

# Turkey

**Author: Nikos Hlepas<sup>1</sup>**

## Introduction

In Turkey, local government has traditionally been regarded as an administrative issue, while public administration had an extremely strong centralist orientation that reflected the weakness of local institutions. Burdened with excessive expediency and financial controls exercised over them by state authorities, municipalities were weak and extremely dependent on the state. From the reform era of the 1980s onwards, Turkey's municipal framework underwent significant administrative, financial and functional changes, albeit without a veritable democratisation of local politics. However, since 2005, reform and democratisation processes have slowed down, and the situation drastically worsened after the failed military coup of July 2016 and the ensuing crackdown.

More specifically, decree no. 674/1-09-2016 amended the Law on Municipalities to permit the takeover of municipalities suspected of supporting terrorism. Mayors in 82 of the 103 municipalities controlled by the Democratic Regions Party (DBP) have been suspended from office and the municipalities taken over by government-appointed provincial authorities. In these municipalities many community facilities offering social services were closed down. Mayors from other parties were removed in four other municipalities but in each case the authorities allowed other elected local representatives to take over their duties.

## About ICLD

The Swedish International Centre for Local Democracy (ICLD) is part of the Swedish development cooperation. The mandate of the organization is to contribute to poverty alleviation by strengthening local governments.

This report is part of a publication series that investigates local democracy in the 19 countries where the ICLD municipal partnership programme operates.

*This report covers events up to 31 December 2018.  
Events occurring after this period are not considered.*

## General country analysis

The Constitution of Turkey provides for the 'principle of local administration' without further defining formation, powers and resources (Art. 127 par. 1). The constitution explicitly refers to 'the power of administrative tutelage' of central authorities over the local administrations, 'with the objective of ensuring the functioning of local services in conformity with the principle of the integrity of the administration, securing uniform public service, safeguarding the public interest and meeting local needs properly' (Art. 127 par.5). As a provisional measure the Minister of Internal Affairs may remove from office those organs 'against whom an investigation or prosecution has been initiated on grounds of

<sup>1</sup> Faculty of Political Science and Public Administration, National and Kapodistrian University of Athens  
Email: nhlepas@gmail.com

offences related to their duties' (Art. 127 par. 4). Loss of status of elected organs within local administrations shall be decided by judiciary, but there are serious concerns about the system of justice, since nearly a quarter of all judges have been removed from office since 2016. Furthermore, the constitution itself includes provisions about 'abuse of rights'; Art. 14 par. 1 states that 'none of the rights and freedoms embodied in the Constitution shall be exercised in the form of activities aiming to violate the indivisible integrity of the State with its territory and nation'.

Mayors, municipal councillors, general provincial councillors and *mukhtars* (heads of settlements) are directly elected every five years. Each district votes for members of municipal councils and general provincial councils through a proportional system, whereas mayoral elections rely on majority voting. Apart from an electoral bar of 10 percent, council elections include a quota clause awarding the highest voted political party, gradually escalating from one seat in the smallest municipalities up to six seats in the biggest ones. Political parties identify their candidates for the quota seats by central nomination. The existing legislation severely inhibits competition from independent candidates; only 10 independent mayors (0.8 percent of all mayors) were elected in 2014. In the 2014 elections, the governing AKP gained 818 municipalities, the Kemalist opposition (CHP) came second with 232 municipalities, the ultranationalist MHP elected 484 mayors and the pro-Kurdish BDP/HDP 97 mayors. There was an impressive turnout of 89 percent in 2014 (85 percent in 2009 and 76 percent in 2004). Revelations of widespread irregularities sparked protests, while the Electoral Council declared results null and void in some areas, where elections were repeated in the following June. The next local elections were scheduled for 31 March 2019.

## Fiscal decentralisation

Turkey emphasises its character as a strictly unitary state. All major services like education, health, police and housing are provided by the central government. Municipalities are responsible only for elementary local needs such as urban infrastructure, waste management, water and sewage, cemeteries, firefighting, land development and building permits. Land use planning was delegated to municipalities in the mid-1980s and it is their most important responsibility. Another important task is urban transport. Outsourcing is widespread in Turkish municipalities, therefore expenditure on personnel (15.8 percent on average) is far lower than that of central government (27.6 percent).

Law No. 5018 on Public Fiscal Administration and Control requires that the budgets of local governments are consolidated and submitted to the national parliament for scrutiny. Municipal revenue is sub-divided in own revenues collected by municipalities themselves and the allocations from central government tax revenues. Only state authorities collect taxes and distribute corresponding shares (using population size as the dominant criterion) to local governments. Financial equalisation is applied among municipalities by giving larger shares to less developed settlements. Approximately 12 percent of state tax revenues are allocated to municipalities, accounting for 51.2 percent of municipal revenues on average. Municipal own revenues arise from taxes, charges, contributions to investment expenditures, fees and enterprise revenues. Municipal taxes include property tax, sanitation tax, announcement and advertisement tax, electricity and coal gas consumption tax, communication tax, and entertainment tax. Tax revenues account for 22.36 percent of municipal own revenues while municipal charges (building, business, professional charges) account for 9.16 percent of own revenue. The lower and upper rates of charges are set by the law, while fee schedules for municipal services (water,

transport etc.) are set by the municipal council. Municipal borrowing cannot exceed total revenue in the previous year, while any borrowing going above 10 percent of revenue requires the approval of central government.

## Political decentralisation

Turkish local government has many characteristics of democratic local governance, since elections take place on a regular basis and their tasks and resources are not much more limited than in some southern European countries. However, Turkish municipalities are subject to extensive tutelage and even the removal of elected politicians is a widespread practice. Turkish local government is mainly accountable to the state, not to the citizens. Judicial protection of local government and of political freedoms is uncertain, since many judges (nearly a quarter) have been removed from office. Moreover, draconic anti-terror legislation is having a negative impact on political pluralism. Even the constitution offers many possibilities for state authorities to intervene in local government.

The spirit of extreme centralism is clearly an expression of the prevailing ideology about the ‘unity of nation and territory’. It cuts across party lines, with the exception of pro-Kurdish parties. The governing AKP (religious, statist and nationalist) and MHP (ultranationalist and statist), and the main CHP opposition party (Kemalist/nationalist, social democratic) do not support substantial decentralisation reforms and prioritise a strong central state.

Municipal council meetings are public, while the meetings of municipal council commissions are only open to relevant professional organisations, CSOs and representatives of other organisations.

Municipal councils discuss opinions adopted by citizens’ assemblies. The latter consist of representatives from professional organisations, CSOs, universities, other public organisations and trade unions. Citizens’ assemblies should play a significant role in raising awareness about urban rights and decentralisation, ensuring sustainable development and protecting the environment. Special commissions such as for women, youth, the environment, and people living with disabilities are established within citizens’ assemblies.

## Conclusion: possibilities and barriers for municipal partnerships

According to the Constitution as amended on 16 April 2017 (Act No. 6771), local administrative bodies can combine into a union in order to perform specific public services with the permission of the President of the Republic (Art. 127 par. 6). In the past, monitoring reports of the Council of Europe had complained about the requirement of receiving permission for international partnerships from the Ministry of the Interior. Nevertheless, a town twinning action between Turkey and the EU was launched in 2018 with a grant scheme providing support for projects aimed at developing town twinning relationships between local administrations/authorities in Turkey and EU member states and strengthening their roles on the EU accession process. This also offers a window of opportunity to Swedish municipalities that are willing to cooperate with Turkish cities and Turkish civil society, which certainly need such support. Possible risks with municipal partnerships are of establishing a non-productive relationship with supporters of authoritarian practices or of getting indirectly involved in polarised conflicts.

## References

- Bayraktar, S. Ulaş, 2007. 'Turkish municipalities: Reconsidering local democracy beyond administrative autonomy.' *European Journal of Turkish Studies*. Last known access 29 January 2020, available at:  
<http://www.ejts.org/document1103.html>
- Council of Europe, n.d. 'National delegation to the Congress: Turkey'. Last known access 29 January 2020, available at:  
<http://www.congressdatabase.coe.int/WebForms/Public/Country.aspx?id=19>
- Göumen, K. and Sazak, O., 2014. *Centralization Decentralization Debate Revisited*, Istanbul, Turkey: Istanbul Policy Center (IPC), Sabanci University
- Human Rights Watch, 2017. 'Turkey: Crackdown on Kurdish Opposition'. 20 March 2017. Last known access 29 January 2020, available at:  
<https://www.hrw.org/news/2017/03/20/turkey-crackdown-kurdish-opposition>