

## Turkey

### *Self-rule*

#### INSTITUTIONAL DEPTH AND POLICY SCOPE

Turkey has two regional tiers consisting of 51 *iller* (provinces) and 30 *büyükşehir belediyeleri* (metropolitan municipalities). Since 2009, there is a second regional tier consisting of 26 *kalkunna ajanslari* (regional development agencies). There are also 923 deconcentrated *ilçe* (districts) with an average population of 72,000.<sup>1</sup>

Until 1961, *iller* (an abbreviation of the official name *il özel idareleri*) were deconcentrated state administrations. The constitution of 1961 set out the principle of decentralization, mandating provincial administrations with directly elected councils and executives chosen by the provincial council (C 1961, Arts. 115–116 and C 1982, Art. 127). A powerful, centrally appointed governor chairs the provincial council and coordinates the network of provincial offices (Law No. 5442/1949, Arts. 3–7; No. 3152/1985, Arts. 28–34). *Iller* have competences for economic development, roads, bridges, ports, water management, provision of natural gas, hospitals and other health services, primary and secondary schools, public order, and arts and culture (Council of Europe: Turkey 2009; Law No. 5302/2005, Art. 6). Most of these competences, however, are provided by the provincial offices of relevant ministries whose budgets are determined by the central government and which are under the control of the centrally appointed governor (Assembly of European Regions 2010; C 1982, Art. 127; Göymen 2014: 292–295; Law No. 5302/2005, Art. 6.b; Young-Hyman 2008).

The first three metropolitan municipalities (*büyükşehir belediyeleri*) were established in 1984 and this number gradually increased to seven in 1986, eight in 1989, fifteen in 1994, and sixteen in 2000 (Çelenk 2009; Karagel and Karagel 2014; Law No. 3030/1984; Oguz and Ozbek Sonmez 2012). Metropolitan municipalities co-existed together with *iller* until a law adopted in 2012 (effective since the local elections of 2014) extended the metropolitan municipality regime to all thirty municipalities with more than 750,000 inhabitants and dissolved the administrations of provinces that included a metropolitan municipality (Çetin 2015; Law No. 6360/2012, Arts. 5–6; Massetti and Aksit 2017). Since 2014, thirty *büyükşehir belediyeleri* form an intermediate tier of government together with 51 *iller*. The thirty metropolitan municipalities are subdivided into 519 district municipalities (*ilçe*)—each with their own assembly and mayor—and they collectively cover more than 53 million inhabitants which is about 76 per cent of the total Turkish population.

A law adopted in 1984 assigned limited competences to metropolitan municipalities regarding

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<sup>1</sup> Following up an attempted coup of 15 July 2016, several actions were taken which affect in particular municipal autonomy. An emergency decree (Law No. 674/2016) introduced on 1 September 2016 enables the central government to put a mayor under investigation and to replace the mayor with a central government appointee. Subsequently, at least 65 mayors from municipalities in south-east Turkey—most of whom are members of the People’s Democratic Party (HDP)—were placed into detention and they were replaced by central government appointees (Council of Europe: Turkey 2017).

cemeteries, environmental protection, firefighting, gas, parks, public health, roads, sewerage, slaughterhouses, sports, urban transport, urban planning, waste disposal, and water supply (Law No. 3030/1984, Art. 3). They shared these competences with their district municipalities. In 2004, a pilot scheme extended the jurisdiction of the metropolitan municipalities of Istanbul and Kocaeli to the provincial borders. The jurisdiction of the other fourteen metropolitan municipalities was extended to a 20 km radius for populations up to one million, to a 30 km radius for populations between one and two million, and to a 50 km radius for populations more than two million (Law No. 5216/2004; Oktay 2017). In addition, the 2004 reform extended the competences for metropolitan municipalities to childcare, cultural institutions, education, homes for elderly and disabled people, health care, hospitals, municipal police, and social facilities (Council of Europe: Turkey 2009; Law No. 5216/2004, Arts. 7–11; OECD: Turkey 2008: 201–222). The district municipalities are responsible for issuing building licenses, street cleaning, waste collection, and services in culture, education and sport. *Büyükşehir belediyeleri* score 2 on institutional depth from 1984 and 1 on policy scope for 1984–2003 and 2 from 2004.

A higher level of seven to ten planning regions has been on the agenda since 1961 (C 1961, Art. 115). A central state planning agency responsible for regional and national planning formulated several proposals in the 1980s and 1990s, but governing elites failed to follow through because of deep attachment to a centralized state model and fear that decentralization would fuel Kurdish separatism (Penner 2004). It took until 2002 before a start in regional governance was made, which happened in response to EU accession requirements (Young-Hyman 2008). In 2006 the parliament adopted legislation which created 26 *kalkunna ajanslari* at the NUTS-II level (Elicin 2011; Law No. 5449/2006; Sezen 2011; Young-Hyman 2008). After some initial pilots all 26 agencies became operational in 2009 (Ertugal and Dobre 2011; Sobaci 2009). *Kalkunna ajanslari* are responsible for preparing regional development programs, implementation, and monitoring but the programs need approval by the central state planning office (Ertugal 2010; Ertugal and Dobre 2011; Law No. 5449/2006, Arts. 4 and 5). Each region has a development council instructed to represent the provinces “in a balanced way” (Law No. 5449/2006, Art. 4). Its tasks are limited to deliberation and drafting recommendations to the agency which all need to be reported to central state planning (Law No. 5449/2006, Art. 9). We code *kalkunna ajanslari* as deconcentrated government.

## FISCAL AUTONOMY

*Iller* generate only 1 or 2 percent of their revenue themselves; the remainder comes from central funding (Council of Europe: Turkey 1999, 2009; Elicin 2011).<sup>a</sup> *Iller* receive 1.15 percent of general tax revenue but base and rate are determined by the central government (Law No. 2464/1981; No. 5302/2005, Arts. 7.f and 42; No. 5779/2008, Art. 2).

*Büyükşehir belediyeleri* have no tax autonomy and they receive fixed shares of tax revenues collected by the central government and municipalities (Law No. 3030/1984, Art. 18). Metropolitan municipalities receive fifty per cent of the revenues of the entertainment tax and they incur several fees for services provided by their district municipalities (Council of Europe: Turkey 2009; Law No. 5216/2004, Art. 23; OECD: Turkey 2008: 201–222).

*Kalkunna ajanslari* receive a third of their funding from the central government budget and two-thirds from the local institutions (provinces, municipalities, and chambers of commerce and industry) (Ertugal 2010; Law No. 5449/2006, Art. 19).

## BORROWING AUTONOMY

Until 1961, *iller* were deconcentrated state administrations. In the early years of their existence as self-governing bodies, *iller* were under strict control of the minister of interior who approved all borrowing decisions (Humes and Martin 1969).<sup>a</sup> Since the 1980s this supervisory role has been taken over by a centrally appointed governor, or, in some cases, the government (Harloff 1987; Law No. 3152/1985, Art. 15; No. 5018/2003).

Provinces can borrow funds and issue bonds for investment projects in construction, health, and educational services (Council of Europe: Turkey 2009; Law No. 5302/2005, Arts. 7.d and 45). If the loan does not amount to more than one-third of ordinary revenue, the provincial general assembly may authorize a loan upon proposal of the governor. Loans in excess of this amount and not more than the annual ordinary revenue of the *iller* require approval by the government and the president. Loans in excess of this require special parliamentary legislation (OECD 1997: 447; Law No. 5302/2005, Art. 51). *Iller* must also regularly submit financial statements on their assets and liabilities to the ministries of interior and of finance (Law No. 5302/2005, Art. 51). *Iller* score 1 from 1961.

Borrowing autonomy for *büyükşehir belediyeleri* is the same as for *iller* and loans that exceed ten per cent of the total income of the budget requires the prior approval by the ministry of the interior (Law No. 3030/1984, Art. 18; OECD: Turkey 2008: 201–222). In addition, metropolitan municipalities are required to send financial statements detailing their assets and liabilities to the ministries of the interior and finance and to the undersecretaries of the treasury on a quarterly basis (Law No. 5216/2004, Art. 24; No. 5393/2005, Arts. 65 and 68).

*Kalkunna ajanslari* have no borrowing authority (Ertugal 2010; Law No. 5449/2006, Art. 19).

## REPRESENTATION

Since 1961, the councils of the *iller* (*il genel meclisi*) have been popularly elected on a five-year cycle (C 1961, Arts. 115–116 and C 1982, Art. 127). The central government appoints governors (*vali*) (Law No. 5442/1949, Arts. 6–8). In 2004 and 2005, the government enacted a number of laws and regulations to bring subnational governance into line with EU principles. The centrally appointed governor's role was rolled back in 2005 when the governor ceased to be the president of the provincial council. Currently, the council elects one of its members as the president (Law No. 5302/2005, Art. 11; Regulation of 09.10.2005, Arts. 5 and 18). The governor continues to chair the executive, which consists of ten members. Five members are elected every year by the council, and five are selected by the governor from among the heads of departments, one of whom is the head of the financial services department (Assembly of European Regions 2010; Council of Europe: Turkey 2009, 2011; Göymen 2014: 292–295; Law No. 5302/2005, Art. 25; Regulation of 09/10/2005, Arts. 19 and. 30.d). We score the executive as dual from 2005.

The metropolitan municipality council (*büyükşehir belediye meclisi*) consists of at least one-fifth of the councilors of the district municipalities from within the metropolitan area and all mayors of the district municipalities are ex officio members (Law No. 3030/1984, Art. 10; No. 5216/2004, Art. 12). The executive committee (*büyükşehir belediye encümeni*) is chaired by a directly elected mayor (*büyükşehir belediye başkanı*) and consists of five members elected by the metropolitan municipality council and five members appointed each year by the mayor from among the heads of units whereby the secretary general and the head of the fiscal services unit are always included (Law No. 3030/1984, Arts. 14 and 16; No. 5216/2004, Arts. 16–18). *Büyükşehir belediyeleri* score 1 on assembly and 2 on executive.

*Kalkunna ajanslari* have a development council to “enhance cooperation among public institutions, private sector, non-governmental organizations, universities and local governments in the region and to direct/guide the agency” (Law No. 5449/2006, Art. 8). The development council is composed of a maximum of 100 members, in which *iller* are represented “in a balanced way” (Law No. 5449/2006, Art. 8), and its activities are reported to the state planning organization (Law No. 5449/2006, Art. 9). The chairs of elected provincial councils and elected (metropolitan) mayors are represented on the administrative board of the *kalkunna ajanslari*, serving alongside the governors and the presidents of chambers of commerce or industry (Law No. 5449/2006, Art. 10; Sözen 2012). The chairs of elected provincial councils constitute a minority on the administrative board.<sup>a</sup> The board is headed by a provincial governor and the activities of the administrative board are under close scrutiny of the state planning organization. Most executive and implementing powers lie with a centrally appointed secretary general (Ertugal and Dobre 2011; Law No. 5449/2006, Arts. 10–11 and 14).

### *Shared rule*

There is no power sharing for *iller*, *büyükşehir belediyeleri*, or *kalkunna ajanslari*.

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## Self-rule in Turkey

			Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
							Assembly	Executive	
İller	I	1950-1960	1	0	0	0	0	0	<b>1</b>
	I	1961-2004	2	1	0	1	2	0	<b>6</b>
	I	2005-2008	2	1	0	1	2	1	<b>7</b>
	I → II	2009-2018	2	1	0	1	2	1	<b>7</b>
Büyükşehir belediyeleri	II	1984-2003	2	1	0	1	1	2	<b>7</b>
	II	2004-2008	2	2	0	1	1	2	<b>8</b>
	II → III	2009-2013	2	2	0	1	1	2	<b>8</b>
	III → II	2014-2018	2	2	0	1	1	2	<b>8</b>
Kalkınma ajansları	I	2009-2018	1	0	0	0	0	0	<b>1</b>

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