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**The Historical Development Process Of The Local Administration In Turkey In The European Union Full Membership Process**

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**THE HISTORICAL DEVELOPMENT PROCESS OF THE LOCAL  
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MEMBERSHIP PROCESS**

**Hüseyin Şeyhanlıođlu**

**ABSTRACT**

**The main objective of strengthening the local administrations in the public administration is to strengthen the local administrations in terms of authority, responsibility and resources in order to allow more effective and efficient use of public resources. This is also considered as a harmonization of the social and political differences with the principle of justice in the union of the state. The democratic, participatory, accountable, transparent and governance and human-oriented service approach of today's world increases the importance of local administrations to an even higher extent. In the present study, the traditional local administration in the Ottoman Empire, the changing local administrative system during the westernization process and Republic era (1789-1963) and the effects of the local administrations on change and development process in Turkey's aim of full membership in the European Union (EU) since 1963 till today are analyzed. At the last part of the study, Spain, which has similarities with Turkey in terms of having ethnic differences as well as its process of full membership to the EU, is investigated. In the conclusion part, the effects of the EU full membership process on the transformation process of the local administrations in Turkey are analyzed.**

**Key Words: Decentralization, Subsidiarity, Local Administrations, Municipality, European Union**

## INTRODUCTION

Local administrations constitute one of the two indispensable basic types of administrative structuring of today's world, which is globalizing on one hand while localizing on the other hand. It is commonly accepted that the local administrations, which can see the micro needs in situ and in a better way, which reduce the burden of the central administration both in administrative and financial terms and which have a structure more compatible with democracy, are more efficient and effective than the costly, antidemocratic and cumbersome structure of the states with centralized administrative approach. From this point of view, these two basic points are emphasized in terms of the benefits of local administrations: compliance with the democratic principles and elimination of the problems resulting from the hierarchy of the centralized administration such as bureaucracy and unmet local needs (Gözübüyük, 2008: 98). If we define it with its generally accepted definition, local administration is a regional unit having defined borders and with a legal personality, institutional structure, authority and responsibilities defined with general and special statuses and, to some extent, financial (spaces of) autonomy. (Hill, 1974: 24)

When the subject is examined historically, it can be seen that local administrations are almost as old as the history of the Ottoman State. The Ottoman Empire had a unique political structuring based on the religious and ethnic differences. While it had a federal nature in some aspects, it had also a strict centralized structure as well. Although this was described as the "Eastern despotism" by Montesquieu and some Marxists, including Marx himself, according to the opponents, this approach was just a rationale one used to legitimize the aggressive interventions of the West. In spite of the fact that the Ottoman Empire was mainly an Asian Turkish-Islamic state, an important part of its territories was in Europe, and this unique structure began to deteriorate after Europe began to gain considerable power following the French Revolution. (İslamoğlu, 2010: 38)

During the classical era of the Ottoman Empire, local administrative institutions such as *ih̄tisab* (the Ottoman office for public order), foundations and guilds carried out the municipal services in an effective and successful way. We can see this in the works of the Western travelers who travelled through the Ottoman Empire in that time. However, primarily due to military defeats and domestic rebellions, the Ottoman Empire began to leave its traditional structure starting from the Tanzimat Reform Era (1839), entering into a process called Westernization in

the political literature. For instance, the attempt to establish a municipality was made in Istanbul (in 1855) in order to meet the needs for municipal services emerging as a result of the gathering of the troops of the allied states fighting at the same side with the Ottoman Empire.

The main purpose in starting municipal services was meeting the cleaning, lighting, building of roads and pavements and sewage needs of the city which was enlarging continuously as a result of immigrations resulting from factors such as wars, as well as meeting the demands of the non-Muslim citizens of the Ottoman Empire regarding participating in the administration and having equal rights with the Muslim citizens (Eryılmaz, 1997: 18).

The Young Turks (1865), who were organized after the Tanzimat Reform Movement (1839), inspired by the western thoughts, primarily had to a statist, authoritarian and centralized approach in the state administration. In the last meeting in Paris before they got divided, while the approach of Prince Sabahattin, who took the United Kingdom as an example, was based on the principles of “decentralization, constitutional monarchy and freedom of personal enterprise” (Sabahattin, 1999: 23); the Committee of Union and Progress led by Ahmet Rıza, which dominated the state after the declaration of the 2<sup>nd</sup> Constitutional Monarchy (1908), had adopted the example of France with a centralized, statist, secular, authoritarian, revolutionist and positivist approach. After that date, the statist, authoritarian, revolutionist and centralist administrative understanding became the official policy of the state, and the approach supporting the strengthening of the provinces was dismissed in favor of the approach which supports the strengthening of the provincial general council, which became effective until 1945 (Güler, 2005: 229), still confronting us in some issues such as the Kurdish problem.

After the World War II, Turkey took part in the Western Alliance and wanted to join the European Union with in this process, but its centralized political system has conflicted with it. Beginning from 1980’s, the most important change experienced together in the privatization and globalization has been the transition from the representative democracy understanding to a participatory democracy, which made localization important.

The changes that the world had experienced after 1980 and the relations with the European Union are forcing our democracy into a transition (Aktel, 2003: 196) and urging an immediate - restructuring centered on local administration in our public administration structure. In 1990’s and 2000’s, Turkey took important steps in its EU full membership process. The processes Turkey has undergone will be examined in three major sections.

## 1. LOCAL ADMINISTRATIONS IN THE OTTOMAN EMPIRE

It should be first emphasized that the Ottoman Empire had not local administrations in the sense of today's local administrations between the 14<sup>th</sup> and 18<sup>th</sup> centuries. In those centuries, Europe, which was struggling with feudality and civil wars, was living the darkness of the Middle Ages, while the Ottoman State was living its own golden age, much beyond Europe.

The advice “In order to make the state live, you should make the people live”, which was said by Osman Gazi, the founder of the Ottoman State, to his son Orhan Gazi in the ceremony held for his accession to the throne was based on the system of **İhtisabs** (offices for public order), **Foundations** and **Guilds**. As an example of this, an application of price standardization was put into effect, for the first time in the world, in Bursa, which was supervised by the guilds. The introduction part of the book “*Kanunname-i İhtisab-ı Bursa / Law for the public order offices of Bursa*” is as follows (Kanunname-i İhtisab-ı Bursa, 1998: 5):

*The order of the ruling Sultan is that:  
The tradesmen and legal experts in Bursa will supervise all kinds of fabrics, food and all other commercial goods traded everywhere in the province, will determine the price limits for all these goods individually, will record the price limits before the inauguration of the Sultan and how much they have been changed since then, and the reasons of these changes, as well as the changes in the procedures, with their reasons, if any, to be recorded in a book in a very detailed way, with nothing left unexplained. This book will be sent to the Sultan, and since it will serve as a reference for the law when the need arises, it is required to be a complete book, with nothing left vague.*

The first officials appointed by Osman Gazi were the judge and *Subaşı* (Ottoman army officer), and the first tax he levied was a municipal tax under the name “*bac-ı pazar*”, which was a kind of “market tax”. The Judge, who used to be chosen from among the local scholars (İslamoğlu, 2010: 87), had an assistant called “*muhtesib*”, who was responsible for municipal services. Setting the ceiling prices for the essential consumption goods, making the related supervisions, checking the balances and measuring tools and supervising the production and presentation conditions of the goods were all among the responsibilities of the “*muhtesib*”.

“Imams”, the spiritual leaders of the Muslim communities, had been bestowed with some administrative authority and responsibilities as well as their religious services. They used to record and manage the population events such as birth, death, marriages, divorces or migrations, functioning as registrar of population and marriages in a sense. They also were authorized in the solution of the disputes between the constabulary and the inhabitants of the neighborhood. Thus, imams, in

a way, were functioning as the moral constabulary and magistrates. The people who move in or out of the neighborhood were supervised by imams. The distribution and collection of the taxes accrued by the inhabitants of the neighborhood was also carried out by imams. The administration of the neighborhoods inhabited by non-Muslim subjects was the responsibility of corresponding Christian priests.

Foundations, which constitute another important base of local administrations, played important roles in the execution of many important services during the Seljuk State and the Ottoman Empire. In general, top level state officials and the rich used to establish foundations to build social complexes (generally composed of soup kitchen, mosque, library and school) and public fountains in towns and caravansaries in the country for charity purposes. The roads and pavements in the vicinity of foundations were also built by means of the budgets allocated by these foundations.

In brief, until the Tanzimat Reform Era, there had been an effective and efficient local political system which had been well-established and much beyond of its age, and local in terms of its source of staff but regulated and supervised by the state. This system which was based on the local administration and villager-centered fiefdom became successful, according to İslamođlu, due to the fact that there were no villager rebellions in the Ottoman Empire against the state, because it included the enjoyed religious privileges before the conquest, and it addressed every kind of differences in the society.

## **2. THE LOCAL ADMINISTRATIONS IN THE WESTERNIZATION PROCESS**

The 1826-1838 period of the reign of Mahmud II, who acceded after the deposition of Selim III (1789-1808), witnessed fundamental changes in the administrative structure and understanding of the Ottoman Empire. In this period, the change began from the bottom, by replacing the institution of imamate with the system of village or neighborhood headman (*'mukhtar'*).

The system of village or neighborhood headman, which was first established in Istanbul in 1829, began to spread by its establishment in the province of Kastamonu in 1833. This status of the village and neighborhood headmen continued in the same way until 1913. After the abolition of the Regulations dated 1864 and 1871 by the Article 148 of the "Law for the General Administration of Provinces" enacted in the same year, the village headmanship continued until 1924 and neighborhood headmanship until 1944 (Eryılmaz, 1997: 38).

After the Ministry of Public Order was founded in 1826 in Istanbul, the Directorates of Public Order were founded in provinces. When the Ministry of Foundations was founded in 1836, the responsibility of supervising the prices and quality of the products was given to this ministry. And when the Police Department was founded in 1846, the responsibilities of the Ministry of Public Order reduced only to the supervision of price ceilings and shops. The attempt to found a municipality in Istanbul took place with the effect of the allied states which fought at the same side as the Ottoman Empire. Since, during this war the Ottoman-European alliance gathered in Istanbul, the city hosted a great number of army officers and soldiers as well as the tens of thousands of immigrants coming after the lost wars in Balkans. The fundamental municipal services such as cleaning, lighting, building of roads and pavements and sewage were insufficient. As a result of especially the demands of the foreigners in the city, a municipal institution under the name of “*Şehremaneti*” was founded in 1855, and the Ministry of Public order, which had been carrying out these tasks until that time, was abolished.

It was decided that the municipality organization would be founded first in Istanbul based on the system in Paris, and then it would be extended to other areas. The neighborhood chosen as the pilot area was the Beyoğlu-Galata district, where the foreigners more commonly resided. The district were named “The Sixth Municipal District” based on the example of the distinguished and modern “Sixième Arrondissement” district of Paris, where Mustafa Reşit Pasha and Ali Pasha, who had been the architects of the Tanzimat Reform Movement, had resided for a while (Eryılmaz, 1997: 38).

The municipal model used in the Beyoğlu-Galata district was then extended to all regions of Istanbul. According to the “Istanbul Municipal Administration Regulations”, the city was decided to be divided into 14 districts in 1868. However, of these 14 municipal districts envisaged, only four, namely the Islans, Yeniköy, Tarabya and Beykoz municipalities could be founded. The Provincial Municipality of Istanbul, which was superior to all district municipalities, had three bodies in it: the Mayor, the Municipal Council and the General Council (Eryılmaz, 1997: 38).

The first law enacted by the Ottoman Parliament convening in 1877 was the “The Municipal Law for Istanbul”. The Municipal Law for Istanbul constituted two sections, namely “the Provincial Municipality” and “the District Municipalities”. The law gave the municipality the responsibilities for regulating and supervising the construction works, public construction services, lighting, cleaning services, management of the assets of the municipality, real estate registry, population census, supervision of markets, health services, supervision of slaughterhouses, establishing schools, firefighting services and the collection of the municipal revenues.

It should be noted that, in the Republic of Turkey, which was founded following the Turkish Independence War which took place in 1918 till 1923, the basic institutions and local administrative organs within the body of today's central administration were largely bequeathed from the Ottoman Empire almost without any change. The most notable difference between these institutions is the fact that they have developed and grown, and their borders have shrunk. The Republic Administration also considered the local administrations mainly "administrative" units, rather than political bodies, and designed their authorities, responsibilities and organizational structure accordingly. Due to the fear that it might put the unity and solidarity of the country into danger, strengthening the local administrations has always been approached in hesitation (Eryılmaz, 1997: 19-20).

In the first year of the Republic, the main function of the local administrations was to rebuild the destroyed country during the Independence War, to restore the basic services, to increase the population balance which had been disturbed by the wars, and to contribute to the solution of the health problems (especially the epidemics) of the country. In order to serve as an example for these efforts, Ankara was made the capital and established as a model for the other cities of the new Republic.

In the Republic era, the most important law enacted by the Turkish National Assembly just before the acceptance of the 1924 Constitution was the Village Law dated 18 March 1924. Though this law was prepared in a way that it resembled democracy in terms of the bodies it envisaged to be established and that it had been designed with a participatory approach, it has not been able to serve as a real decentralization unit for the villages in terms of its functions and resources. The Municipality Law, which is the law arranging the status of municipal administration, was enacted in 1930. The policy of Statism, which began to be accepted generally after the beginning of the Great Depression in 1920, greatly influenced the social and political structure of Turkey as well. After a period of half a century, the process of globalization and privatization was reversed. Widening the authority of the state has been understood as its intervening into the economic, social, cultural and political areas which had not been considered as the activity areas of the state before by giving the justification of "good public" (Turgay, 2002: 69).

Though the neighborhood headmanship was abolished in the areas with municipal organization during the period of 1923-1944, they have been reinstated by the law numbered 4541, which is still in effect, on 10 April 1944. With this law, the "Municipal Law for Istanbul" and "the Provincial Municipality Law", which had been in effect for 53 years, was abolished. As an interesting fact to note, during the one party period (1923-1945), the provincial governors also acted as the mayors

of the provinces, as well as being the provincial chairman of the Republican People's Party. After the Democrat Party came to the power in 1950, intensifying internal migration, the spatial mobility of the capital and the understanding of considering the elected is above all things negatively affected the institutionalization of local administrations (Şeyhanlıoğlu, 2011: 327). The effects of the rapid change in the human and capital mobility resulting from the increase in the means of transportation were shown most intensively in the municipalities. In our country, every year 38 new municipalities are founded on average and the population living in the existing municipalities is increasing rapidly. The rate of urbanization is over 4 % on average. It seems that, this urbanization process will continue, though at a decreasing rate, until about 80 % of the population lives in urban areas. However, in spite of all these developments, the municipalities still do not have adequate authority especially in economic terms. This fact results in the spreading of the though "in order to get better services, I should vote for the candid of the ruling party" among the people.

The 1982 Constitution contains some regulations which could legitimize some hesitations about the understanding of local administrations and could be considered as retrogression. The Article 127 of the Constitution, which is titled "Local Administrations", is arranged in a more comprehensive way than the corresponding article (Article 116) of the 1961 Constitution. When the content of the Article is considered as a whole, it can be seen that the comprehensiveness of the regulation results from not an effort of protectiveness, but rather a wish to increase the supervision of the political tutelage. The notable points in these regulations are as follows:

1. Execution of the local administration in accordance with the unity of the administration,
2. Achievement of the unity in public services,
3. Protection of the good public,
4. Meeting the local needs at a satisfactory level.

It can be said that, as it is the case in many fields in Turkey, the works for restructuring in the public administration also started in the planned development period, which started after 1960. In the development plans designed within the context of attaining the restructuring of the administration as a whole, the local administration had a considerably great part. In this planned development period, the report prepared by MEHTAP (Central Government Organization Research Project) and TODAİE (Turkish Middle East Public Administration Institute), which was founded with the help of the UN (in 1953), can be considered as important efforts to that end.

The local 1980's, administrations, especially the municipalities, witnessed important development that can be considered as the beginning of a new era. The sources of revenue oft municipalities have been increased and, in 1984, a new municipality model (metropolitan municipality model) was introduced for big cities. The obligation for the master plans accepted by municipal council to be approved by the Ministry of Public Works and Housing was abolished. The rule stipulating that the officials are to be employed in the health and technical services of municipalities could be appointed only with the approval of related ministries was also abolished. These were certainly important steps in terms of strengthening local administrations.

In brief, as is the case in the last periods of the Ottoman Empire, the works carried out during the Republic era were also based on strengthening the central administration.

### **3. LOCAL ADMINISTRATIONS IN THE PROCESS OF FULL MEMBERSHIP TO THE EUROPEAN UNION**

In this section, the local administrations in Turkey will be analyzed in terms of the country's aim to be a full member of the EU. But first, the definitions of Decentralization, Subsidiarity and the European Local Administrations Autonomy Condition, which are the fundamental local administration concepts of the EU, will be given.

As it is known, following the collapse of the Roman Empire, the central power in the Europe dispersed and the European continent got divided in social, religious, economic and political terms. The divided political and religious structure, which lasted approximately for 10 centuries, constitutes the basis of the autonomous structures existing today. Similarly, the political system has also been structured in accordance with its base, which had turned into a classed structure due to scarce economic resources and religious factors. For instance, while the social order in the 19<sup>th</sup> century in Prussia gave the right to the citizens to participate in the administration of the city where they live, these autonomous administrations have now completely institutionalized in countries with federal systems. Since those times, the local administrations have turned into institutions which are responsible for a limited area such as a city or a rural community (Kalabalık, 2005: 37). The same transition can also be seen in countries such as Spain, France and Italy.

The principle of locality, which was based on the Christian teaching and was, developed in the 20<sup>th</sup> century within the context of Catholic social teaching, puts the individual on the focus of the social institution. The basic property of this principle

is that intervention to the formations changing from the society, the individuals and families it contains to the local communities and groups of various sizes by means of a political authority, is limited with a degree that cannot meet various needs of these formations (Köseçik, 2006: 11).

If we come to the definitions of the abovementioned concepts, decentralization means the transfer of all material and spiritual resources to the provincial institutions, to professional organizations and to other NGOs outside the administration within the framework of the constitution. According to Eryılmaz, decentralization is a principle lightening the burden of the central administration in terms of services, and allowing it to address its functions at the macro level more intensively. The concept of privatization and demilitarization are various decentralization practices. Localizing what is local is also another dimension of decentralization (Eryılmaz, 1997: 27).

While evaluating the public administration system, the EU takes these headings into consideration (<http://www.oecd.org/dataoecd/26/30/36972467.pdf>, 31.03.2012): Political institutions, Justice, Local Administrations, Administrative Reform, Central Administration, Public Officers, Fighting against Corruption, Sectoral Orientations, and General Evaluation of the Administrative Capacity. As it can be seen, the local administrations have the third place in this list.

The “European Local Administrations Authority Condition”, which was accepted by the European Council in 1985, includes important principals and provisions concerning this subject. The mentioned document gives weight to decentralization, narrows the scope of the tutelage, leaves the internal organization to individual institutions, suggests the fundamental authorities and responsibilities to be defined by the constitution or the laws, and lastly emphasizes that the central administration should not weaken the functions of local administrations (Eryılmaz, 1997: 27-28).

By means of the Maastricht Agreement signed in 1992, the principle of Subsidiarity, which envisages the execution of the public services in a more effective and people-friendly way, and thus in a more democratic way and at a local level, was brought. The principle of locality was first included in Europe in the European Coal and Steel Community Agreement (1951) and European Rome Economic Community Agreement (1957), which is the first agreement for the foundation of the EU. In order to fill the gap to emerge regarding which criteria would be used in determining the requirement and effectiveness principles for the implementation of the principle of locality, the EU Council accepted a Protocol in December 1992 and determined a number of criteria. The protocol stated that the principle of locality was a dynamic concept, the degree the service would be

undertaken could change depending on the situation, and some criteria would be employed. (Köseçik, 2006: 14)

1. The service in question should have components going beyond the national boundaries, which the nation states cannot handle at an adequate level;
2. Assumption of the service by national states or the shortcomings to be faced when the service is executed should be conflicting with the requirements of the EU agreements or should be detrimental to the interests of the member states;
3. Comparing to the implementation at the national state level, execution of the service at the EU level should provide open benefits in terms of the levels and results of the action.

As for the section of the agreements the functioning of the European Union, EU pays attention to these fundamental articles regarding the local administrations (Republic of Turkey, Prime Ministry, the General Secretariat of the European Union, 2011: 4):

1. The Union respects the equality of the member states before the Agreements and their national identities are inherent in their political and constitutional fundamental structure, including the local administrations. The Union also respects the fundamental functions of the states, including the ensuring the unity of the country, maintenance of the public order and the protection of the national security. Especially the national security will continue to be under the responsibility of each member state (Article 4).
2. Each citizen has the right to participate in the democratic life in the Union. The decisions are made in a way that is as open and transparent as possible. (Article 10, Paragraph 4)
3. The institutions shall establish an open, transparent and regular dialog with the representing organizations and with the civil society. (Article 11, Paragraph 2)
4. In order to promote a consistent development throughout the Union, the Union develops and monitors the actions intended for improving the economic, social and regional harmonization. The Union aims to decrease the difference between the developmental levels of various regions as well as the level of backwardness of the most disadvantages regions. Among these regions, the biggest priority is given to the rural areas, to the regions mostly affected by the industrial transformation, and to the regions with serious and continual natural or demographical disadvantages such as the northern regions, islands, border areas and mountainous regions. (Article 17)
5. The member states shall manage and coordinate their economic policies in a way that aims to achieve the targets stated in the Article 174. In the

development and implementation of the policies and actions of the Union, as well as in the management of the domestic markets, the objectives stated in Article 174 are taken into consideration and due contribution is provided to the achievement of these objectives. The Union also supports the achievement of these objectives with the actions it carries out by means of the Structural Funds (the 'Guidance' Part of the European Agricultural Guidance and Guarantee Fund; European Social Fund; European Regional Development Fund), European Investment Bank and other available financial tool. (Article 175)

6. The European Regional Development Fund aims to contribute to the improvement of the main regional imbalances within the Union by taking part in the development and structural alignment of the underdeveloped regions and to the transformation of the declining industrial regions. (Article 176)

The principle of Subsidiarity, which envisages that the priority should be left to the lower-level administrative steps in the fulfillment of the services, is defined in the Article 3/b of the Maastricht as follows:

*In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of Subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty.'* (Köseçik, 2006: 13).

And the elements of Subsidiarity are listed as follows:

1. The subject of the service should be within the jurisdiction of the Community and the inadequacy of the member states should be in question (the principle of necessity);
2. It should be possible for the Community to perform the service in a better way (the principle of effectiveness);
3. There should be proportionality between the action of the Community and the objective tried to be achieved. The action by the Community should not be an action going beyond what is necessary to achieve the concerning objective (the principle of proportionality). This principle will help keeping the European Union's intervention into the jurisdiction of the member state at a limited level; and the services will be carried out by the units closest to the people (the local administrations, regional administrations and the member states).

4. When a service cannot be carried out by the administrative unit which is at the lowest level and closest to the people, then this service should be undertaken by the next higher level.

Though Subsidiarity, which we think should be included in the next Constitution, is not a part of our present Constitution, it is included in the Article 14 of the Municipal Law, which is the law about the actual unit of local administration. The European Charter of Local Self Governments (ECLSG), which was accepted by the European Council in 1985, is a very important legal document intended for the institutionalization of the principle of locality. This concept is mainly based on the notion that “*a service should be provided by the closest unit*” (Eryılmaz, 2010: 88). Accordingly, the order of priority in providing the services are determined based on the urgency of the service and the municipal services are provided to the places closest to the citizens and by means of the most convenient methods.

In the European Charter of Local Self Governments (ECLSG), which came into effect by the law numbered 3723 on 1 April 1993, the concept of Local Self Government was defined as the right and opportunity of the Local Administrations to regulate and administer a considerable part of the public works under its own responsibility within the limits stated in the law and in parallel with the interests of the local population. The European Charter of Local Self Governments comprises three main sections (Keleş, 1995: 5):

1. The main principles of the autonomous local administrations are listed in this section. These principles include the subjects such as the working conditions of the elected administrators; quality and limits of the administrative supervision; the resource autonomy of local administrations; the basis of cooperation and solidarity between local administration themselves and between the central administrations and the local administrations and ensuring the judicial review. Decreasing the state supervision on local administrations and providing them with sources of revenue proportional to their responsibilities is also included in this section.
2. This section includes the rules about the obligations and responsibilities of the states which have ratified this Condition. Considering the fact that the principles complete each other and taking into account their connection with the local administration autonomy, the articles of which the states can be chary are stated individually. In the local autonomy condition, no institutionalized system for the supervision of whether the principles are complied with has been envisaged, except the states’ informing the Council occasionally about the legal precautions they take in order to implement the principles of the condition.

3. This section includes the rules about the implementation and enforcement conditions.

When the articles of ECLSG are examined ([www.belgeler.com](http://www.belgeler.com).18.03.2012), these articles deemed to be important in terms of the law stand out:

1. The 4th Article, which is about the realm of authority of the autonomous local administrations, is about their full exploitation of the freedoms and rights given to them.
2. It requires the central government not to limit, in any way, by means of the decisions and regulations they make, the right of the local administrations to establish the organizational structures they consider to be appropriate for them (Article 6).
3. As for the tutelage supervision, it is demanded that guarantee is provided for the discretionary powers and activities of local administrations and is not to be limited (Article 8).
4. It is demanded that the revenue sources of local administrations should be increased in their favor and in a way that will decrease their dependency to the central government (Article 9).
5. It has objectives such as the prevention of the governments' possible usurpation of the authorities of the local administrations. And the judicial guarantee is particularly demanded (Article 11).

As can be understood from the Articles listed above, ECLSG was intended to provide a complete autonomy for the local governments in terms of their authorities and protection. When the practices that aim to strengthening the local governments are examined, it is seen that the restructuring works are intended mainly for increasing the effectiveness and efficiency, decreasing the bureaucracy, meeting the expectations of the citizens and providing satisfaction. In order to achieve these objectives, the means such as the utilization of quality, information and communication services in public services; e-state practices; better management of the public finance; dissemination of the principles of ethics in the public sector and give it continual sustainability; improving the rights of the public personnel; and ensuring the decentralization are used. Besides, improvement and dissemination of the understanding of human rights is also among the factors affecting the process. (Coşkun, 2004: 105-106)

As stated above, the European Charter of Local Self Governments (ECLSG) was opened for signature on October 15 1985 and was signed by Turkey three years later, since signing it as charter was opposed by Turkey. Turkey wanted Charter to have the power of "recommendation". The worry of Turkey here was the thought that there were some fundamental contradictions between the principles the Charter

included and the Turkish Constitution and the laws arranging the local administrations in terms of the organizational structure, responsibilities, authority and the mutual relations with the central government (Yeter, 1996: 6). However, after the Charter opened to signature, Turkey come to the thought that there were, in essence, no contradictions between the provisions of the Charter and the domestic law, and the Ministry of Interior informed the Ministry of Foreign Affairs that signing of the Charter by Turkey would be appropriate.

After Turkey's permanent representative before the European Union was authorized for signing the Charter, the cabinet decree dated 20.09.1988 and numbered 13296, the Charter was signed on 21.11.1988. then he Charter was ratified and put into effect by the Turkish Parliament by means of the law dated 08.05.1991 and numbered 3723, with reservations of the Council of Ministers on some articles of the Charter. The articles of the Charter, to which Turkey put reservation, are given below (Keleş, 1995: 18):

1. The condition that the local administrations should be consulted regarding the planning and decision making processes related to the issues directly concerning them as far as possible, and at the most convenient time and way (Article 4, Paragraph 6).
2. The article about the determination of the administrative organization structures of the local administrations by themselves (Article 6, Paragraph 1).
3. Determination of the functions and activities incompatible with their responsibilities by law and fundamental principles of regulations (Article 7, Paragraph 3).
4. The rule that administrative supervision can be allowed only when they are proportional to the benefits aimed to be protected by means of administrative supervision (Article 8, Paragraph 3).
5. The rule that the increases in the costs of services should be taken into consideration in the allocation of resources to the local administrations (Article 9, Paragraph 4).
6. The Article about how the allocation of the resources to the local administrations will be made in consultation with them appropriately (Article 9, Paragraph 6).
7. The Article stipulating that the financial aids to local governments should not abolish their basic rights for implementing their own policies (Article 9, Paragraph 7).
8. The Article regarding the entitlement of local administrations with the right to be a member to associations and joining to international associations established for the protection and development of common interests (Article 10, Paragraph 2).

9. The provision regarding the entitlement of local administrations with the right to cooperate with other local administrations in other countries (Article 10, Paragraph 3).
10. The Article regarding the entitlement of local administrations with the right to apply to the judicial remedy to freely use the authorities given to them in the internal regulations and to be able to protect the principle of decentralization (Article 11).

Turkey is a country which can apply the Charter without having any difficulty in terms of its accordance with the Constitution and applicability. It is currently able to apply even some of the articles for which Turkey put reservation, the authority it gave to some institutions based on the Chart can still be used and France, from which our country has taken the foundations of our administrative system, can implement the Chart though it has not ratified it.

In the recent regulations (5393, 5216, 5302), many changes have been made in accordance with the Chart. In the new municipal law, though “the supervision for compliance with laws” was included and highlighted in the text of the law, the expediency supervision, which is used as a kind of tutelage supervision, is included in some articles of it. The Article 81 of this law, which is about the naming of avenues, streets, etc., can be given as an example for this.

On the other hand, it can be said that the expediency supervision in the law has been delegate, though partially, to the local elements, the city council, and to the fellow citizens of the neighborhoods and the cities and that this is an appropriate regulation. Besides, the rules stipulate by the Charter constitute an ideal, a target to be achieved, and each country will try to achieve this ideal state as possible as the special conditions of each individual country allow and ‘within the framework defined by their constitution and legislation’ – as frequently put in the Charter. This is a common problem for Turkey and all other countries in Europe. However, it is true that Turkey is acting a little bit slow in providing the autonomy of local administrations and relieving their economic problems and there are problems in full participation of the citizens in the democracy, as well as their level of awareness.

The point Turkey has arrived after its half-a-century EU membership process can be seen in the EU 2011 Progress Report ([http://www.abgs.gov.tr/files/AB\\_Iliskileri/AdaylikSureci/IlerlemeRaporlari/2011\\_ilerleme\\_raporu\\_tr.pdf](http://www.abgs.gov.tr/files/AB_Iliskileri/AdaylikSureci/IlerlemeRaporlari/2011_ilerleme_raporu_tr.pdf). 30.03.2012):

1. No progress has been made in the delegation of authority to the local administrations, especially in terms of the transfer of financial resources to

the local administrations. Thus, the municipalities are extremely dependent on the revenues allocated by the central government.

2. No steps have been taken in implementing the 2007 Recommendation of the European Council Local and Regional Governments Congress to make the reforms to allow the use of languages other than Turkish in public services or to allow the municipal council members to make “political” decisions without the fear of being subjected to judicial proceedings.
3. The fact that the detention of some of the elected mayors in the Southeastern Anatolia Region in connection with the KCK case is continuing constitutes a problem in terms of local administrations.
4. The government has given priority to the implementation of the 2010 Constitutional Amendments. Prior to the general elections, progress has been made especially in the field of jurisdiction. Including the subsidiarity to the local administrations at an adequate level, the works for the new constitution will take the reform agenda to much further. However, the decisiveness stated in relation to the EU accession period has not been reflected in the implementation of the national plans at an adequate level.
5. No progress has been made in the process of decentralization. The subsidiarity, especially the transfer of financial revenues to the local administrations has not been actualized.

In short, Turkey has not yet come to the point desired by the EU in the field of local administrations due to some political, economic and social rationales. It can be thought that the major factors are the historical fear of separatist movements such as the Kurdish separatism issue and the centralist political system based on the nation-state, which was introduced beginning from the start of the Westernization process. In order to test the correctness of this thought, the EU member Spain, which has considerable similarities with Turkey in terms of terror based on ethnical differences will be briefly examined.

Spain, which has considerable similarities with Turkey with its ethnical structure composed of different ethnicities, has turned into a semi-federal state with the latest constitutional changes (in 1978 and 1985) and get divided into 17 autonomous regions. Restructuring its unitary state structure in terms of geographical and social aspects in accordance with the principle of pluralism, Spain has managed to considerably decrease the violence incidents perpetrated by the ETA terror organization in the Basque region. This semi-federal system is considered to be successful due to the public support. (Ruşen Keleş, İspanya’da yerel yönetim, [yayin.todaie.gov.tr/goster.php?Dosya=MDQ5MDUyMDU2MDUw](http://yayin.todaie.gov.tr/goster.php?Dosya=MDQ5MDUyMDU2MDUw), R. 12.04.2012).

The two-fold process composed of democratization and regional decentralization can be considered as one of the major reasons why terrorist methods has been left in the country. Democratization and strengthening of the autonomous administration is considered to be successful in encouraging the abolishment of ETA or decreasing its terrorist campaign (Gürses, 1998: 148).

The same process including the increase of the authorities of the local administrations and solving the language problem, has been successful in the Catalonia region, with a population of 7 millions, too, decreasing the separatist process which involved armed conflict (Financial Times, 10 March 1994). The success in this matter can easily be seen in the vote rates of the Catalanian Nationalist Party (CIU) (Khatemi, 1991: 178): while the rate was 47 % in 1984, it was 46 % in 1988. The vote rate of the Basque Nationalist Party also dropped from 43 % to 24 % (Gürses, 1998: 144). CIU sent 10 MP's to the parliament in the previous elections (2008) and 32 MPs in the last elections, which is considered as a localization success achieved in the last 20 years (<http://www.imc-tv.com/haber-ispunya-iktidar-disinda-herkesin-zaferi-919.html#ixzz1rzhOUDII>. 18.04.2012).

After the solution of the problems regarding the language and cultural differences by means of strengthening the local administrations in Spain, which has spent almost the last fifty years under the shadow of terror, the public interest shifted from the parties with nationalistic discourses to the ones giving weight to the social and economic issues (Gürses, 1998: 145). In such cases, even divisions can be seen in nationalist parties. According to the generally accepted view, in countries with division syndrome, this kind of parties is fed by the excessively centralist and nationalist understanding of politics. The political understanding supporting decentralism and cultural pluralism, which was successfully practiced in the Ottoman Empire, can be seen today in the U.S.A and the EU.

In that matter, the EU member Spain can serve as a model for Turkey, because, in Turkey, which is experiencing a similar process, the nationalist and centralist structure is feeding its opposite. In decentralist and pluralist structures such as the EU, it can be said that the armed structures such as PKK will dissolve faster than in the Spain. The reason for that is that these structures are incompatible with their base (Muslim Kurds / Socialist PKK), besides the fact that there is almost no cultural difference between Turks and Kurds except for their languages. Thus, it can be estimated that the country will get in harmony with its history and culture and normalize in the future.

In the Spanish example, the Basque region got close to Brussels after the country became a member to the EU in 1986, and this led to an economic, social and political relief in the region, resulting in a remarkable loss of public interest in

the nationalist discourses (Gürses, 1998: 146). This situation can be considered as a potential contribution of EU membership to Turkey.

#### **4. CONCLUSION**

The city administration in the Ottoman Empire was carried out by means of the traditional social order, in cooperation with the system of magistracy, artisan organizations and foundations. The municipal administrations with their separate budget, personnel and bodies were introduced into our administrative system only after the Tanzimat Reform Era, which is considered to be the beginning of the westernization period.

Before 1864, in the Ottoman Empire, the administrative system, which was a federal system and was softened with structures such as foundations and guild, was in fact a structure in which local administrations were considerably strong. Between the years 1908 and 1946, the one-party administration resulted in the increase of centralization in the economic and political fields; and this structure began to dissolve only with the beginning of the multi-party political life in Turkey (1946). Though this process is being tried to be changed by means of membership to the EU and constitutional changes, it is approached with suspicion due to the two-century old fear of division of the country.

Excessive bureaucracy, centralization, politicization and favoritism, which have been the common terms used in defining the Turkish public administration system, weaken the effective and efficient use of the public resources paid by the people. Thus, it seems inevitable that the local administrations will continue to weaken the centralized structure with the help of globalization and localization supported by the EU.

In fact, in today's world, the local administrations reform is under the effect of three dynamics: United Nations, World Bank and the European Union (Güler, 2005: 67); and Turkey being a member of all of these three organizations.

One of the subjects formed within the framework of the 2003 Accession Partnership Document regarding Turkey's accession to the EU and which is included in the National Program was about the local administrations. Within this framework, Turkey was asked to make a comprehensive reform for developing the legislation and institutional environment required for the presentation of the public services in an efficient, transparent and participatory way. Especially when the negotiation process with the EU began in October 2005, this became a more concrete issue.

In general, governments apply a strengthening policy, in terms of resources and authority, when the municipal administration is in their own party. Otherwise, they generally apply the lowering limiting and narrowing tutelage supervision for “political” reasons. The principle that “local administrations are provided with revenues with their tasks”, which is included in the 1982 Constitution, has not been able to go beyond being just a slogan. The practices limiting the revenues of the local administrations, although their tasks have not changed or even increased is an indication that the balance of tasks and revenues is not taken seriously (Eryilmaz, 1997: 25).

The types of corruption such as favoritism based on ideology and relation present in the central administration are present in local administrations as well. However, this does not decrease the importance of decentralization. The most important unit to be developed in local administrations today is the provincial special administration, the existence of which many people are even unaware of. But, at the beginning of the last century, what was meant with decentralization was to expand the authority of the Provincial Special Administrations.

As Friedrich August Von Hayek put it, “democracy has never been seen working well in any place where local administrations are not widespread and strong”. Thus, the issue of the local administrations in Turkey is also closely related to the democratization of the country. On the other hand, according to Ayman, if the premise “the less the local administrations depend on the central administration in a country, the more powerful the democracy of that country is” correct, then the democracy in the United Kingdom can be said to be worse than in Turkey (Güler, 2005: 65).

Here, Spain is a good example for us from two aspects. Following the membership of the country in the EU, both the separatist movement has weakened and the level of democracy improved in the country due to the developing local administrations. With a strong local administration system the qualities of which have been well defined based on the social, economic and geographical structure of the country, Turkey can be the driving force of the establishment of freedom, equality and peace in the Middle East, rather than being divided by itself.

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