

The autonomy of local governments is of the administrative kind. They have no political autonomy. Therefore, they are not organized in the way a federal state is. They do not have legislative and judicial duties. These activities are left to independent powers (Turkish Grand National Assembly= Parliament and Independent Courts) separated from the power of execution.

### **LOCAL GOVERNMENTS INHERITANCE FROM THE OTTOMAN EMPIRE DOWN TO THE TURKISH REPUBLIC**

The organization of municipalities did not exist until 1854 in the Ottoman Empire. The services related to municipalities were carried out by various institutions, institutes and local people. Local public services were left to the individual and joint efforts of the people before the Tanzimat Period (a period of reformist movements in the Ottoman state administration in the early seventeenth century). For instance, cleaning the streets in cities and towns were conducted by the residents while the cleaning of the market places was carried out by tradesmen. In 1719 sweepers were employed for such services. Since streets are considered to be common places for the houses overlooking the streets in Neighbourhoods, which are under the traditional Anatolian Turkish City order, the cleanliness and security of the streets were under the responsibility of those households.

The concept of "Neighbourhood" occupies a significant place in Ottoman adminis-

tration both as urban settlement order and as a unit in administrative organization. Before the office of the elder muhtar was founded, the imams of mosques played an active role in Neighbourhood organizations; thus mosques were also administrative centers for Neighbourhoods, and government commands were reported to the public by kadı (caddis) and imams. Caddis used to be employed in cities and towns as administrative and judicial representatives and was authorized in same local urban services. The ministry of mortician estates was founded in 1854, and the local services were regulated by this organization. Serious problems in urban administration were experienced in this period. Issues of tradesmen, cleaning, pavement and drainage system were neglected. Following the Tanzimat Movement, caddis was replaced by country governors. During this period the need for modernization was discussed, and thus the organization of municipalities was established (Belediyemizi Tanıyalım, 2001:4-5).

The first municipality organization during the Ottoman period was founded in 1854 in Istanbul. At this time, when the first municipality was established, Istanbul --with its population of over half a million-- was one of the most significant big cities in the world (Ortaylı, 1974:119). When seen from this perspective, we recognize that the first municipality in Turkey was founded in a big city. An increase in maritime commerce, the internal and external political pressures aiming to protect the minority rights in the 19th century, and a longing for an orderly city especially in the harbor cities due to corruption in pious foundations and craftsman associations all led to attempts at a municipality organization.

Owing to the need for an organization to carry out the urban administration and to modernize Bab-ı (the central office of the government), İstanbul Prefecture İstanbul Şehremaneti was established with a written notification which was issued on August 16 1854. Şehremaneti was an institution which was to keep the city safe. The decision and execution organ of the institution comprised of a şehremini (prefect) which was similar to the present day mayor and the city board. A şehremini was appointed through Bab-ı Ali election and at the Sultan's will. The term şehremini meant a reliable person in a city. As can be noticed, the first organization of the municipality was established as an organization, which had been defined by the terms "safe-keeping" and "reliable" independently of the central government. Yet we cannot say that this organization had an administrative and financial autonomy as different from today's tradition of municipality. Moreover, şehreminis were not elected by the public.

The government divided Istanbul into fourteen municipality offices with a General Regulation in 1857. Of the fourteen offices, the sixth office of the municipality which was located in, the Galata-Beyoğlu districts was organized seriously, but the others were disorderly and poor (Ortaylı, 1974:120-128).

The 1870 Regulation of Provincial Public Administration made it obligatory to set up a municipality in each province, sancak (subdivision of a province), and country, but it required that the majors should be appointed by the government. And the members of the town council would be selected by the local council of elders who were men paying a certain amount of tax to the state and who owned immovable in that city (Cumhuriyetin 50. Yılında Mahalli İdareler, 1973:21). The 1876 law of provincial municipality required

that the members of the city council should be elected by the public and that the major should be elected by the government from among the members of the city council (Keleş and Yavuz, 1983:41).

**184** The Constitution of 1876 required that the local councils be formed through election whereas the two laws that were passed in 1877 (The Law of Istanbul Municipality and The Law of Provincial Municipalities) preserved the previous organization and brought the number of municipality of fides from 14 to 20. Moreover the choice of appointment rather than election was continued. Outside Istanbul, it was agreed that a municipality organization would be set up in each city and town and that those municipalities would be composed of a mayor, a town council and a corporation.

The Second Constitution was declared in 1908; however, a significant change in local administration was not introduced. Through the provisional law concerning the municipality of Istanbul that was passed in 1919, the municipality offices situated in Istanbul were abolished and municipality branches were set up. Besides, the prefecture was also replaced by a council (Keleş and Yavuz, 1983:41). The tendency to appoint the prefect continued until the law of municipalities, number 1580, which was passed in 1930 and which is still in effect.

The French influence was observed in the formation of provincial local administration in the Ottoman period. With a regulation in parallel to the transition from "Provinces" to "départments" in France --i.e. with the Regulation of Provinces in 1861- transition from the "state" system to the "province" system was enabled. The public assembly, which still exists under a different name today, was composed of four members (two Muslim, two non-Muslim) who were elected in each sancak of a province. This assembly was headed by the governor. The 1870 Regulation of General Provincial Administration preserved this structure; but the 1913 Provisional Law Concerning the General Administration of Provinces regulated both the general and the provincial administrations. The provisions of the law regulating the general administration of provinces were abolished in 1929. Consequently, the law of special provincial administrations, number 5442, was passed for the general administration of provinces. Thus the provisional law of 1913 developed into the law of special provincial administration in 1929, and is still in force today.

The special provincial administrations which had been established in the Ottoman period were composed of only the provincial council; and the governor --the representative of the provincial organization-- headed the council. The provincial council also took part in the negotiations of the local affairs. It could not make executive decisions. The decisions could be executed provided that they were confirmed by the government. Thus, the council functioned as if it was a counseling assembly. Special Provincial Administrations did not have corporate entities, financial resources or their own budgets. In fact, the 1876 Constitution introduced the principle that provinces would be administrated according to the principle of central administration. This constitutional regulation could not be put into action with regard to institutionalization and administration. Yet those provincial councils formed the nucleus of the present Special Provincial Administrations.

A village is a traditional unit of local government. The earliest legal regulations concerning villages were in the 1864 Regulation of Provinces. According to the regulation, Turkey was divided into provinces, provinces into "livas", livas into counties, and counties into villages. In every village a chief alderman, who was elected by the people, and a board of aldermen were not able to make executive decisions. The duty of the alderman was rather to be the representative of the government in the village. In spite of several legal attempts to convert villages into western style commune administration, villages did not have an corporate entity until 1924 when the Law of Villages was enforced.

### **AN EVALUATION OF THE SYSTEM OF LOCAL GOVERNMENTS IN THE REPUBLICAN PERIOD**

Şehremaneti (the earliest municipality of Istanbul), which was the first municipality in the Western sense, reminds us of the structure of a big city municipality organization which is established in 16 urban fields today because şehremaneti had a phase-structure. The big city municipality model that was previously established in three big cities through law number 3030, and which was later made widespread in sixteen cities, is a two-phase local federation organization. The municipality of Istanbul, which was established in 1854, had 14 municipality offices in 1984. Through law number 3030, a local federation type of municipality structure consisting of two phases was established in big cities (Kavruk, 2002:5).

Following the declaration of the Republic on October 29, 1923, various laws concerning municipalities were passed. The year 1924 was especially important with regard to laws or regulations. With the 1924 law of Ankara big city municipality, the municipality structure of Ankara was likened to that of İstanbul; in addition to that, the law of municipality taxes was passed in the same year.

On 18 March 1924 the Law of Villages bearing number 442 was enforced. The law, which is still in effect and which is the basic law regulating villages, defines a village as a residential place whose population is below 2,000. Such places were made subject to this law. Thus for places with a population of above 2,000, municipality organizations were facilitated. In the same year the law of municipality punishments was put into effect.

By enforcing the Constitutional Law (the 1924 constitution) on April 20, 1924--number 491-- Ankara was confirmed as the capital city. With this law, the divisions of territorial administration were re-defined. Thus, the country was divided into provinces, provinces into counties and counties into townships. Accordingly, townships were composed of towns and villages. Moreover, provinces, cities, towns and villages were given corporate entity.

The law of water was passed in 1926 while the law regarding the establishment of Ankara City Improvement Directorate was passed in 1928. In 1930 two basic laws were enforced. These two laws --The Law of Municipalities of April 3, 1930, number 1580, and the Law of General Hygiene dated May 6, 1930, number 1593-- still exist as basic laws. They were the most modern laws of the time, and they laid the foundations of present day municipality law number 1580 which went through some changes. For instance,

the provisions regulating the province and the municipality in Istanbul as one united administration were abolished; then in 1956, these two institutions were separated. The Law of Improvement passed in 1956 imposed new tasks on municipalities.

**186**

By bringing clarity to local governments, the 1961 constitution classified them as provinces, municipalities, and villages and defined them as public corporate entities. It was pointed out that the tutelage on the elected organs regarding losing or gaining their statuses would be only through law. In accordance with this provision, in 1963 a change was made in the Law of Municipalities and instead of selecting majors from among the members of the city council, it was decided that they were to be elected by the public. Apart from that, the power of administrative tutelage offices over the major and over the city council was limited (Cumhuriyetin 50. Yılında Mahalli İdareler, 1973:22-23).

The concepts of province and country --the provincial organizations of the central government-- have a determining role with regard to local governments. Whenever a geographical location is declared as a province, automatically a special provincial administration is also established. Similarly, the municipality organization having public corporate entity is spontaneously set up in province and county centers. County, a concept of provincial organization became one of the essential concepts also for the big city municipalities. The concept of a big city is defined as "cities having more than one county within the boundaries of the municipality."

The number of provinces was 63 just before the World War II. By the time constitution was declared in 1982, the number climbed up to 67. At present, the number of provinces is 81. The number of special provincial administrations is the same.

The Republic of Turkey took over 389 municipalities from the Ottoman Empire. There were 426 municipalities when the 1924 constitution came into effect; the number went up to 492 when the law of municipalities numbers 1580 was put into effect. The number was 595 in 1946 when multi-political party life started in Turkey. With the 1961 Constitution the number was 998, and in 1970 it was 1303. In 1980, 1727 municipalities existed, while in 1981, the number was 1587. The reason for this decrease was that the municipal corporate entity of 143 municipalities was abolished by the martial law commandership (Gökçeer, 1976:6-7).

### **THE SYSTEM OF LOCAL GOVERNMENTS TODAY**

Local governments are mentioned in the constitution. They are mentioned as provinces, municipalities and villages; and they are said to have public corporate entities. In contrast to some countries, a distinction between urban and rural municipalities is not made in Turkey. Also the big city municipalities, which are specific to the metropolis, are also regarded as municipalities. The concept that each residential place is a commune administration, which is the case in some European countries and especially in France, is different in Turkey. Municipality organizations are not established in places where the population is below two thousand and these places are known as villages. They are subject to the law of villages.

## 1. Special Provincial Administrations

Province has two different aspects. There is a clear distinction between the province as a branch of the central government and as a local self-government unit. The local self-government aspect of the provincial administration is characterized by the existence of a legislative assembly a public corporate body assigned specific responsibilities (Keleş, 1968:73).

The law regulating special provincial administrations dates back to the later periods of the Ottoman Empire, and after some significant changes it is still in effect. In the Republican period, when the central administration was not powerful enough, significant tasks were imposed on the special provincial administrations. Due to the strong organizational structure of the central government, special provincial administrations have today lost their functions considerably. Special provincial administrations are liable to conduct services which are intended for the whole of the province. However, the majority of these services are performed by some other institutions of the central government today. For instance, institutions such as Agricultural Products Departments, General Directorate of Highways, and General Directorate of State Water Affairs perform the functions of special provincial administrations (Keleş, 2000:142).

Owing to the increase in the number of provinces, 81 special provincial administrations exist today. Provincial administration is outside the conception of classical local administration because local governments control the central administration of a densely populated area, whereas special provincial administrations control the administration of the whole province. The special provincial administration accommodates many municipalities and public corporate entities. It is also a public corporate entity.

Special Provincial Administrations have three organs: governor, provincial council, and standing committee. Of these, only the provincial council, the general organ of decision, is elected by the people living within the borders of the province. As in all the units of local governments, the election of the assembly members of the special provincial administrations is carried out every five years.

The governor is the executive organ of the special provincial administration. He is also the head of the province. Being the highest field governor, he works on the principle of wide authority in the name of the central government. County governors, the field governors working in counties, are liable to carry out the special provincial administration affairs that the governor assigns (Tortop, 1994:89). Governors perform the duties related to special provincial administrations via the directorate of the special provincial administration. Governors are the representatives of the public corporate entity of the special provincial administrations. The governor executes the decisions made by the provincial council. He chairs the provincial council and the standing committee. The fact that governors are assigned on the basis of appointment rather than election is contradictory to the philosophy of local governments. A governor is both the representative of a local government unit and the highest position territorial governor of the provincial organization. In other words, this is an office of administrative tutelage. This case is a structural contradiction concerning special provincial administrations.

The members of the provincial council, the general decision organ of the special provincial administration, are elected by the public every 5 years. The election is con-

ducted at one step on a proportional representation principle, hidden voting and overt vote counting system. Every eligible citizen can stand as a candidate for membership to the provincial council. The number of the provincial council members depends on the number of counties and on the population: 2 members for a population of up to 25,000, 3 members for a population of up to 50,000, 4 members for a population of up to 75,000, and 5 members for a population of up to 100,000. Beside the principal members, the alternate members too are elected accordingly. As for the counties whose population exceeds 100,000, one principal and no alternate member is elected for every 100,000. The provincial council meets in May and November every year. It is also possible for the provincial council to meet under extraordinary circumstances. The essential duties of the council include the preparation and conclusion of the special provincial administration budget, conducting the duties apart from the ones conducted by the central government, administration of the properties of the special provincial administration and allocation of them, receiving donations, and decisions regarding ownership of property. All the decisions made by the council are approved by the governor (Tortop, 1995:91-92).

The standing committee replaces the provincial council when it does not meet, and makes decisions in emergency. The members are elected from the members of the council. The council selects five principal and five alternate members every year to assign them for a year in the standing committee. Those whose working period has been terminated can be selected again. In choosing those members, the council pays special attention to choose them from different counties and to choose in a proportional way. The standing committee is chaired by the governor or the vice-governor to be assigned by the governor. The governor can demand that the decisions be considered again if he finds the decisions contrary to the laws. If the committee agrees on the decision, it is confirmed.

## 2. Villages

As units of local administration, villages have been administered according to the law of villages, an 80-year-old law. In 1927, when the first census was performed, the majority (75 %) of the population --which was 13 million-- lived in rural areas. This proportion is reversed today. The proportion of the urban population today is 76 %. In line with the decrease in rural population, the number of villages has also reduced. In the present day, there are over 35,000 villages. The general reason for the reduction of the number of villages is the fact that villages unite or turn into municipalities on their own or are annexed to an existing municipality and became part of a Neighbourhood.

As units of local government, villages also attain the status of public corporate entities. They can borrow, decide on their behalf, and prepare budgets. The administrator of a village is elected by the village electors. A village administration has three organs: the elder, the board of aldermen, and the village corporation (Tortop, 1995:67).

The elder, just like the major, is elected by the local people for a period of 5 years to administer the village public corporate entity. As different from the other local government representatives, the duties of the elder have two aspects. On the one hand, the elder is the representative of the village public corporate entity; on the other hand, as a state employee in his village, he represents the state. The duties that he carries out on behalf



of the state include announcing the state decisions, laws, and regulations to the villagers, keeping the population records, establishing the public peace, enlisting soldiers, announcing the law court decisions, and reporting the suspects to the military police. And his local government duties are of two types: voluntary and obligatory duties. Many duties have today become obligatory duties. Among these duties are: implementing decisions made after discussions with the board of aldermen, collecting money to be spent on village matters, representing the village in courts, and if authorized, functioning as the marriage officer.

The board of alderman in a village is composed of the members who are elected directly by the villagers for a period of five years. The number of members is determined according to the population of the village. In villages with a population of 1000 there are eight members, in villages with a population between 1000-2000 there are ten members, and in villages whose population is above 2000, twelve members are elected. Indeed those villages whose population is above 2000 have the right to set up a municipality organization. This can be done on the villagers' demand by following the procedure. The work of the board of alderman in a village is similar to that of the municipality committee. The board has to meet at least five times a week under the chairmanship of the elder. The affairs are put in order of importance, and the method of doing the work is decided (Keleş, 2000:184).

Another organ in a village is the village corporation. However, this organ exists only in name; in practice it has almost no functions. This corporation denotes the total number of villagers who have attained the age of voting and being elected.

Villages have sources of income such as imece , salma , contributions, donations, fees, fines and other incomes. In contrast to municipalities and special provincial administrations, villages do not receive regular and continuous finance from the central government. Yet, special provincial administrations allocate 20 % of their income to the needs of the villages. These needs are determined by the decision of special provincial administrations.

### **3. Municipalities**

Today 3,216 municipalities exist in Turkey. Municipality organizations are set up in provincial and county centers without regard to population in Turkey. As to the places whose population exceeds 2000, the municipality organization can be established upon the demand of the local people. While considering the local governments in Turkey, municipalities are units of local governments that immediately come to the mind. Villages are incompetent financially; and special provincial administrations are not the units which are established directly for densely populated residential areas. But municipalities are the local government units of places whose population is above 2000. Once the organization is established, it is maintained even if the population decreases below 2000. The basic law of the municipalities is the Municipalities Law, no 1580, which was passed in 1930.

Until 1984, the way municipalities organized was standard in places of different sizes in Turkey. In 1984, however, a regulation was made and a two - phase municipality sys-

tem was introduced. Big city municipalities have been set up in 16 cities at present. Cities in which more than one county are available are defined as big cities, and a big city municipality as a higher phase municipality is established in such cities apart from the county municipalities. Law number 3030 was passed for big city municipalities. This law explains the rule for the relationship between big city municipalities and county municipalities. It also explains the share of services and it has references the Municipalities Law.

The municipalities have three organs: the mayor, the municipal board, and the municipal committee. The mayor is elected by the votes of the public. The mayor in big cities is referred to as the mayor of a big city municipality. The members of the big city municipal boards cannot be directly elected by the public. They are elected indirectly. And in other municipalities the municipal board is elected by the votes of the public.

The mayor is elected directly by the votes of the local people. Everybody who is eligible to be a candidate of a municipal board member can also stand as a candidate for being a mayor. The required conditions are the same. Political parties announce their candidates for mayors and for members of the municipal boards in local elections. It is also possible for mayor candidates to stand independently, without having any ties with political parties. According to the size of the municipality, the elected mayor is appointed by the ministry of internal affairs or by the office of the governor.

A mayor has duties as the representative of the municipality, as an officer of the central government, and as the highest municipality administrator. As the representative of the municipality, his duties include managing the municipality assets, collecting and preserving the municipality income, contracting, performing transactions on behalf of the municipality, receiving donations, representing the municipality in front of the law, and permitting and confirming expenditures for the municipality. As the highest municipality administrator, he has duties such as assuring that the security officers do their work, applying laws and decisions of the city council or the committee, focusing on healthcare, and construction work. Also as the agent of the central government he announces the laws, regulations reported by the territorial governor, and performs the duties that are assigned to him by these texts.

The municipal board is the general organ of decision of the municipality. The local people elect members for a period of five years. The number of members depends on the population of the place. The number of members is nine if the population is below 10,000, and it is 11 if the population is between 10,000 and 20,000. There are 15 members if the population is between 20,000 and 50,000, and the number is 25 if the population is between 50,000 and 100,000. The number is 31 in places where the population is between 100,000 and 250,000, and it is 37 in places where the population is between 250,000 and 500,000. In places where the population is between 500,000 and one million it is 45; and in places where the population is above one million it is 55. Alternate members of the same number are also elected. The municipal board meets under the chairmanship of the mayor. Some of the municipal board decisions (such as budgets, borrowing) are confirmed by the approval of the administrators in the governor's office. Other decisions are final and do not need confirmation (Keleş, 2000:224).

Some attitudes and decisions of the municipal board make it necessary for the board to be abolished. If the board meets on other occasions apart from its usual and extraordinary meetings, if it meets in places other than the determined one, if it discusses political issues, if it does not perform its function, and causes financial losses, it is abolished. If the mayor also participates in such activities, he is also discharged from his position.

The tasks of the municipal board are: deciding on the municipal budget and action plan, making transfers between budget items, deciding on expenditure proportions, taxes, approving the improvement and construction plans and their application, etc. Members of the big city municipal board are not elected by the public in this manner. The board is composed of the members of the municipal board coming from the county municipalities within the service field of the big city municipality. In other words, a part of the members elected by the public for county municipalities comprise the big city municipal board.

The municipal committee is the second decision organ coming after the municipal board. The committee meets under the chairmanship of the mayor or of the person assigned by the mayor. It is composed of the members who are elected or appointed. At least two members who are selected from among the municipal board and the highest level administrators in the municipality form the committee. Any work that is outside the work of the municipal board is the work of the committee. The committee makes decisions concerning the daily and general functioning of the municipality.

### **Neighbourhoods in Municipal Areas**

Neighbourhoods, important social institutions of the Ottoman and Turkish social structure, were abolished as an administrative unit in 1933, united with the municipalities, and then brought to life again in 1944 (Keleş, 2000:250). A Neighbourhood is a traditional order of settlement in an urban setting. As well as being an order of settlement, a Neighbourhood, which is a whole unified by security and other social relations, has also an administrative role. In big cities receiving intensive migration from other cities, new Neighbourhoods or even new regions are formed by people coming from the same cities or towns. They have a comfortable life in these Neighbourhood units as they also bring the place names and local culture with them.

A Neighbourhood unit can be similar to a village in some respects. In both cases the local administrator and the board of aldermen are assigned through election. The elder and the board of alderman are elected by the public for a period of five years. The names of these two organs are the same as those of the village. In both cases political parties cannot declare candidates. A Neighbourhood is the smallest administration unit in an urban setting. Similarly, a village is the smallest local administration unit in a rural setting. The village, as an institution, is defined in the law as a unit of local government having a public corporate entity. And a Neighbourhood is an administrative unit which is determined by laws. In spite of being an administration, it has no corporate entity. Therefore, a Neighbourhood cannot be a debtor, cannot budget, or make investments and cannot make executive decisions. While a Neighbourhood is located in the serving area of a local government unit, village public corporate entity is a public corporate entity on its own and cannot be within a municipality serving area.

At present there are nearly 17,000 Neighbourhood units and Neighbourhood elder offices (Palabıyık and Atak, 2002:338). A Neighbourhood can arise in two ways: first, due to the expansion of a city, the newly formed units of residence are turned into Neighbourhoods; or an existing Neighbourhood can be separated into two Neighbourhoods as a result of expansion. Second, while a municipality is being established, a village corporate entity can be turned into a Neighbourhood or villages close to the municipality borders can be included into the municipality areas by turning them into Neighbourhoods. Forming a Neighbourhood within the borders of a municipality, abolishing it, uniting the Neighbourhoods, changing their names or borders is subject to the decision of the municipal board and to the confirmation of the governor.

When considered in terms of the duties that are assigned to Neighbourhood administration, Neighbourhood administrators (elders) can be regarded as the extensions of the central government within municipality borders (Aytaç, 1991:68) because the Neighbourhood elders have to work in co-ordination with the units of the central government in matters such as demography, health, military service and security.

Each Neighbourhood is an electoral circle in elections of Neighbourhood elders and the board of aldermen. Requirements such as having attained 25 years of age, residing in the Neighbourhood for 6 months and being literate are sufficient for someone to stand as a candidate for being an elder. Any Turkish citizen can stand as a candidate provided that he has the above-mentioned requirements, unless he has a legal obstacle. Four candidates, who receive most of the votes, are elected to be the members of the board of alderman. The other candidates are regarded as the alternate members.

## **THE ORGANISATIONS ESTABLISHED BY LOCAL GOVERNMENTS**

### **1. Associations of Local Authorities**

The local government units in Turkey have the possibility to form associations among themselves in order to do a part of their duties. This possibility is mentioned in different forms of expression in Villages Law number 442, in the Law of special provincial administration number 5442, and in Municipalities Law number 1580. For instance, the Municipalities Law announces "municipalities, villages, and special provincial administrations may set up unions (associations) to perform one or more of their duties in shared organization." When it is considered that these laws have existed since the early years of the Republic, it is recognized clearly that such a possibility is a right which was given at the beginning. However, the freedom to set up an association was limited by the 1982 constitution; and the condition to ask for permission of the council of ministers was introduced.

In spite of the permission of the council of ministers, the basic characteristic of the associations is that local governments are free to establish these unions and that the unions have public corporate entities just like municipalities (Gönül, 1978:15). Local authority associations are the public corporate entities that are established by law or by the authority given by the law. Therefore, they are a part of public administration and as local institutions they receive administrative tutelage (Kavruk, 2001:301).

An association does not necessarily have to be established by local authorities of the same type; it is possible for different types of local units to come together as an association (Local Authorities in Turkey, 1999:104). Local authority associations can be established for economic purposes (such as exhibition, fairs, transportation), social and cultural purposes (such as dormitories), infrastructure services (such as the construction of roads, bridges, etc) or for other purposes (such as stock-breeding, forestry, environmental problems, housing or hand crafts).

In the establishment of an association, an association regulation is prepared and work is done according to the regulation. Such issues as the title of the association, its members, subject matter, incomes, and meeting times are written in the regulation (Özhan and Yeter, 1995:38). The members establishing the association pay annual adhesion fees. The association has income sources such as service or management income, and the income obtained from movables and immovable. Incomes and expenditures are displayed in the budget which is drawn up every year.

The associations have three organs: chairman (head) of association, council of association and executive committee of association. The council and the committee are the decision organs, whereas the chairman is the executive and representative organ. The members of the council are elected by the local government units, which establish the association from among their own council members, for a maximum of five year periods. The governor, the mayor and the elders --who are the executive organs of the local government units that are the members of the association--, are the natural members of the association. The council of the association meets twice a year. The executive committee is composed of the association chairman and four members to be elected from the members of the council for a period of one year. The executive committee of association has the same duties as that of the municipal committee. It makes decisions to administer the association in accordance with the written provisions in the regulation.

## **2. Local Government Companies**

Local governments either perform the duties that they take on through their organizations or they benefit from the private sector. Local governments are public institutions. Their field of action is limited to their geographical area. They are dependent, to a large extent, on the central government in respect to financial sources. Their freedom of return is restricted because their own organizations function according to the rules of public law, they are under strict administrative tutelage, and are subject to the rules of public law. Therefore, local governments, especially the municipalities in big cities prefer to benefit from the private sector. Sometimes they behave as if they themselves were the private sector. The companies which local governments establish or hold shares of are of this kind (Kavruk, 2003:168).

It is a common for local governments in Turkey to establish companies or to have shares in companies. The Municipalities Law permits the local governments to set up a company or to be part of a company. The municipal companies, a widespread method of executing urban services, were started in 1984 (Eken and Yılmaz, 1990:68). A new law was accepted in 1982; and a year later a government period based on the liberal conception was entered into. Consequently, in 1984, the conception of big city municipali-

ty started. In this year, the fact that the same political party was in power both in the central government and in most of the local governments provided the ground for such companies to increase.

194

Local government companies are not local government units. They are the capital companies which are established by local governments, especially by big city municipalities, and which operate in accordance with the rules of private law. They can be in the form of joint stock corporations or limited companies. Local governments are also responsible for the amount of capital they promise and for the proportion of the share. Yet, the power of decision making is held by local governments since their share is above 50 % in many companies. When especially the big city municipalities establish a company, their partners are usually their own enterprises or their older companies. Thus the whole of the capital can belong to the municipality. The general assemblies of the companies as decision making organs are thus composed of the representatives of the big city municipality. Therefore, the companies can make political rather than commercial decisions. Since no administrative tutelage is available over them, they can act freely. Local governments can also make these companies perform public utility services that they take on.

The most significant factors which lead local governments to establish companies include the following: Local governments escape from the administrative tutelage of the central government, they create an additional source in a sense, they activate the urban capital and local possibilities, they can go beyond the working conception of the rules of public law, and they want to satisfy their political advertisement instincts (Bozlağan, 2004:272-273). The fact that most of these companies had financial losses made the central government take action. With the privatization law that was passed in 1994, the freedom of company establishment was limited. The condition to get permission from the council of ministers was put in order to establish a company.

## LOCAL GOVERNMENT - CENTRAL GOVERNMENT RELATIONS

### 1. A Comparison between Central Government and Local Governments

The state has public corporate entity. Except for the related and dependent institutions, the central government has only one public corporate entity. Ministries do not have separate public corporate entities. All the ministries composing the central government and the provincial organization that is dependent on these ministries use the public corporate entity of the state. Yet, each local government has its own public corporate entity. That is to say, 81 special provincial administrations, 3216 municipalities (of which 16 are big city municipalities), and over 35,000 villages have public corporate entities. Apart from that, the unions that are established by the above mentioned local government units also have public corporate entities.

The presidents and general decision making organs of the local governments are directly elected by the local people. In Turkey the mayor and elders of Neighbourhoods and villages are elected directly by the public and not selected from among the elected members of the assembly as is the case in some other countries. Therefore the system of powerful mayor (or elder) is in question. Yet, only the members of the Turkish Grand

National Assembly (or the deputies) form the legislative organ through a nation-wide election. The political party which has received most of the votes is assigned to set up the government, and ministers are chosen from among the deputies or appointed from outside.

The central government's power and duties are determined by the constitution. However, the local governments' duties and powers are defined by the laws determined by the central government.

In the preparation of the central government budget, expenditures are predicted first by considering the work to be fulfilled. Then, the income is estimated accordingly. If any income is not found, the debt is recorded. However, local governments have to estimate their income first, and they prepare their budget by predicting their expenditure in accordance with their income.

Whereas the central government can act all over the country, local governments can serve only in the local area in which they are located. They cannot offer service to areas outside their jurisdiction even under the name of public service.

## **2. Administrative Tutelage**

An administrative tutelage controls local governments, and is limited by laws. Article 127 of the constitution says "the central government is authorized to conduct administrative tutelage over local governments within the principles and procedures determined by law so that local services can be fulfilled in harmony with the integrity of administration principle, so that unity in public work can be assured and that local needs can be met appropriately." Furthermore, article 123 of the constitution suggests that the establishment and duties of administration are based on the principles of centralized administration and located administration. In order to assure the integrity of administration, the central government holds the right of tutelage over local governments.

Administrative tutelage is a restricted authority of tutelage. It is a tutelage of legality rather than of activity. The authority is employed on the activities and transactions of local governments. This is also restricted. The central government holds the authority to confirm, permit and to appoint on some decisions of the local governments. Tutelage in a way so as to make new decisions to replace the decisions of local governments is not employed (Tortop, 1995:13-14).

The conflicts concerning the loss and gain of the titles of mayors and elders are settled through law county rather than through administrative tutelage. The tutelage regarding the solution of the rejections concerning the gain of the attribute of being an organ or losing this attribute is through law courts. However, the Minister of Internal Affairs can remove the local government organs or members of these organs who are found guilty and whose actions are being investigated.

Local governments can set up service unions among themselves. Those unions are just like municipality organizations in that they hold public corporate entity. They are also regarded as local public institutions. Thus, they have an administrative tutelage over them. The establishment of a union is subject to the permission of the council of ministers.

### 3. Financial Relations

The existing constitution states that local government institutions are provided with sources of income in proportion to their duties. The local governments in Turkey have been dependent on the central government in respect to financial sources. The central government itself determines the amount of financial sources to be transferred to local governments. The council of ministers is authorized to increase or decrease the proportions in the handling of the financial resources.

Owing to the law that was enforced in 1981 concerning giving a share to municipalities and special provincial administrations from the tax incomes in the general budget, local governments (excluding village and Neighbourhood administrations) have had a certain amount of regular income. Local governments do have their own incomes; however, their basic sources of income are the shares that the central government allocates. Municipalities receive shares from the tax incomes of the central government according to their population. Therefore, the residential areas having a larger population receive a greater amount of income.

### THE LOCAL ADMINISTRATION OF BIG CITIES

#### 1. Reasons for the Establishment of the Big City Municipality Conception

Beginning with the 1950s, urbanization in Turkey became rapid. The central government had no reaction to the urbanization process in big cities which was based on internal migrations. Moreover, the central government encouraged this until the 1980s. Since big cities constantly received migrations, the serving areas of the municipalities expanded and municipalities got close to each other. Thus, big cities which appear to be one single city but each part of which is the responsibility of different local governments have emerged. However, the integrity of service could not be attained since urban integrity in terms of administration could not be established.

Big city municipalities were subject to the same law as other municipalities in Turkey until 1984 and the same type of organization was presupposed. In big cities some problems which could not be dealt with through the standard organization emerged and the problems accumulated. New administrative models were explored so as to deal with those problems.

The 1982 constitution suggested that special forms of administration could be introduced in big residential centers by law. Upon this ground laid by the constitution, the search for an administrative solution to the big cities' problems gained speed; this resulted in the law concerning the Big City Municipalities Administration, number 3030, that was passed in 1984.

According to the law, the cities whose municipal borders accommodated more than one county were called big cities; the municipalities which were established within the borders of big city municipalities were called county municipalities. The law made definitions by considering the state of Istanbul, Ankara and İzmir at the time. Big city municipalities were formed in Ankara, İstanbul and İzmir on March 25, 1984, through the elections that were held all over the country. In consequence of political preferences,



two years later, a big city municipality was established in Adana; then the following year, big city municipalities in Bursa, Gaziantep and Kayseri were established. In those later regulations city centers were divided into more than one county according to the definition of the law. Through the legal regulation that was carried out in 1993, a deviation from the definition was seen, and beside the concept of counties, lower stage municipalities were also mentioned. Lower stage municipalities were defined as the smaller municipalities which were outside city centers and which were close to cities. Based on the concept of the lower stage municipality, big city municipalities were established in 7 more cities. These cities were Antalya, Diyarbakır, Erzurum, Eskişehir, İzmit, Mersin and Samsun. Thus 15 big city municipalities existed in Turkey. Following the earthquake in Adapazarı in 2000, in order to handle the problems caused by the earthquake in the urban integrity, today 16 big city municipalities whose names are mentioned above are available in Turkey.

## **2. Organizations Composing Big City Municipalities, and the Areas They Serve**

The law number 3030, concerning the administration of big cities, established identical organizations in 16 cities. This is a two phase - local federation type of organization. The law made it obligatory to establish specific purpose local governments (ad hoc organizations) at the same time. In cities where big city municipalities are established, a big city municipality with the name of the city, specific purpose local organizations (such as transportation), and county municipalities or lower stage municipalities exist. Each of these organizations has public corporate entities and has the freedom to make their own decisions and to apply them. Besides, it is obligatory to set up two coordination centers concerning transportation and infrastructure. These coordination centers do not have corporate entities and operate in the form of councils. The relations between the organizations are based on the division of services and duties. However, the authority of the big city municipality over other local institutions is great and its superiority is obvious.

The serving area of a big city municipality is the whole composed of residential areas which extend non-stop economically, socially and culturally; that is, the whole metropolis. And the operation area of a county municipality or a lower stage municipality is the one within the big city municipality area that is allocated geographically to the country. The specific purpose organizations are defined on the basis of serving areas and not on the basis of geographical areas. They are the organizations, which take on the responsibility for transportation, water and sewage services in the whole metropolis.

## **3. The Organs of the Organizations Composing the Big City Municipality**

The organs of a big city municipality include a mayor, city council, and municipal committee as in a classical municipality. The members of a big city municipal council are not directly elected by the public. The city council of a big city municipality is made up of one fifth of the members of each county municipal council. Apart from that, the mayors of each county are the natural members of the big city municipal council. The members chosen for the big city municipal council maintain their membership to the municipal council of the counties. The mayors of big cities are responsible for assuring the integrity and unity between county municipalities and are authorized in executing the

services. The municipal committee of a big city is made up of the big city mayor, the secretary general, and the chairmen of the units such as construction, law, accounting and documents.

198

County municipalities and lower stage municipalities retain the classical municipal structure that is established outside the big city areas. Municipalities are the fully authorized, general purpose local institutions in their own serving areas. However, the county municipalities and lower stage municipalities within the big city area are weaker than classical municipalities in respect to duties and powers because they are not the sole authorized local public institutions in the metropolis setting. A part of the responsibilities and authority is shared by a big city municipality and specific purpose organizations. Organs and election procedures of the county and lower stage municipalities and the duties of the organs are parallel to those of other municipalities.

There are two specific purpose organizations. They are expertise local technical organizations that are established on the basis of certain technical services. They have to be established in the form of water and sewage administration and public transportation administration. These organizations have such organs as general board, board of directors, general directorate, and the board of tutelage. In both organizations, the general board is composed of the members of the big city municipal council. The big city mayor's suggestion is taken into consideration in determining the members of the board of directors. The specific purpose organizations have responsibilities with respect to their services in the whole area of big cities.

As for the coordination centers they are the board deciding on the service priority of several local government organizations serving the big cities and other organizations. These boards have representatives from all the local governments, and from the universities, the majority being from the big city municipality. The decisions made by these boards are definite and obligate all the public institutions, corporate and real personalities.

#### **4. The Division of Labor and Income between Big City Municipal Organizations**

Mainly technical local government services, such as water and sewage and public transport, are left to the specific purpose organizations. To put it more precisely, they were taken from the county and lower stage municipalities and were given to the specific purpose administrations that are tied to big city municipalities. Big city municipalities are greatly influential over the administration and decision-making process of these organizations. Upon drawing up the budgets of these organizations, the budgets are shown as separate items in the budget of the big city municipalities. Since these organizations hold public corporate entities, they make their own executive decisions. They can determine their own investments and expenditures. Fire brigade services are also connected to big city municipalities. That is to say, fire brigade services are not available in the county and lower stage municipalities. The fire brigade organization of the big city municipality is divided into branches in all the counties.

Whereas big city municipalities were expected to be coordinator municipalities, law number 3003 regulated those municipalities as the ones, which were assigned general

duties just like other municipalities. The tasks of big city municipalities were defined clearly in the application regulation of the law. Accordingly, big city municipalities fulfill such duties as preparing investment plans, providing finance, approving, confirming the plans prepared by county municipalities, constructing roads, streets, naming streets, managing parking lots, supervising foundations, etc. Additionally, such duties as conciliation between county municipalities in cases of dispute and coordination between municipal police forces have also been assigned to big city municipalities. Big city municipalities have to fulfill their duties in a balanced way within their borders.

The duties of county municipalities are restricted. The duties which belong to the big city municipalities according to the law of municipalities but which are left to county municipalities are among the tasks of the county municipalities. Besides, those municipalities can also do work such as forming green areas like parks, constructing secondary roads and lighting them, building wholesaling fruit and vegetable markets and slaughter houses.

The power to make certain decisions in some matters is left to a special organization apart from big city and county municipalities or specific purpose organizations. Law 3030 has established two coordination centers. They are the coordination centers for transport and infrastructure. They make decisions on matters which have urban importance and which involve several organizations. Boards are chaired by the mayor of the big city. The majority of the board members are from the big city municipality, but representatives from the central government and universities can also be available when the agenda makes it necessary. The infrastructure coordination center examines the infrastructure investment programs and orders the priority of services to be offered by organizations, whereas the public transport coordination center decides on the route of public transport vehicles and their prices. The decisions of these boards obligate everybody.

The incomes of the local organizations within big cities come mostly from the central government. From the collected tax income, shares are given to county municipalities in accordance with their population. A part of these shares are reserved for big city municipalities. The council of ministers is authorized to increase or decrease the proportion of this share. Presently the proportion is 35 %. In addition to that, 50 % of the taxes that are collected within big city municipalities is given to the municipality as an income. This proportion is applied at about 3 % at present. Besides, big city and county municipalities have the same income facilities as all the municipalities all over the country. Thus, municipalities with larger population and more intensive economic activities have more sources of income. Since the central government considers mainly the population criterion and the amount of taxes collected, approximately 60 % of the shares transferred to local governments go to the big city and country municipalities in İstanbul, Ankara and İzmir.

## **THE PROBLEMS OF THE LOCAL GOVERNMENT SYSTEM AND REFORMATORY WORK**

### **1. The Problems of the Local Government System**

Local governments as secondary, weak institutions in the background of the central government are trying to develop themselves in Turkey. When mention is made of local

governments, municipalities usually come to mind. Village and Neighbourhood administrations lack power; they are weak institutions. They were left alone by the central government and are not assessed properly. And special provincial administrations are considered parallel to general provincial administration, which is the provincial organization of the central government. Governors chair both administrations.

As to municipalities, they appear as the real local government institutions. Municipalities have existed for about 150 years. Despite being so rooted, it can be stated that they could not strengthen themselves sufficiently and that they could not develop sensitivity to the public. Local governments are still strongly influenced and controlled by the central government. Most of the services that need to be performed or can be performed by local governments have been taken on by central government organizations. Today approximately 85 % of public services is provided by the central government, whereas local governments provide 15 %. There are several types of services which used to be regulated by local governments in the past but which are controlled by the central government today. A duplication of service can be observed in some fields of services.

Local governments were based on the concepts of the central government. For instance, in transition to big city municipalities, the county municipalities (which were the second stage) were limited by the concept of county, which was the provincial organization of the central government. Concepts such as province and county used by the central government express traditional borders and depend on geographical structure. However, areas where local governments are located are directly related to residential areas, and their borders should be changeable since they are the places, which are open to development. This development should not be restricted by the concepts of the central government.

Turkish administrative structure is unvarying in respect to organization. That is to say, municipalities are organized similarly in every residential area; and big city municipalities organize in the same way in every big city. Also the 81 special provincial administrations are established according to the same standards. Yet, residential areas are likely to have features and problems different from each other. Whereas some residential areas are situated by the sea, others may be situated in the forests. While some have wide lands, others have very little space. In some places residents have to struggle with snow, but in other areas sea transport can be very important. While the population is 2000 in some, it can be a matter of millions in others. Moreover in some places population can vary according to the season.

In spite of the fact that local governments are democratic institutions, the public is not aware of their rights on local governments and cannot enjoy their rights because Turkey is not in a good state with regard to being an organized society in a general sense. For instance, in contrast to the known fact, the meetings of the municipal board are open to public. However, almost nobody joins these meetings because they do not know that they can attend these meetings. What the public does know is that they can punish or reward the local administrators every five years by voting in the elections.

The excessive control of the central government over local governments turns them into passive institutions. To avoid the central government's tutelage, the local administrators choose to keep away from risky jobs and to be concerned with routine jobs. It can be said that municipalities and local government units other than big city municipalities do not have settled bureaucracies. The newly elected local administrators can also be subject to hindrances caused by the local government bureaucracy. Restrictions by the central government have been put on the companies established by local governments that prevent them from acting freely in respect to expenditures and delivering services.

Since local government elections are conducted on the same day all over the country, the achievements of the political parties rather than local priorities are cared for. It can be claimed that, in places where political parties introduce their own candidates, the interests of the political parties weigh the local needs.

Financial support and other aids that are offered to local governments are limited. The central government also considers population in the transfer of shares rather than considering the local characteristics and needs. The central government considers the staff requirements and demands of local governments as a matter of bargain.

Since there is a continual wave of migration from rural areas to urban areas, local governments are likely to be caught unprepared when faced with problems, and are not willing to make large-scale investments due to a moving population. The excessive administrative tutelage damages the autonomous structure and puts local government units into a position of central government units.

## **2. Reformatory Work and Local Governments**

Almost all the political parties coming into power in Turkey stated that it was necessary to regulate public administration. They included this issue into their pre-election promises, post-election government programs and even into their improvement plans. Especially in the programs of the political parties, which were founded following 1980, and in the government programs of those coming into power, this issue was said to receive emphasis. Moreover, researches at academic, bureaucratic and political levels were started and detailed reports were prepared. In the light of those reports, several law offers and bills were presented to the Parliament. Despite all this, a reformatory work that would consider public administration as a whole could not be initiated. Yet, almost every walk of life managed to realize the need for such a regulation in this period and every individual agreed on this issue.

The AK party (the Justice and Development Party) government, which is still in power, also voiced the same issue before coming into power and put the issue into its government program while establishing the government. The party stated in its "immediate action plan" that since the central government had expanded excessively, and taken on the responsibility of almost all the public services, it was no longer local. Hence it was necessary to draw up plans to prevent this swelling by reducing the burden on the state, and thus make local governments effective in public services.

It was understood that local government reform alone would not be meaningful, and that a reform excluding the central government would not be possible, because each draft of law concerning local government reforms adopted a local government approach and could not enter the political agenda. The existing government considers itself to be a reformist government and says that it can introduce a fundamental change on public administration. The fact that the basic draft of public administration law was sent to the Parliament shows that they are pursuing the issue. The draft has been discussed for 6 months by means of the media. Views of people in the academic circles and in central and local government institutions were sought. Public opinion was considered while discussing the draft, and the draft was given its final form. Presently it is being discussed in the Parliament and is to be put into the agenda. The law was supposed to have been passed prior to The March 28, 2004, local elections, but it appears that the opportunity has been missed.

The draft of the law of public administration, which set out to regulate local administrations, has been on the agenda in the Parliament. It can be said that the draft is not fully a reform but it has introduced some reforms into the administrative mechanism in some ways. Indeed some people have criticized the draft by claiming that it was prepared by people who had good intentions but little experience. Others say that it will have a negative effect on the existing structure because of attempts at regulating public administration with business logic. However, the people criticizing had also made similar attempts.

The main focus of the draft was on the following: the central government had expanded excessively; that was a need to strengthen the local governments; the participation of the public needed to be assured; needless expenditures and losses were very high; and the assurance of a public administration logic which was based on efficiency, effectiveness and performance.

The draft has the characteristics of a frame law because several (more than forty) laws will need to be changed and many institutions will be affected when the draft becomes a law. The law can form the basic philosophy and the general principles. A frame law or basic law as a norm over laws, apart from the constitution, does not exist in the hierarchy of norms, but it does exist in application. The Civil Code, the law of public officers, the municipalities law are of this type. Some of the laws are passed by basing them on these laws. In the same way, when it becomes a law, the draft of basic public administration law will also be a frame law. Consequently, most of the laws will be brought into harmony with it.

The most significant and positive aspect of the draft in respect to local governments is that the restricted side in the division of services between the central government and local governments is the central government. The tasks of the central government were listed and limited in the draft. The remaining was left to local governments. Hence local governments were described as institutions having authority and general duties. Yet even today the central government is assigned general duties, and local governments are assigned obligatory and optional duties. There has been an attempt to transfer services that are shared by many ministries of the central government, to local government units

by taking the organization, personnel, and materials into consideration. The establishment of the provincial organization in many ministries of the central government has been banned, some of the ministries have been joined and attempts have been made to balance the number of staff in those ministries. It is pointed out that the results of "Norm Employment Position" work will also be taken into consideration in this respect. With this draft, the government made it clear that they intend to minimize the central government. In line with this intention the government made preparations to carry out changes in municipalities law, the law concerning the administration of big cities, the law concerning the administration of provinces, and the law of villages. The changes and reforms in these laws, which are open to public discussion, were turned into drafts of law (Ministry of Internal Affairs; at [www.icisleri.gov.tr](http://www.icisleri.gov.tr)).

The issue which is not fully clear at the moment is the one related to the new incomes of local governments. There is a statement in the draft stating that local governments will be provided with sources of income in proportion with their duties. The statement is not a new one; indeed, it was a statement that was also seen in the 1982 constitution. Despite this, local governments had not been provided with sufficient sources of income. What is important is not the fact that the same statement occupies a place in the draft but the enthusiasm for implementing the statement.

Changes in the titles of local governments, their organs and procedures of election have not been given much thought. The most significant change is the intention to raise the population from 2,000 to 5,000 in establishing voluntary municipalities. Some new attempts such as "ombudsman," city congresses, which don't exist in the Turkish local government structure, are in the plans as attempts to increase democratic relations and accountability. However, the structure of the standard classical local government has been retained, and different organizing criteria are being facilitated according to different characteristics of the local government units.

## CONCLUSIONS

Through the local government elections, that are conducted every five years all over the country, the organs of local governments are formed. A voter living in a village votes for the elder, the board of aldermen and for the members of the city council. A voter living within the borders of a municipality votes for the mayor, the members of the municipal board and for the members of the city council as well as for the Neighbourhood elder and the board of aldermen. And a voter living in a big city votes for the Neighbourhood elder, the members of the board of aldermen, the county mayor, the county municipal board, the big city mayor, and for the city council. Candidates can stand as candidates independently or as candidates of political parties. In the election of village or Neighbourhood elders, political parties cannot appoint candidates.

Since villages, Neighbourhoods and municipality areas are the places where people live together, these are each a unit of local government. And special provincial administrations are available on the basis of unity in public services and not on the basis of residential areas. Since provinces have borderlines, every inch of land is within the serving area of local governments, thanks to provinces. For this reason, municipalities and villages are also established within the serving area of special provincial administrations. A district is established within the serving area of a municipality.

The rules regulating local governments are quite old. Even though they underwent changes in time, they do not seem to be sufficient in meeting needs. In contrast to this, the central government expanded too much. It has authority and tasks in various fields that local governments need to be responsible for. Thus the local government became clumsy and local governments lost strength. It is a common desire that reforms should be made on administrative structure.

Today the problems of local governments have been discussed more thoroughly. The draft of the public administration law is also on the agenda of the Parliament. The draft, which was to be passed as a law prior to the March 2004 local government elections, has been on the agenda of the Parliament. We can say that in the preparations of the reformatory work that had been intended for 20 years, the final stage has been reached. The government has the number of deputies in the Parliament sufficient to change even the constitution. Following the long periods of multi-party coalition governments, a political party on its own is in power. It can be said that the only problem with the government is inexperience, not indecision, because it is a young political party which has come to power for the first time. However, the agenda of the public opinion is filled with discussions concerning the relations between local governments and the central government.

It has become a general expectation for the government to be firm in its decisions and to pass the draft as a law. The attitude of the opposition is not clear, and different aspects of the draft are criticized by different opposition parties. The proportion of people believing that the way of strengthening local governments is to minimize the central government is greater. On the other hand, some people think that strengthening the local governments excessively can lead to problems and damage the Unitarian structure of the state. Especially the fact that national education activities were being transferred to local governments received harsh criticism from political as well as other circles. Due to this reaction from the public, the draft of law was reshaped and national education remained in the field of the central government.

Generally, the criterion in the division of services is as follows: national and regional services are in the field of the central government, whereas daily services of any kind are in the field of local governments. The central government takes on the responsibility to be the general coordinator, to generate policies and to supervise, and the organization of the central government is simplified. The public services which belong to the central government today are supposed to be transferred to local governments with the existing organization, personnel and facilities. It is known that a transition process will be experienced when the draft becomes a law, and it is presumed that a period of five years will be needed for the completion of the transfers. However, the real problem can be the transfer of the burdens of the central government onto the local governments. Thus local governments can retain the surplus organizations and personnel that they take over but not carry out the activities. Therefore, in reshaping the laws of municipalities, special provincial administrations and villages, it will be necessary to increase financial facilities and to strengthen the authority of the people working in these government structures.



**REFERENCES**

- Belediyemizi Tanıyalım (2001): Ankara, A publication of Ankara Big City Municipality
- Ortaylı, İlber (1974): *Tanzimattan Sonra Mahalli İdareler 1840-1878*, Ankara, TODAİE Publication
- Cumhuriyetin 50.Yılında Mahalli İdareler (1973): Ankara, A publication of The Ministry of Internal Affairs
- Keleş, Ruşen and Yavuz, Fehmi (1983): *Yerel Yönetimler*, Ankara, Turhan publications
- Tortop, Nuri (1995): *Mahalli İdareler*, Ankara, Yargı publications
- Kavruk, Hıkmət (2002): *Anakente Bakış-Türkiye'de Anakent Belediyeciliği ve Kent Hizmetlerinin Yönetimi*, Ankara, A publication of Hizmet-iş
- Gökçeer, Fikri (1976): *Belediyelerimiz*, Ankara, Türk Belediyecilik Derneği publications
- Keleş, Ruşen (1968): "The Existing Local Government System in Turkey and Recent Trends towards Development", *Local Government and National Development*, Ankara, TODAİE publications
- Keleş, Ruşen (2000): *Yerinden Yönetim ve Siyaset*, Ankara, Cem publications
- Aytaç, Fethi (1991): *Açıklamalı Belediye Kanunu*, Ankara, Türk Belediyecilik Derneği publications
- Palabıyık, Hamit and Atak, Şermin (2002): "Türkiye'de Mahalle Yönetimi", *Türkiye'de Yerel Yönetimler* (Editors: B. Parlak and H. Özgür), İstanbul, Alfa publications, pp.331-371
- Gönül, Mustafa (1978): *Yerel Yönetim Birlikleri*, Ankara, TODAİE publications
- Özhan, Hasan and Yeter, Enis (1995): *Mahalli İdare Birlikleri*, Ankara, Türk Belediyecilik Derneği publication.
- Local Authorities in Turkey* (1999): Ankara, Turkish Ministry of Interior, General Directorate of Local Authorities publications
- Eken, Musa and Yılmaz, Bilal (1990): "Mahalli İdarelerde Özelleştirme Politikası ve Uygulamaları", *Türk İdare Dergisi*, Haziran 1990
- Kavruk, Hıkmət (2003): "Yerel Yönetim Şirketleri", 1. Uluslararası Yerel Yönetimler Üniversite ve Sanayi İşbirliği Sempozyumu 23-24 Ekim 2003, Ankara, Gazi Üniversite-si publications, pp.166-180
- Bozlağan, Recep (2004): "Belediye İktisadi Teşebbüsleri ve Özelleştirme", *Kamu Yönetimi* (Editors: A. Yılmaz and M. Ökmen) Ankara, Gazi kitabevi publications, pp.265-292
- Ministry of Internal Affairs: The draft is available on the web site of the Ministry at) [www.icisleri.gov.tr](http://www.icisleri.gov.tr)