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**Development of Citizens' Political Participation in Local Administration System**

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**Abstract:** The foundation of modern local governments in Turkey was laid with an imperial edict in 1839. This reform also called Gulhane Hatt-i Hümayunu or Tanzimat Edict, paved the way for local and regional councils. Since the 1850s, the municipalities have been established. However, it is not possible to talk about the functionality of these municipalities in current terms. Since the proclamation of the Turkish Republic, modern laws regulating local governments were issued. Village Law and Municipal Law are the first examples of these reformations. With the 1961 Constitution, modern participatory local government approach was adopted and mayors began to be elected directly by people for the first time. From 1960 to present, many local government reforms were made, but none of them were so fundamental as in 2012. With this reform, local government system has completely changed. Aim of this study is investigation of results of this reform and find out needs for a new wave of reform. New Metropolitan Municipalities Law is problematic in terms of local governance and local participation. Although European Charter of Local Self-Government and the European Urban Charter paying special importance to citizen's participation, last developments in Turkey as a European Union candidate continues in the opposite direction. Therefore, it is necessary to discuss all aspects of the new regulation. So that, field researches will be analyzed and recommendations will be presented in the light of these field studies relevant to the reforms.

**Keywords:** modern local governments; modern laws; local governance

**Political Participation**

Two basic indicators for modernization of the societies are healthy urbanization processes and effective political participation processes. Western democracies have experienced the industrial revolution and political revolution concurrently and achieved today's advanced level of democracy. It makes sense for the societies outside the western democracies to aspire to idealize the democracy standards in these democracies and transfer them to their countries. However, the fact that those countries do not take into account the long-lasting course of revolution undergone by the western democracies, the transformation of national and environmental factors, is one of the most important impediments to formation of a political/social structure in those societies at the level of the western democracies (Steinbach, 10982, p. 7).

Political participation is a modern, democratic institution, which is achieved at the end of such a long political and societal run, and has a constitutional foundation in the democracies. Participation either exists or does not exist based on the formation type of the political systems and convention of formation. If the system limits freedom of the administrators in favor of the administered, there is a

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democratic structure, and if it limits freedom of the administered for the administrators, there is an autocratic system (Duverger, 10).

Many political scientists rightfully include this concept as a distinctive characteristic in definition of the modern state. In a modern state organization, the individuals both participate in the actions related to the political sphere and influence the political mechanism; and are influenced by the politics. The most important aspect of political modernization is that it ensures participation of all societal actors in formation of the political decisions in an organized manner, for instance, with emergence of the parties (Huntington, 1958, p. 50).

Political participation is a concept that can be defined by various approaches. In the narrow sense, it may be defined as only participation in the elections; whereas, in the broad sense, it may also be defined as participation in every stage of the bureaucracy and political decision-making process. Participation consists of the legal acts attempted by private persons to influence the political persons and activities. Although this definition is incomplete, it is actually deemed sufficient as it covers the acts aimed at influencing the political institutions. The definition excludes the professional politicians and those who are somehow involved in politics, but considers participation of only the private persons as participation in politics (Verba, Nie & Kim, 1978, pp. 46-47). Whether narrow or broad; whether voluntary or induced, participation manners have a common objective: influencing the political authority. All acts of the individual influencing the employees or decisions of state bodies at both general level and local level; all of the acts which are devised by themselves or by others, legal or illegal, successful or unsuccessful, are included in the concept of political participation (Özbudun, 1975, pp. 4).

### **Revolution of Political Participation and Local Administration System in Turkey**

In the Ottoman administration system, political crises have ensured limitation of the political power with compromise of the padishah and new actors' taking part in the government processes. The first effective development in this regard could be said to be the Charter of Alliance, which was realized in 1808. Introduction of the subject of Political Decentralization into the Ottoman political system has been made a topic of criticism by the historians. There are also those who designate it as the Magna Carta of Turkish history. It may be also made subject of a constitutional document and beginning comment (Gözler, 2000, pp. 3-12).

In the Ottoman administrative/political system, solution of urban problems has not experienced a democratic structuring process, the base of which is public. The Ottoman lacked the convention of local administration in western context. One of the reflections of the thought of establishing municipality and forming local administration units as a result of imitation is naming the Municipality established to provide modern municipal services in Galata and Beyoğlu as “Altıncı Daire-i Belediye” (Sixth Municipal Office) with inspiration from the 6th Municipal Office in Paris. Office correspondences were made in French and the first council members were mostly foreign citizens (Ortaylı, 1978, 19).

In addition, the fact that administrators of the Reorganizations (Tanzimat) period needed local influential persons to meet their increasing requirements is one of the reasons for emergence of the local administration. In this context, local administrations emerged as a result of not a liberal development, but a centralist force. The first local councils were formed as “Council of Tax Collectors” with participation of notables and representatives of the non-Muslim community of each

region for the purpose of solving financial problems. Those councils did not have any local administration function in today's context. Nevertheless, the councils are the first practices of the localization attempts brought by the Reorganizations (Ortaylı, 1974, pp. 13-16).

Following the Edict of Reforms of 1856 (Islahat Fermanı), it was sought to form local councils by virtue of Provincial Regulations (Vilayet Nizamnameleri) in 1861. Lebanon Regulations, the first of these regulations, constituted the first concrete example in the provincial administration of the Ottoman for participation of the local community in the administration. Those who paid taxes over a certain level and who were below the age of 30 could be candidate. The council could only negotiate the municipal services, it could not get involved in the topics of justice and finance.

Emergence of the real municipalities during the Ottoman period took place in the 1st Constitutional Period (Meşrutiyet). Although the parliament was reluctant, the government promulgated two separate laws for Istanbul and other cities. The municipality gained legal entity and duties and legal position of the municipal council were arranged in detail, it was envisaged to form municipal councils based on the size of the town. The council was obliged to negotiate and decide the municipal affairs and to prepare the budget. As in the previous arrangements, council members were elected from among the nobles of the town, and due strengthening of the nationalism movement, it was made compulsory for every member to speak Turkish.

The path for the public to be able to make various demands before the administrators during the Ottoman period was paved by the Reorganizations. Moreover, the public were granted the possibilities of making several demands from the political power without religious discrimination. The changes in the laws and political institutions created new opportunities for the citizens. The public started to become part of political life, which constitutes an important stage of the modernization process in the Ottoman (Kalaycıoğlu, Sarıbay, pp. 33-37).

Along with start of the republic period, innovations were made also in the arrangements regarding local administrations; the arrangements made during the constitutional period administrations were surpassed, and the principles regarding local administrations were defined, legal arrangements to incorporate the duties of the local administrations in detail were made.

The Constitution of 1924 considered that the broad autonomy granted by the Constitution of 1921 would be a reason of “vulnerability” for Turkey, and adopted as a basic principle that the provinces would be administered according to the authority broadness principle and that other administrative units would have legal entities (DDK, 1996, p. 11).

The Village Law dated 1924 and no. 442 made it compulsory for the villagers to participate in the services to be carried out in the villages in both financial and labor terms. Furthermore, according to article 13 of the Law, those villagers who refrain from doing the works prescribed by the Law are punished. In a sense, participation in local services at village level has been made compulsory by the law.

Along with multi-party life, steps that can be deemed important have been taken toward democratization of the municipalism. The Constitution of 1961 redefined the local administrations by its article 116 according to constitutional assurance and a more democratic basis. The Constitution has adopted the principle that decision bodies of local administrations would be elected by the public. Dismissal of the bodies can be only through judicial means. The law dated 27 July 1963 and no. 307 strengthened position of the mayors and stipulated their accession through a one-step election, thus, a remarkable progress was achieved in putting into practice the arrangements contained in the Constitution (Tekeli, 1982, p. 190).

The constitutions of 1961 (article 116) and 1982 (article 127) arranged the local administrations. Both constitutions stipulated that decision bodies of local administrations would be elected by the public. The Constitution of 1982 emphasized the requirement of arranging establishment and duties of the local administrations “in accordance with the principle of decentralization” only by the law, with the aim of strengthening local autonomy. By this rule, it can be ensured that limitation of local autonomy is hindered.

In the period of 1984 and thereafter, which is referred to also as the liberal period, important developments took place which contributed to prominence of the local administrations. One of these is the metropolitan municipalities established by virtue of the law no. 3030. Secondly, the share reserved from the general budget proceeds to the municipalities was increased, and a substantial part of the Estate Tax was left to the municipalities. Grant of powers to the municipalities in the matters like zoning plans and environmental problems, increase of financial possibilities, were developments that need to be received favorably in terms of local autonomy. However, in that period, it was emphasized by the then prime minister that *there should be a limit for the autonomy of the municipalities* (Keleş, 1993, p. 45). In conclusion, whatever the developments were, image of the local administrations was considerably on the rise, and the local administrators started to come into more prominence.

The services provided by the provincial special administrations cover the entire provincial boundaries; no condition such as being urban or non-urban is sought in provision of services. The decision body of the provincial special administration is the Provincial General Council that is set up through participative means, in other words, by election. Members of the General Council are elected by the public through one-step and proportional representation system. Provincial General Council has been endowed with a more democratic structure by virtue of the new law no. 5302. President of Provincial General Council will no more be the governor, who is an appointed officer, but a member to be elected by the council from within itself. Members of the Provincial General Council elect five principal and five members from among themselves for the Provincial Committee.

Village administrations are those administrations which are an ancient societal participation and solidarity model, but which is the one that gives the most place to participation of citizens through the method of “imece” (*collaboration*), as more applicable today, and where this is stipulated as a legal necessity. This means, in economic terms, exchange of labor between the villagers. The “imece” method surviving in the regions where customary law prevails has extremely weakened at the places where the monetary economy has penetrated in. All kinds of infrastructure works and other services of the village can be solved through the “imece” method. For how many days the “imece” will last is subject to the decision of Village Council.

Municipal Council members and mayors are elected by the public for a period of five years. Municipal council meetings are open to public.

Here, it may be stated that the new Municipal Law prescribes a more participative municipal decision-making process. It may be noted that there are remarkable innovations in regard to participation in the “city council” and “specialized commissions”. The new Municipal Law no. 5393 has arranged public disclosure of the council decisions and specialized commission reports and their submission to those who demand in article 24, but it has stipulated that the council decisions may be given in consideration of a certain fee. No such stipulation has been made about the committee decisions. Moreover, there is no stipulation on the requirement of disclosure of the city council decisions to public.

Everyone has been acknowledged as the fellow citizen of town they reside in. Article 13. In order to enable interaction among the fellow citizens for development of social and cultural relations,

participation of the universities, professional organizations, trade unions and experts will be ensured. Non-governmental organizations are entitled to express opinion in specialized commissions (article 24) and in city councils (article 76).

Mukhtars, NGOs, representatives of public agencies, universities, trade unions may express opinion concerning themselves to the specialized commissions (article 24). However, how these practices will be carried out, in which situations and from whom opinion will be taken, have not been arranged clearly.

The city council strives to put into practice the principles of development of city vision and fellow citizenship awareness, protection of the rights and interests of the city, sustainable development, environmental awareness, social aid and solidarity, questioning and accountability, participation and decentralization.

The municipalities provide assistance and support for effective and efficient conduct of the activities of the city council constituted by participation of the representatives of professional organizations qualifying as public agency, trade unions, notaries, universities, if any, relevant non-governmental organizations, political parties, public agencies and institutions, and mukhtars of neighborhoods, and other concerned parties. The opinions created in the city council are put on the agenda and evaluated at the first meeting of the municipal council.

### **Major Problems Hindering Participation at Local Level in Turkey**

When considered in general, sociologic transformation enhances citizenship awareness. However, participation at local and general level takes places too limitedly in the daily life since it is regarded in the narrow sense merely as voting. Although development of social media offers new possibilities, usually manipulative public opinion creation methods turn out more effective.

### **Transparency**

The previous sections addressed the issue of informing the citizens through local events and administrative structure, which is the most important condition for ensuring participation of the public at local level. This issue is one of the most complained problems for local administrations of Turkey.

In order to enable the citizens to become aware of the actions and operations of the local administrations, the citizens and other concerned parties should be granted the right of requesting information and documents regarding the decisions made and events performed from the administration beside the public disclosure efforts (Yalçındağ, 1996, p. 58). Furthermore, public relation offices should be restructured so as to encourage the public to use this right. In other words, an appearance where the citizens would come in fear or avoidance, they would prefer to stay silent rather than communicating any complaint, should be eliminated.

In this context, the most important action needed to be taken for Turkey is to redraw the legal arrangements so that they facilitate information of the public on actions and operations of the administration. The current legal rules are not satisfactory for provision of information to the citizens and non-governmental organizations. This legal barrier is one of the most important factors that hamper participation of the public. Because, as a convention of state and politics, individualization is not a phenomenon that has become widespread in Turkey yet, and unfortunately, the citizens still

perceive the state and public agencies as units to be feared or avoided. Such a thought that these judgments are groundless or are not based on observation would be wrong. In a study on the subject matter, appearance of the public administration was evaluated in a very broad range, the thoughts expressed by different intellectuals in different years received a widespread attention. These evaluations may be summarized as follows: *Public officers and consequently public agencies are far from seeing themselves as individuals and entities providing service to the citizens yet, and the citizens prefer to avoid and stay away from the public officers and agencies (Yalçındağ, 1996, pp. 51-57).*

### **Lack of Historical Knowledge**

The municipalities are administrative units which have been institutionalized by taking example from the west. The socio-economic and political transformations in the Ottoman society has made the municipal organization compulsory. The municipal organization in the west should be regarded as “a unit maintaining the civil society tradition against central state understanding”. Emergence of the municipal organization in the west had the aim of protecting the local units against the central power, it had emerged following a class development, and from these aspects, it functioned entirely as a non-governmental organization (Tekeli, 1982, pp. 310-314).

To what extent do the metropolises fit in local democracy? In the metropolises, the councils are the most important mechanism of local democracy. Councils are the main decision-making mechanism of a metropolitan municipality (Gül vd., 2014, p. 187). We made deep interviews with 10 members from Konya Metropolitan Municipal Council in a field study we conducted in 2015 due to the new metropolitan reform. The results obtained are as below (Çukurçayır, 2015a, pp. 241-255):

- It is too limited for the council members to take initiative.
- The council agenda is determined by the mayor and municipal bureaucracy.
- The specialized commissions in the council lack members from the opposition parties.
- Powerful president - weak council model prevails.
- According to a great majority, the new metropolis model is ineffective. Only part of the participants stated that it was effective.
- Council members mostly consist of advocates, architects, engineers and consultants. The rest are tradesmen. Therefore, it can be stated that representation of the public is not so effective.

Moreover, in the study on city councils we conducted in 2011, it was found that the city councils conducted activities in line with the request of the mayors. City councils are not available in many metropolises. City councils are stipulated by article 76 of the new Municipal Law no. 5393. As opposed to the examples in the west, it is a system that lacks the authority of execution and that is prescribed only as a “consulting” mechanism. Participation of mukhtars, representatives of public-private sector agencies and institutions, trade unions, universities and experts in the city council has been prescribed (Çukurçayır, 2015b, pp. 205-206). City councils conform to the clause (3/2) of the European Charter of Local Self Government. They are councils “formed by the citizens”. However, they unfortunately could not have become widespread. Meetings of the city councils in which I attend from time to time rather resemble “municipal introductory” meetings. In the first years of their establishment, the mayors were serving as city council presidents (Çukurçayır, 2011, pp. 231-233), which is entirely contrary to the spirit of the participation.

## **Conclusion**

Turkey has achieved remarkable progresses in legal, sociologic, political and administrative terms in respect of the methods of participation in local sphere. While there are significant troubles in practice, enhancing functionality of these mechanisms would create a very convenient environment for development of participative local democracy.

In the current context, the most important problem is the new municipal arrangement. An unnamed regional system has been established by this arrangement made in 2012. This has resulted in a situation that undermines the principle of subsidiarity. Transition of the metropolitan municipalities from urban area administration to the new system covering the cities, towns and villages (neighborhoods) impairs the participative local democracy. Making the municipal councils effective would strengthen the local democracy.

The discussions about unitary structure in Turkey and the issue of “democratic autonomy” are made with in association with the European Charter of Local Self Government, which is wrong. Because the charter envisages change of “systems” of the states (Keleş, 2012, p. 13).

Turkey continues to have the important discussions on participative local policy on its agenda.

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