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THE PLACE OF METROPOLITAN MUNICIPALITIES IN TURKISH ADMINISTRATION SYSTEM

M. Akif Çukurçayır, Hayriye Sağır and A. Arda Yüceyılmaz

Introduction

Municipalism in Turkey began after Tanzimat (Reform) (1839) in modern terms. And profound arrangements in the Republican era. Law of municipality was enacted in 1930. No arrangement was stipulated for metropolises in this law because the number of cities with a population higher than 10 thousand was only 66 in that era. And this number is 528 today. Furthermore, the number of cities with population of millions in Turkey has increased as well. A special arrangement form was only brought for Istanbul in the first years of the Republic. Studies on metropolises were performed predominantly from 1960 to 1980. Certain new applications were brought into the agenda in the interval period of 1980-1983. The law on Metropolitan Municipalities numbered 3030 enacted in 1984 assembled the studies performed respectfully, thus metropolitan management idea was implemented with a two-stage structure. Another significant development was experienced in 2004 with the new Law of Metropolitan Municipality numbered 5216. Finally, both local administration and central administration was subjected to radical changes with the law numbered 6360 enacted in 2012. The new law brought different dimensions in the tasks and responsibilities of metropolitan municipalities according to contemporary developments.

An arrangement related to metropolis organization was included in the Law of Municipality dated 1930 and numbered 1580 in the period of 1930-1960. This law brought a special administration form for Istanbul. Governor of Istanbul served in the capacity of mayor of Istanbul at the same time. A combined administration system was put into force. This application is not an application observed only in our administration tradition. The same system was applied in Paris as well and ended in 1970 (Turan, 2008: 24; Keleş, 2009: 309).

Period of 1961-1980 that started with a new Constitution in Turkey may be defined as a plan and planning period in all respects as well. First of all, urban problems were frequently included in “five-year development plans” and suggestions were made for large urban areas named as metropolitan areas. Different ministries had draft laws and studies in relation with problems of metropolitan area. However none of them was passed into law. Certain studies related to metropolitan administration were performed from 1960s to 1984. However the only significant step taken toward institutionalization is İSKİ administration (Erdumlu, 1993: 48-49).

Small scale merging in local administrations was performed in the interim regime period as well. The military government had two significant decisions in the 12th September period: The first was related to abolishing legal entity status of municipality bodies and assigning the mayors. The arrangement for abolishing legal entity status of municipalities was realized with the resolution of the National Security Council numbered 34 for the purpose of decreasing the number of small local administration units. The number of municipalities which had been 1700

in 1980 was decreased to 1580 in 198. And legal entity status of approximately 150 villages was terminated (Keleş, 2009: 311-312).

The fields of arrangement of the “Law on Associating the Settlements in the Neighboring of Metropolises to Main Municipalities” numbered 2561 are as follows: Basic municipality services including energy, drinking and utility water, sewerage system, mass transportation and zoning. It is aimed to fulfill those services within and integrating planning in harmony with one another, sufficiently and efficiently.

Law #5216 and the Current Structure

The period of Justice and Development Party was a period of radical reforms in public administration. Metropolitan municipalities were included in Turkish administration system in 1984 and gained a predominant position. However a policy of strengthening in terms of authorization and income was followed in all of local administrations after 2003.

1982 Constitution (127/3) paved the way for metropolitan municipalities stating “the law may bring special administration forms for large settlements”. 1984 became a milestone in municipalism.

Metropolitan municipalities the number of which is 30 today came to the forefront as locomotive institutions in municipalism. Municipalities and metropolitan municipalities have increasingly strengthened since 1984 and have become more discussible and noticeable within the public opinion. They succeeded in undertaking a key role in local development. Although significant discussions and problems related to planning continue, planning has become one of basic activity fields in city administration. “Istanbul Metropolitan Planning Center” established within Istanbul Metropolitan Municipality employ approximately 500 city planners and architects and according to the statement of Kadir Topbaş, “100 year future of Istanbul is being planned” (Güngör, 2009: 27). Istanbul certainly has different characteristics with its population of approximately 15 million and it has become a giant metropolis incomparable to other metropolises.

Özal government which came into power in 1983 took the first steps for establishment of metropolitan municipalities in 1984. The Law on Amendment and Acceptance of the Statutory Decree on Administration of Metropolitan Municipalities numbered 3030 was enacted and Metropolises began to be administered with a two stage administration model. Metropolitan municipalities were established in Ankara, Istanbul and Izmir firstly and later they were established in other provinces as well through law amendments performed and metropolitan administrations the number of which has reached up to 30 today were created.

Although the new Law #5216 enacted in 2004 preserves old tasks and bodies, certain changes were stipulated for the purpose of effectiveness and democratization in conformity with requirements of contemporary administration thought. Law #5216 arranging Metropolitan administration included many contemporary concepts and developments.

Metropolitan municipalities were established in further 14 provinces with the Law #6360 on establishment of metropolitan municipalities in fourteen provinces and establishment of twenty seven counties and amendment of statutory decrees with the arrangement made on 12th November 2012 as the continuity of local administration reform. These are composed of provinces of Aydın, Balıkesir, Denizli, Hatay, Malatya, Manisa, Kahramanmaraş, Mardin, Muğla, Tekirdağ, Trabzon, Şanlıurfa, Van, Ordu.

Local administration reform was concentrated on in the first year of Justice and Development Party power. 2004 legislation studies include studies covering metropolitan

administrations as well. Metropolitan Municipality Law was accepted on 10th July 2004 with the number of 5216. The first article of the law defined the purpose of the law as *arranging legal status of the metropolitan municipality administration, providing execution of services in a planned and programmed manner, effectively, efficiently and harmoniously*.

Metropolitan municipality (former definition in the Law #5216) is defined as “Public legal entity which covers minimum three counties or first stage municipalities, which provides coordination between those municipalities, which fulfills the tasks and responsibilities imposed by the laws, exercises the authorizations; has financial and administrative autonomy and the decision making body of which is created by being elected by the electorate”.

Metropolitan municipality is defined as follows (new definition brought in 2012 with Law #6360): *“Metropolitan municipality: Legal entity the boundaries of which are civil provincial boundary, which provides coordination between county municipalities within its boundaries; which fulfill the tasks and responsibilities given by laws having administrative and financial autonomy, exercising authorizations; the decision making body of which is created by being elected by the electorate”*.

Metropolitan municipality assembly was almost transformed into a province/region parliament because representatives of all counties within civil boundaries of the province shall serve in the metropolitan municipality assembly in the province. For example Konya has 31 counties and those 31 counties are represented together with their towns and villages in the metropolitan municipality assembly which may be called “province assembly” as well. A very significant quantitative change has been stipulated.

According to the 2012 amendment, metropolitan municipality boundaries became “civil provincial boundaries”. Namely metropolitan municipalities are authorized in all civil provincial boundaries. All county municipalities at province level were associated to the metropolitan municipality. Legal entity status of villages and town municipalities were abolished and transformed into district with the same Law. A different metropolitan (region) administration model was produced for this reason.

The scope of article 5 of the Law #5216 was changed. Similarly article 4 was amended as well. The former arrangement related to establishment of metropolis: according to the latest census of settlement units within the boundaries of municipality and maximum 10.000 meter distant to those boundaries, the provincial municipalities of provinces having total population higher than 750.000 may be transformed into metropolitan municipality considering physical settlement statuses and economic development levels as well.

The new arrangement related to establishment of metropolis: “The provincial municipalities of provinces having total population higher than 750.000 may be transformed into metropolitan municipality with law.” In the new arrangement brought with the Law #6360 the condition for establishing metropolitan municipality became merely population of 750 000. Certainly this population is the population within civil provincial boundaries. Definitions of city center and urban area were removed.

County municipality in the law: refers to county municipality within the boundaries of the metropolitan municipality, first degree municipality: municipality created within the boundaries of the metropolitan municipality without establishing county and having the same authorizations, privileges and responsibilities with the metropolitan county municipalities.

The Law #5216 quite increased the population measure and made it difficult to establish Metropolitan municipality. The provision of “provincial municipalities total population of which is higher than 750.000 according to the most recent census may be transformed into metropolitan municipality with law” is quite coercive. And the latest metropolitan arrangements were based

on this “population measure”. Metropolitan municipalities may certainly be established due to effectiveness of metropolitan municipalities. However the population measure may be pulled down to 200 000 rather than establishing a model evoking regional administrations. Beyond this, it was possible to try strengthening provincial and county municipalities in terms of authorization, source and institutionalization for strengthening local administration in general terms.

Another drawback is that big counties, small towns and villages shall experience “loss of identity”. A country like Tarsus shall disappear within Mersin Metropolitan Municipality with its population of 240 000. The Law #6360 made a radical change with its sixth article and determined the boundaries of metropolitan municipality as “civil province boundaries” and determined the boundaries of metropolitan county municipalities as “civil county boundaries”.

Tasks of Metropolitan and County Municipalities

Tasks, authorizations and responsibilities of metropolitan municipality are as follows:

- To prepare strategic plan, annual targets, investment programs and budget of metropolitan municipality accordingly receiving the views of county municipalities.
- Provided to be in conformity with environmental plan, to make master development plan with any scale between 1/5.000 and 1/25.000 within the boundaries of metropolitan municipality and neighboring area, have the same performed, approve and apply; to approve exactly and upon amendment the application development plans that municipalities within the metropolis shall prepare in conformity with the master development plan, amendments made in those plans, parceling plans and development amendment plans and audit application thereof; to perform or cause to perform application development plans and parceling plans of county and first degree municipalities which fail to make their application development plans and parceling plans within one year as of the date of enforcement of master development plan.
- To perform or cause to perform metropolitan transportation main plan and apply the same; to plan transportation and mass transport services and provide coordination.

Tasks and authorizations of the county municipalities are as follows:

To collect solid wastes and carry the same to the rebroadcasting stations in conformity with the metropolitan solid waste management plan.

To construct parking lot, sports, resting and entertainment places and parks; to provide social and cultural services for the elder, disabled, women, the young and children; to open professional training and skill courses; to perform construction, maintenance and repair of health, education, culture facilities and buildings and protect culture and nature assets and historical texture; to perform services for developing places and functions having significance in terms of city history.

Law #6360 broadened the tasks of Metropolitan municipalities so as to cover rural services as well. For example, the expression of “Metropolitan and county municipalities may perform all sorts of activities and services for the purpose of supporting agriculture and stockbreeding” was added with an amendment made in article 7 of Law #5216.

Municipalism was transformed into a public service supporting “agriculture and stockbreeding” in some sense. Such an arrangement was made due to metropolitan service limit broadened till provincial civil boundaries. Villages with the former structure and districts with the new name shall expect for public services from metropolitan municipalities according to this paragraph.

Metropolitan municipality is authorized to audit development applications of county and first degree municipalities. Audit authorization contains requests for, examining of all sorts of information and documents related to the issue and taking copies thereof if necessary. All sorts of information and documents to be requested for this purpose are submitted within no later than fifteen days. It is possible to benefit from public instates and institutions, universities and professional institutions with public nature in the audit of development applications.

Metropolitan municipality assembly is the decision making body of the metropolitan municipality and it is composed of members elected in accordance with the principles and procedures indicated in the relevant law. Metropolitan municipality mayor is the chairman of the metropolitan municipality assembly and mayors of other municipalities within the metropolis are natural members of the metropolitan municipality assembly.

Metropolitan municipality mayor is the head of the metropolitan municipality administration and representative of the legal entity status thereof. Metropolitan municipality mayor is directly elected by the electorate within the boundaries of the metropolis in accordance with the principles and procedures indicated in the relevant law. Metropolitan model may be defined as “strong mayor, weak assembly” model.

How did 2012 Change Affect the Metropolitan System?

In order to establish metropolitan municipality in Turkey Law #3030 had imposed the condition of more than pone county municipality or town municipality. Town municipalities were closed in 2008 and transformed into county municipalities. The new Metropolis Law numbered 5216 enacted in 2004 within the scope of local administration reform imposed the condition of “having a population of 750 thousand” in order to establish metropolitan municipality. One may say that the entire problem arises from the condition of population of 750 thousand. There is no rational justification for imposing the condition of population of 750 thousand. The same law decreed that task and authorization areas of two metropolitan municipalities among 16 metropolitan municipalities were equalized with “civil provincial boundaries”, that Istanbul and Kocaeli metropolitan municipalities would perform municipality business within civil provincial boundaries “in the entire geographical area” (Law #5216, provisional article 2). Later this application was broadened so as to cover all metropolises.

In 2012 Justice and Development Party government increased the number of metropolises from 16 to 30 with the Law #6360. In the reason of the law enacted concepts and methods including globalization, effectiveness, citizen-focused, accountability, participation, transparency, producing service in optimal scale, producing more service using less sources (Gül&Batman, 2013: 31-32), integrity in planning and coordination of investments related to public services came to the forefront. First and foremost, the amendment made in 2012 with the Law #6360 transformed “metropolitan municipality” system into administration of geographical area or “civil area”. Municipality administration exceeded its traditional content and transformed into town (containing province centers, counties and villages) administration.

Nevertheless, the Law #6360 accepted on 12th November 2012 alienated metropolitan municipalities from traditional municipality understanding and made a new identity definition.

The law transformed metropolitan municipalities almost into “region administration”. Metropolitan municipalities were removed from city administration in 30 provinces taking Istanbul and Kocaeli models as example and a transition to almost area administration, in other words “region administration” was made (Çukurçayır, 2012: Radikal newspaper).

Because, qualities of metropolis are definite. In order any city to be defined as a metropolis the population of the city should be minimum one million (Keleş, 2013: 49). Whereas, with the Law #6360 even Mardin the population of city center of which is 88 thousand and Muğla the population of city center of which is 63 thousand were made metropolis/metropolitan municipality. Consequently legislator’s providing such cities with legal status as metropolises are not in conformity with scientific and objective criteria (Gözler, 2013: 32).

Changes in the Number of Local Administrations after 2012

LOCAL ADMINISTRATION TYPES	Before 6360	After 6360
Metropolitan Municipality	16	30
Metropolitan County Municipality	143	501
Provincial Municipality	65	51
County Municipality	749	416
Town Municipality	1977	395
Total Number of Municipalities	2950	1392
Special Provincial Administration	81	51
Number of Villages (approximate)	34.000	18.000

16.082, namely 48% of the existing villages were closed and transformed into districts. Transforming villages which are not only administrative structures but also sociological units into districts with the law led to a deniable situation such as a situation of urbanization in some meaning. At the same time, 1591 town municipalities namely 54% of municipalities were closed and transformed into districts of counties. Making the new province structuring and transformation in the local administration system with law, the fact that the people of villages and towns which are democratic units were not consulted was assessed by many academicians as a development contrary to the values of the European Union (Keleş, 2012a: 11; Toprak, 2013: 20). And transforming the “people” living in the villages and towns into “municipality people” with law was assessed by certain Constitution lawyers as contrary to the Constitution (Gözler, 2013: 27). However the Constitution Court made an interesting comment and decided that the arrangement was not contrary to the Constitution (www.anayasa.gov.tr). European Local Administrations Autonomy Condition deemed “referring to the views of the local people” as compulsory in the case legal entity status of any local administration unit is abolished and merged with other local administrations. This rule is included in article 5 of European Local

Administrations Autonomy Condition (Keleş, 2012a: 9). Consequently, the mergers made in Turkey with the Law #6360 are not in conformity with European law.

Enlargement of the scale will result in weakening of the democratic representation. This arrangement appeared as a system which concentrates on the metropolitan municipality mayor and weakens the assembly and consequently increased “centralization in the local place” (Görmez, 2012). Certainly authorization fields of certain municipalities may be extended till provincial boundaries. It may not be problematic to extend authorizations of municipalities till provincial boundaries “when geographical, economic, social, cultural conditions allow”. However very few municipalities in Turkey meet those conditions (Keleş, 2012b: 9). As a matter of fact, it was observed in the calculation performed for a metropolitan municipality that there were significant decreases in the numbers of municipality assembly members after and before 6360. Number of municipalities for the province of Mersin decreased from 54 to 13 while the number of members of municipality assembly decreased from 644 to 335 (Bayraktar, 2014). One may state that we have a localization period when representation of people is weakened.

Local democracy in Turkey is limited merely to elections held once in five years. It is almost impossible to make an effect to the decision mechanisms of municipalities and to see people’s participation and effect of civil society excluding elections. A system named as “strong mayor, weak assembly model” appears as an administration understanding dominating municipalism. What will emerge when municipality administrations experiencing shortage of participatory local politics are given “authorization till province boundaries” is “democratic camouflaged authorities centralized at local level”. As a matter of fact, metropolitan municipality mayors particularly including metropolitan municipality mayors of Konya, Ankara, Istanbul and Eskişehir express the thought of “Let there be a single municipality mayor, let’s abolish county municipalities” whenever they have the opportunity (Çukurçayır, 2012). In this context, it will be inappropriate to expect that the law will strengthen localization and local democracy. The situation arising upon the new arrangement became the subject of definitions as “centralist localization (Arikboğa, 2013: 70). Obviously this definition is not unfair because the service area of metropolitan municipality in the example of Konya increased from 4 thousand square kilometers to 40 thousand square kilometers. Metropolis is authorized in this entire geographical area. Performance of metropolitan municipalities shall be determinant for all of county municipalities, public services of towns and districts (villages).

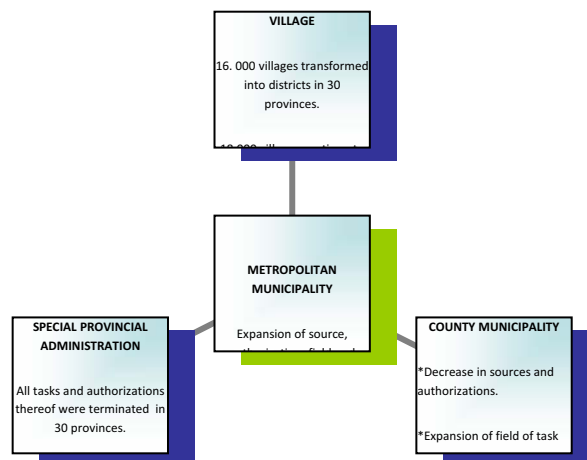
The concern that the new metropolitan model shall threat unitary structure of Turkey and lead to a federative structure was reflected in the public opinion as well (Güzel, 2012).

Change brought with the Law #6360:

- The share received by metropolitan municipalities from general budget tax revenues was increased from 5% to 6%.
- Total number of municipality decreased from 2950 to 1394 (Ministry of Domestic Affairs, 2013).
- 76% of the population of Turkey began to live within the boundaries of metropolitan municipality (Arikboğa, 2013: 68).
- A transition was made from town administration to area administration. All of the areas whether inhabited or not were accepted as “municipality service area”.
- Presentation area of local public services was broadened. In order metropolitan municipalities to provide service to the entire province they are required to strengthen their administrative capacities and human resources. And this will increase service costs as well (Özer, 2013: 118).

- Legal entity status of village administration was terminated and villages were transformed into districts. Consequently approximately 16 thousand settlements were transformed into districts without legal entity status the executive decision making authority of which was defrauded.
- Quality/condition of metropolis city (big settlement center) was amended with law. “Big settlement centers” defined in the Constitution (127/3) refer to big cities. Whereas settlements with 200 km distance between them were accepted as a “whole” with the new law and were given quality of “big settlement center”. This is contrary to both metropolis qualities and to the Constitution (Gözler, 2013: 35).
- Abrogation of Special Provincial Administrations, authorizing municipalities in rural areas will lead to malfunction of public services. For example, 80% of the province of Bursa is not inhabited. However municipalities shall provide service to this 80% area as well according to the new arrangement (Gözler, 2013: 44).
- Legal tool of the local administrations is having legal entity status. When their legal entity status is abrogated, no “autonomy” shall be in question (Gözler, 2013: 53). In this context, autonomy of villages, municipalities and special provincial administrations closed was ended. Whereas “administrative and financial autonomy” was particularly emphasized in the laws enacted within the scope of reforms after 2003 (Municipality Law, Article 3).
- Significant problems arose in terms of security services as well. While the task field of the police was urban areas, security services are fulfilled in rural areas by the gendarme. Since all areas were declared as urban areas with the Law #6360, the police shall be authorized in all those urban areas. However such an application has not been realized yet.
- Injustice in representation arose. For example, while Justice and Development Party is represented in the assembly at a proportion of 70% despite having received 42% of the votes in Ankara, Republican People’s Party is represented in the assembly at a proportion of 17% despite having received 32% of the votes (Arikboğa, 2014: 16).
- 27 new counties were established. “Association” of certain districts was changed and they were associated to other municipalities (İzci & Turan, 2013 : 15).
- Local administration unions were closed in 30 provinces (Association of Providing service to Villages).
- Differences between city center electorate behavior and electorate behaviors in the counties and associated towns led to handover of metropolitan municipalities. The city of Mardin is the most significant example to this. Political preferences of cities with province centers became insignificant with the effect of political preferences of rural areas.

General Appearance of Local Administration in Turkey



Conclusion

A very significant legal arrangement was performed in Turkey. The arrangement performed affected the entire administrative system deeply but the democratic discussion processes necessary before performing arrangement were not processed. Whereas this law concerning 56 million individuals would have been discussed sufficiently within the public opinion.

Metropolitan municipality system ceased to be city administration and transformed into field administration. Scale size in administration is significant. When the scale gets excessively large, administrative capacity is not usually sufficient for responding public services. Quite significant problems arose in the first period of the new metropolis application. This particularly includes experiencing significant problems in providing service in districts and towns hundreds of kilometers distant to metropolitan municipality.

If there is no return from the system, there will be different administration crises. In the meantime, changing the tradition of civil administration and local administration of at least 150 years makes creation of administration tradition difficult.

Central and local administration model of Turkey has gained a dual structure according to the 30+51 system. 30 provinces have different administrative systems with their metropolitan municipalities and 51 provinces have more different administrative systems with their traditional municipalism. A radical change was experienced in the administration tradition. It will take the new system many years to get institutionalized. Spread of the new metropolis model that could only be applied in cities proper in terms of field distribution of urban population including Istanbul and Kocaeli in 30 provinces shall lead to excessive malfunction of public services at least in the short run.

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