

## **The Evaluation for the Creation of Local Government Authorities within the Context of Democracy in Turkey**

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### **Abstract**

*This article attempts to elaborate the local government authorities in Turkey, accepted as one of the most efficient and effective institutions to reflect the democratic values into the existing life, with the historical evolution of nowadays legal and structural situation. On the other hand, the convenience of the organization for the local government bodies into the existing legal and constitutional regulations will be questioned in this study. In this respect, the participation of the local governments into the decision-making process will be evaluated under the light of democratic values and lastly, the solutions will be offered for the problems arisen during these processes.*

**Key words:** Local governments, local democracy, local government bodies, participation, youth participation

### **Introduction**

Local governments are the governmental administrative units which are inevitable and complementary parameters of the public administration together with the central government in almost all countries. During the historical progress, the local governments have been transformed into the essential institutions in executing the local services by providing the productivity and effectiveness and enhancing the democratic possibilities. Local governments are the closer and at the lowest level administrative bodies. The power and the functionality of local administration is directly relevant with the level democracy in any given society.

Nevertheless, Turkey is deprived from the tradition of local government as a contrary to the drastic changes suffered within the world in accordance with the western practice and understanding. The centralist understanding of the government in Turkey has been strengthened the institutions of the centralist government in operating and activating the decision-making processes and presenting the local services since long years as well as weakened the local government bodies. Although some important progress has been made in last years, there would be still no satisfactory and efficient local government system to make decision with the local people and to implement and conclude them with local unit.

The increase in the demand of the local people for the services both qualitative and quantitative respects and the complex and complicate character of the problems are required to provide the popular participation. However, the cooperation of the local people who knows the local needs better than the other actors and faces with them directly in daily life with the local governments in meeting these necessities, solving the problems and directing these governments will play an important role in making prudential decisions by these units and developing the tradition of democracy.

In order to measure the democratic maturity, it is necessary to evaluate the awareness in which extent the democratic values have been noticed in organizing and creating the local governments, how realized the popular representation in these bodies, how the young population has been presented and in which mechanisms the youth has been placed within the decision-making process. In this study, the legal and constitutional dimensions of local government bodies, the figure of the popular representation and its participation profile will be discussed. For this reason, the problems arisen within the extent of the legal framework and youth participation has been illuminated and some proposal has been proposed in order to enhance the democratic dimension for local administrative process.

## **1. The Constitutional Dimension of Local Government Bodies and Institutions:**

The local governments in Turkey have been described in 1982 Constitution with the article 127 as below: “They are the public corporate entities whose principles of the establishment demonstrated in law and aims as to meet the common needs of local governments, provinces, municipality and village people are constituted by the elections”. As shown in 1982 Constitution, the local government was established in order to satisfy the common needs of the local people and has three local government units as provincial special administration, municipalities and village administration. The important decisions of these local government units are taken by the decision-making bodies which they have. The local governments have been identified in Article 116 of 1961 Constitution as “the public corporate entities whose general bodies are elected by the people and satisfy and meet the common needs of local governments, provinces, municipality and village people” these two Constitution, 1961 and 1982, made different definition of local governments but they agreed commonly on the argumentation that their decision bodies are determined by the election but not their general decision bodies. However, the numbers of the local government bodies which require to be constituted by the election has been increased by the resolution stipulating the provincial council and municipality council as the consulting bodies to be created by the election as well as the other bodies such as general provincial council, municipality council of elders.

In accordance with the resolution that the decision-making bodies of local governments is to be organized by the election in 1982 Constitution, the appointed members such as the director of provincial special administration, provincial director of village services, provincial director of public works and settlement partaking in Provincial Special Administration Act with 1987 date and 3360 number had been rejected by the Constitutional Court finding it contrary to the Constitution (Official Gazette, 22 June 1989). Nevertheless, it is possible to witness some appointed members in the provincial council and municipality council in accordance with the legal regulations enacted after 2004 and 2005 (Keleş, 2009: 144). The presence and positioning of the appointed members in provincial and municipality councils is contrary to 1982 Constitution and constricted the opportunity of the popular participation and representation into the decision-making bodies of local governments. 1961 and 1982 Constitution made the appointment of the mayor and the village headman as the executive bodies of local governments possible. This regulation gave way to manage for the local governments as the main implementing actors of local democracy out of democratic values and create pressure on the autonomous character of the local governments.

## **2. The Legal Dimension of Local Government Bodies and Institutions**

The local governments have threefold structure composed of provincial special administration, municipality and village administration. Metropolitan municipality is evaluated within the category of municipalities and never distorts the three fold structure. Local governments as the decentralized political units having the legal and corporate entity produce the service in local level and have executive and fiscal autonomy. The elections of local governments are held quinquennially (once in five-year) in accordance with the law with 1984 date and 2972 number.

### **2.1. Provincial Special Administration**

Provincial Special Administration has three bodies as executive body ‘Governor’ and decision making body ‘provincial general council’ and decision and consulting body ‘provincial council’. The Governor who was appointed by the Council of Ministers is both the head of general/central administration in provincial level the executive body of the provincial special administration. The Governor represents the corporate entity and prepare the decisions which will be taken and execute the taken ones (Provincial Special Administration Law, 2005: Art. 30). The pivotal decisions of the Provincial Special Administration have been taken by the provincial general assembly and the provincial council.

The provincial general assembly as the decision making body of the provincial special administrations consist of both the candidates who will be nominated by the political parties and independent candidates on the unit of county and in accordance with the population of the counties. The elections are monograde, direct, proportional, free, equal, and on the principle of the secret ballot, open counting. On the other hand, provincial general assembly elects her president among the members with secret ballot and the president of the provincial council is selected by the commission composed of the Governor and the five members selected by the Governor.

## **2.2. Municipality**

There are two kinds of municipality in Turkey. One of them is the municipalities which are completely established in accordance with the 5393 number Municipality Law. The second one is the metropolitan municipalities with their different status. They have three bodies as mayor, municipality assembly and the municipality council (Ulusoy ve Akdemir, 2001: 42).

## **2.3. The Village Administration**

The Village Administration is a local administration unit which is composed of three bodies as village headman (executive body), village board of alderman (decision making body) and the village institution (decision body). The village headman, as the executive body of the village selected by the majority of the voters, has the missions such as collecting money for the public expenditures, representing the legal entity of the village and announces the directives of the government (Eryılmaz, 2000: 161). The most important decisions for the village have been taken by the village board of alderman and the village institution.

## **3. Participation into Local Government Bodies and Local Democracy**

Local governments are the administrative units which are closer to the ordinary citizens at the lowest level within the administrative structure. "Local government implies a unit which has fiscal autonomy, legal entity, institutional structure, and a kind of authorization and task which has been determined by the general and private status (Dilys, 1974:23). The influence and the effectiveness of the local governments are directly relevant with the level of democracy in any given country as well as executing the local services (Eryılmaz, 2000: 121). Besides that the local governments as the relics of the Middle Age communes, though they are not related with the contemporary local governments, are the institutions revitalizing the democratic values such as the liberties, equality, freedom, representation and participation (Görmez, 2000: 81).

Within the last two decades of the 20th century, it is witnessed that the local democracies are rapidly developed in line with the increase of the authorities in points of political, economic and governmental parameters. This development emerged in the 1970s and gained momentum in the 1980s and influenced the world over in the 1990s (Bardhan ve Mookherjee, 2006: 1). New concepts and notions have been invented and opened into discussion such as 'governance', 'new public administration', 'community partnership', 'participation in plural level', and 'participation of plural actors' (Denters ve Lawrence, 2005: 1). The development of the local governments has been greatly influenced over the emergence and settlement of the democratic, deliberative and participatory approach on the government.

As one of many local branches, local governments have shaped the state policies in accordance with the necessities and contributed to the local democracy by providing the participation (Pierre, 1990: 38). The reform process related with the local government which has been initiated in Western Europe during the 1960s has been enlarged into the existing agenda of Central and Eastern European countries and oriented to provide the participation and promote the local democracy ultimately (Vetter ve Kersting, 2003: 22; Caulfield and Larsen, 2002: 13). Since the 1970s it is widely argued that the local government reforms changed the minds of people against the governance and politics and made the people more open to participate into the decision-making process (Inglehart, 1977: 34).

The participation of the people into local government implies to partaking the people in any stage during the evaluation of the result of the decision-making process or transaction and operation of local governments pertaining with the fields of the people's life (Miser, 1993:17). Participation into the local governments has a character which is closer and more available for the democratic measures (Karaman, 2003:98). The scientific circle offers to establish some mechanisms to provide the effective participation and efficient and adequate control of people into the local government (Aykaç, 1999:9; Görmez, 1997:201). For this aim, it is essential to make the convenient legal and institutional regulations as well as the openness principle prevailed. However, the political culture of the local people, their levels of education, their social, economic and technological development and their progress in participating into the organizational level are other important factors (Buran, 1995:216). City Council as a prominent example of popular participation into local governments is a roof and auspicious body which contains many public institutions, various non-governmental organizations, different political parties and the public occupational organizations and aims to make joint decisions.

Other reflections of the ways of participation can be seen as Agenda 21, Public Council, City Counseling and Solidarity Assembly, and City Congress (Yalçındağ, 1996:141-146) and environments which lead the municipality, people and central government market the joint decision are vitally important for the popular influence on the local governments (Güneş, 2004:112-174).

#### **4. Youth Participation into Local Government Bodies and Local Democracy**

The contribution of local governments into the democratic life can be understood by their ability to transfer the democratic values into the practical life. The representation of almost all segments of society in local government bodies and decision-making process is essential requirement of local democracy. Especially the participation of youth population which are seen as the guarantee of the future, as voter and being elected in local bodies will contribute both the democratic development of the local governments in functioning of schools of local democracy and widening of the communication and administration channels of central government.

Because the age-borders of youth have been varied in different countries as a relative concept, we can not find any objective definition for youth. However, the UN determined the age interval of youth as 15-24 years old, ordinary people in Turkey thought that the youth is completed in 34 and the senility period has been passed after 55 years old (Çayır, 2012:164-165). Young and old-age perception differs depending upon the countries and different cultures.

In analyzing the age profile of the persons who were elected in local government bodies in 2009 elections, we can easily see that the younger people rate in proportion to general average age of eligible people is dramatically low. The rate of elected persons younger than 35 years, 7.7 per cent in provincial general council, 11.56 in municipality council and 3.9 as mayor (TUIK 2013). Unfortunately, it can be concluded that the youth can not be adequately represented in local government bodies and the younger people are not eager and volunteer in participating local democracy in Turkey.

Nevertheless, even the naming of village administration council as 'elderly assembly' reflects that the approach towards the youth population is negative in Turkey. As the stipulation of being a member of this assembly, the candidate must be older than 25. This is another point of participating into decision-making process.

#### **Conclusion**

As inevitable institutions of local democracy, the local governments are administration units which can provide the suitable and eligible conditions for citizens in respect of participating into the decision-making mechanism. Many countries apply different system-implementations in emerging the local government bodies by elections or by appointments. These different implementations can be witnessed within inside of same country in respect of different units of local governments. Each country establishes very peculiar and sui generis local governments and their bodies in accordance with the structure of the administration and type of social life.

In Turkey, the decision-making bodies are created by appointments as a contrary to the verdict and the resolution of the Constitution that the decision-making bodies must be organized by elections such as provincial and municipality assemblies. Local assemblies should be composed of the members selected by the local people and these local people must be determinant in organizing the bodies which will decide for the sake of their names. However, the dispute and conflict to the Constitution should be removed by means of the amendments in the local government laws.

The constitution of both decision-making and executive bodies of the local governments by the elected persons is directly relevant and convenient with the local democracy. These persons should be elected within the democratic milieu and via the legitimate means. The legal framework should include the women and younger people as the responsible voters and eligible candidates and strengthen the infra structure of society. The increase in participation level of local democracies and local governments by the different segments of society and widens the participation channels. For this reason, the creation of necessary economic, social and cultural basis, the amendment of the legal and structural changes, the development of the urbanization and democratization, identity and awareness are essential stages for this turning point.

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