

International Conference : Public Administration in a Democratic Society: Thirty  
Years of Democratic Transition in Europe



## **The unbearable failure of decentralization in Turkey**

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**Dubrovnik, Croatia**  
3-6 October 2019

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## Introduction

Decentralization is defined by Rondinelli (1981, p. 137) as a process of State reform that transfer or delegation of legal and political authority to plan, make decisions and manage public functions from the central government and its agencies to subnational units or levels of government. Decentralization has been promoted by international governmental organizations and policy think-tanks with the aim of improving issues of governance such as democracy, public participation, efficiency, transparency and anti-corruption, as well as issues of economic development. “Decentralization now encompasses not only the transfer of power, authority, and responsibility within government but also the sharing of authority and resources for shaping public policy within society. In this expanding concept of governance decentralization practices can be categorized into at least four forms: administrative, political, fiscal, and economic” (Cheema&Rondinelli, 2007, p.6).

In the liberal tradition, decentralization is the transfer of power from the central government to popularly elected local governments (Lipset, 1995, p. 335). “More practically, decentralization is commonly revealed by the downloading of public functions to lower levels of government and, ideologically, is associated with various turns in governance in the late twentieth century, such as the neoliberalization of the state and New Public Management” (Loewen, 2018, p. 105). Several countries of the Nord have long histories of decentralization and it has been widely recommended in the last four decades for strengthening democracy and economic adjustment in former authoritarian regimes. A transfer of substantial fiscal, political and administrative duties to sub-national levels of government has been observed in a global scale. There are three different forms or degrees of decentralization, namely deconcentration (opening a branch office in another region), delegation (tasking a sub-national government to carry out functions) and devolution (allowing sub-national government

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<sup>1</sup> This research has been financially supported by the Galatasaray University Research Fund, under Grant 19.104.001.

to take over functions autonomously) which increases in their degrees of decentralization, as well as partnerships and privatization (Rondinelli, 1981, p.137; Loewen, 2018, p. 105).

“A basic level of progress along each one of these dimensions – or what can be called minimum decentralization – provides local government with sufficient power for local democracy to emerge and then eventually consolidate. Assuming, again, that the national system is democratic, a local system becomes a democracy when elected local officials are expected to respond and be held accountable primarily to their constituents, carry out functions sufficient to engage the local public’s interest, and exercise their legally established authority without being subjected to overriding financial or other constraints from unelected or non-local elected officials” (Bland, 2011, p.72). The right of citizens to participate in decision-making procedures on a local level promotes democracy.

A political tendency targeting re-centralization and strengthening State control over local authorities is observed inside and outside Europe (Kerléo, 2015, p. 795). Horga (2017, p. 67) defends that there are ample evidence to support that in Central and Eastern European countries recentralization tendencies have been dominant after 2007. According to Kerléo (2015, pp. 796-797) precipitated by the crisis the European states are currently rationalizing decentralized structures in order to achieve economies of scale. These reforms reflect a clear recentralization of states or, in the best of cases, an obstacle to decentralization by setting aside several long-awaited reforms (Finland, Sweden, Portugal, Denmark, Ireland). “Perceived failures of decentralization point to a trend of re-centralization of regional policy in CEE countries, on the part of both national and EU levels, potentially exacerbating the trend of increasing regional polarization within countries. The cases of Estonia and Hungary illustrate these tendencies, drawing attention to national responses and the need for a continued dialogue on institutional development and EU Regional Policy reform in order to better target regional inequalities” (Loewen, 2018, p.103).

Kerléo (2015, p. 795) proclaims that current local reforms inside and outside Europe follow similar political pattern aiming at re-centralizing local power and reinforcing state control over local authorities. He also underlines that midway between

concentration and decentralization, recentralization does not only mean a transfer of responsibility from the local authorities to the State but also a transfer in favor of the largest local authority. Underlining that the relevancy of decentralization is generally evaluated the States' structural evolution, particularly in consideration of the principles of free administration and subsidiarity. According to Kerléo (2015, p. 795), the re-centralization is founded on deliberate local simplification and structural rationalization in order to avoid the overlapping of responsibilities and governing authorities. It concentrates power on a local level and reorganizes decentralization without challenging it but by depriving it of or overlooking its underlying democratic principles with a view to encourage a mainly economic approach. The recentralization, which also echoes the current search for a better distribution of competences between the levels of local authorities corresponds to state scaling, i.e. an institutional reorganization of decentralization by the State itself, on essentially economic bases (Kerléo, 2015, pp. 811-812, 819).

In Turkey, the central authority claimed that the aim of the reforms that signify the beginning of an era of recentralization was rescaling of urban service delivery schemes to achieve economies of scale (Elicin, 2018; Yılmaz&Guner, 2017, p. 230). However, economical foundation has not been confirmed and, on the contrary municipalities ended up being more reliant on state transfers. Opposing to the subsidiarity principle by eradicating the benefits of proximity the modifications triggered local accountability deficit. A more centralized local administration system, attaching importance specifically to the metropolitan level has been created (Yılmaz&Guner, 2017, p. 230). In fact, in Turkey, recentralization at local level which strengthened the control of the central state over local administrations accompanied the moving away of national system from democracy. So, differing from European experience, a firm interdependence may be anticipated between decentralization and democracy and recent recentralization tendency can be interpreted as a direct threat to local democracy in Turkey. The recentralization policy favors the executive (as the sole arbiter of social and economic policy) at diverse stages of governance and blocks systematically democratic contestation against its policies as it increasingly adopts an authoritarian drive (Tansel, 2019, p. 321). Röth et.al (2016, p. 586) argue that “the main factor preventing movement towards a more decentralized Turkish state is the ideological distance between neo-liberal and

culturally conservative national governments in Ankara and the Marxist and culturally pluralist mobilization of Kurdish political actors”. The failure of the decentralization is closely linked to the political conduct of Kurdish question which espouses the decentralization to regionalism and political autonomy demand both inconceivable for Turkish State (Yıldızcan, 2018, p. 139). Yıldızcan stresses that the dynamic of recentralization is a ‘natural tendency’ in Turkey taken into consideration the fact that regional level is politically absent while departmental level is firmly controlled by the central authority. Municipalities had therefore always been under the strict authority of the central government

During early 2000’s, a comprehensive administrative reform agenda emerged in Turkey due to both domestic and international factors. Turkey’s then drive towards European Union membership has been the key element at the national level. Indeed, Turkey also gave the impression to attach increased priority to reforming the government, public administration and local administrations in the context of strengthening decentralization and democratization. Although during the first years in government AKP defended decentralization and downsizing of the State, power and intervention areas of the central government were amplified especially in housing and social policy. A brusque reversal of the decentralizing reforms followed the 2010 constitutional referendum. The democratic reform agenda adopted in 2000’s was overturned to lead to an increasingly authoritarian and centrist rule. Re-centralist policies were implemented through various laws and later by the more controversial legal means like decree laws increasing the power of the center over local administrations. Finally, in April 2017 the narrowly voted presidential referendum opened an era of executive presidentialism that concentrate powers in the hands of the president without any checks and balances. This recentralization drive had a direct impact on local governance in all probability making local administrations entirely subservient to the vagaries and wishes of the president (Kuyucu, 2018, pp. 1171-1172).

The article will try to demonstrate that having its roots more in concentration of power at central level than a preoccupation for efficiency, the recentralization led to the erosion of local democracy in Turkey. To demonstrate the devastating effects of recentralization on local democracy, I referred to Bland’s (2011) framework of local

democracy, however, I based my evaluation on two of the conditions underlined by Bland that I consider critical to analyze the state of local administrations in Turkey:

First question raised is related to the level of political autonomy. The local democracy implicates a minimum level of political autonomy according local officials clear incentives to act on behalf of the citizens (Bland, 2011, p. 73). The functions regularly fulfilled by local governments also have substantial political significance so that the citizens must be able to realize that the questions that significantly affect their lives and communities are taken care of local administrations. So, we questioned if local administrations have effective power to govern. Is control over local administration's decisions efficiently safeguarded from arbitrary interferences of the central government?

Second, it is asked if the decisions of local authorities are protected by the arbitrary interventions of the central State and if the arbitrary removal of locally elected officials effectively precluded. The term arbitrary designates "procedures that are used or potentially used with some regularity, usually for a primarily political objective that does not in practice serve a clear local public purpose or the purpose for which they were intended" (Bland, 2011, p.72). The preclusion of arbitrary removal of locally elected officials is considered as one of the critical components local democracy. As stated by Bland (2011, p.73) "arbitrary removal of elected local officials violates the expressed will of the locality". Although there are serious concerns about free and fair elections, freedom of expression and free access to alternative information, we were contented with identifying them at this stage as elections still constitute one of the rare institutions to put the democracy on rail in Turkey. This study combines both the existing literature and original research based on the analysis of pre-existing data (legislative texts of local government reforms, gray literature produced by institutions such as Court of Counts, TOKI and municipalities).

## **I. Do local administrations have effective power to govern: Administrative and Financial Autonomy**

Administrative and financial decentralization is imperative for local authorities to have a significant level of political authority (Dahl, 1971, p. 82; Bland, 2011, p. 74). In Turkey the administrative autonomy of local administrations limited through a series of legal and institutional reforms. On one hand, certain competencies of local administrations were gradually confiscated and transferred to central government while central state interferences in metropolitan cities multiplied. On the other hand, through 2012 rescaling several SPAs, municipalities and villages were abolished, 14 new metropolitan municipalities were created and the revenues of local administrations were readjusted.

*a. Central state dominating local agenda*

In Turkey, since two decades not only a strong centralization tendency stands out in urban governance but also these policy areas are instrumentalized in national politics because of the financialization of urban redevelopment policy. This is why central State interventions in the urban space were multiplied especially in Istanbul. The then Prime Minister Erdogan personally presented and imposed his “big projects” for Istanbul during his national election campaign in 2011. These projects comprised the renovation of Taksim Square, which gave rise to the Gezi protests; third bridge over the Bosphorus, Kanal Istanbul, third airport, and Galataport, among many others. Erdoğan proclaimed other “mad projects” for other cities also, like the Çandarlı Port project and the Northern Aegean Port in İzmir which were to transform the city into one of Turkey’s most important logistical headquarters. In Istanbul, while these projects were severely contested by the civil society the AKP affiliated mayor of city remained in the background and left the scene completely to central authority. The major implication of these big projects was that they were launched with no reference to the major urban policies and physical plans developed by the city. Kanal Istanbul, which has not been realized yet, further contradicted a major national policy which anticipated the reversal of the densification of urban population in big cities particularly in Istanbul (see 10th and 11th plans), as it prescribed the creation of a satellite city of at least 500 thousand habitants. The intervention of central government into local politics gained another dimension during the 2019 local elections during which the President of the Republic made campaign in favor of his party’s candidates.

The interventionism at local level in the management of the urban opened an important place for central actors. Some existing institutions were remodeled and empowered to facilitate the central State intervention. They were transformed into extremely powerful central actors controlling the conception and allocation of urban rent previously controlled by municipalities. Consequently, the municipalities progressively lost their power in favor of central authorities, namely ministry of Environment and Urbanism and TOKI (*Toplu Konut ve Kamu İdaresi Başkanlığı*; Collective Housing Administration).

TOKI, originally created in 1984 to finance collective housing through housing cooperatives formed by the middle classes considerably strengthened since 2001 throughout a number of legal regulations the prerogatives. In 2004, (Law No. 5273 on December 15, 2004) the real estate assets of the General Directorate of the Land Office were transferred to TOKI. It was authorized in land banking and expropriating land for housing, education, industry, health, tourism and public institutions. It was thus transformed into the largest public landowner and real estate developer enjoying also power to regulate the development of all public land. Indeed, the housing construction is only one facet of TOKI's activities. It also undertakes the construction of mosques stadiums, sports facilities, schools, viaducts, dispensaries, police stations, prisons, private hospitals and shopping centers.

However, the essence of the supremacy of TOKI is stemming from the fact that it was endowed with exceptional, even hegemonic urban planning powers. In 2004 it acquired urban planning powers over the large stocks of public lands came into its possession without charge as well as all public lands reserved for mass housing and squatter prevention. In other words it became an excessively powered planning authority (Law No. 5273 on December 15, 2004). Another critical power of TOKI is related to urban renewal. The legislation about urban transformation attributed important powers in planning, regulating and investing domains to TOKI, turning it to the most important player in urban land market. In fact, the Law on Urban Transformation (No. 6306 on May 16, 2012) empowered the Ministry of Environment and Urban Planning as well as TOKI while restraining the municipal authorities via centralization of urban planning (Elicin, 2014, p.150). The administration which was

previously under the services of the Prime Minister was attached in 2018 to the Ministry of Environment and Urbanism. It proceeds top-down, and maintains a hierarchical relationship with local authorities which are not consulted or invited to participate in TOKI's intervention areas. Another remarkable indicator of the centralization in urban planning is the ratio of executive decisions taken by the cabinet in the field of urban re-development which were increased to 45% in 2014 from 5% in 2009. The most important part of them is related to expropriations realized for large infrastructure works and urban regeneration projects (Kuyucu, 2018, p. 1158). Kuyucu (2018, p.1159) also underlined TOKI's interventions nullifying local administrations' decisions. Indeed, in Kartal, one of the second tier municipalities of Istanbul, TOKI turned an urban transformation zone declared by the municipality into a 'special project area' and constructed residential towers notwithstanding strong opposition from the municipality.

Central state's another initiative reflecting its aspiration to strengthen its control over local administrations and recentralization concerns data and information operating systems run by local administrations. According to an amendment to the Law on Municipalities (5393/ad clause no.3 of 15/2/2018) all municipalities would keep their data on e-municipality system, created and controlled by the ministry of Environment and Urbanism in cooperation with the ministry of Interior and thus could not have independent data and information operating systems.

*b. Rescaling at local level*

Another government policy consolidating centralization related to a major territorial and administrative rescaling at the metropolitan level creating of 14 new metropolitan municipalities and thus increasing the total number of metropolitan municipalities to 30 in 2012. The new regulation enlarged the limits of these up to provincial limits as well as abolishing the special provincial administration (SPA), which were provincial local administrations. The population criterion also modified and 750 thousand habitants living in provincial limits, thus including sparsely populated rural territories became sufficient to create a metropolitan municipality. Whereas, the previous legislation required an urban population of 750 thousand. Consequently, with the doubling of metropolitan provinces across the country, metropolitan municipalities

reached a coverage of 50% of geographical area and 76% of national population irrespective of geographic and demographic contingencies (Arikboğa, 2013, p. 71). A first clean-up had been realized in May 2008 eliminating municipalities with less than 5,000 inhabitants. The rescaling resulted with the eradication of a significant number of small-scale municipalities alongside SPAs in metropolitan provinces and a drop in the number of local elected representatives. “A more consolidated model of metropolitan government was established without addressing the decline in democratic representativeness of the new model (as the number of seats that were lost by closing down small-scale municipalities were not compensated for in the remaining elected offices)” (Beltan, 2018, pp. 96-97). The new model also denoted a transfer of responsibility in favor of the largest local authority, i.e., metropolitan municipality, and hence imposing a recentralization at metropolitan level. Enforced by a centralized, top-down, heavy handed approach and having abolished almost half of the municipalities without referendum or citizen consultation, 2012 reform was qualified as a violation of the Constitution, and the European Charter of local governments and therefore a threat to local democracy by many authors (Gozler, 2013; Elicin, 2018; Yılmaz&Guner, 2018).

According to Bayraktar (2018, p.121), the failure of 2004 reforms which had initially reinforced prerogatives of the governor ruled SPAs triggered the abolition of these. Yet, the governors who were crucial actors particularly in cities ruled by the opposition have been immediately compensated by a pivotal role in Investment monitoring and coordination directorates (IMCDs) created by the 2012 reform in metropolitan provinces where SPAs had been abolished. Apparently derived from the need felt by the central state for counterbalancing new scalar strategies and participatory mechanisms crafted in order to facilitate territorial potentials, these directorates resulted with allocation of extra powers to governors and sub-governors (Yıldızcan&Bayraktar, 2017, p. 4), who were placed in the lead of these new structures of governance. The governor and sub-governors thus gained significant influence over local administrations and on local policy design as they had an arbitrary power to choose the participants of policy-making frames.

During the state of emergency declared after 2016 failed coup, these directorates were given extra powers through a Decree law (No. 674) predisposed to jeopardize local

autonomy. First, they were given more prerogatives and financial resources as well as legal personhood, which might rightfully be interpreted as an administrative centralization. Second, the decree law further stipulated that in case of disruption in the investments and services carried out by public institutions, the governors might undertake the delivery of these services through IMCDs. Whereas, under normal circumstances, in the case of insufficiency/disruption in service provision, the judge might warn a municipality and asked for the delivery of the services in question upon the demand of Ministry of the Interior. In cases where this request was not fulfilled, the governor was authorized to intervene. As a second imposition which jeopardized the local autonomy, the Decree Law no. 674, specified that in cases where fight against terrorism and violence imposed, governor might designate the institution (most probably IMCD) that would be charged without needing the decision of the judiciary. According to Keles& Ozgun (2017, p. 303) this was against the constitution as a hierarchical relationship has been established between the central authority and local administrations far beyond the tutelage control and reinforced the recentralization. So, as a result of these modifications realized under the state of emergency, a strong alteration was occurred in favor of recentralization concerning the relationship between central authority and local administrations.

*c. financial autonomy*

The financial autonomy is a *sine quo non* condition for a local administration system to conduct its main responsibilities (Bland, 2011, p. 75). Sufficient financial resources of their own, of which they may dispose freely within the framework of their powers should be guaranteed to local administrations within national economic policy (Art. 9 of European charter of local self government). “Local own revenue sources are often utterly inadequate to finance the responsibilities assigned, while intergovernmental transfers are vulnerable to political manipulation, poorly designed allocation formulae and inappropriate conditions” (Devas&Delay, 2006, p. 685). Decentralization matters on this issue, as it is expected to strengthen local democracy thanks to its inclination to produce solutions destined to generate capacity and financial resources. This is why Yılmaz et. al., (2010) state the necessity of devolving certain level of level expenditure responsibilities to local government together with financial autonomy.

In Turkey, the 2012 reforms increased the intergovernmental transfer amount without endeavoring to accord local taxation power for local administrations. The percentages of general tax revenues going to local governments were modified in a way to increase the part of intergovernmental transfers in total revenues. The increase was most noteworthy for metropolitan municipalities as more than 75 percent of total revenues came from transfers in 2015 (Yılmaz & Güner, 2017, p. 241). Yılmaz & Güner (2017, pp. 241; 246) who examined the results of recent modifications in the scheme of the intergovernmental fiscal system concluded that they did not reinforce fiscal autonomy of local governments. “On the contrary, local governments are becoming heavily dependent on central government transfers. The decline in the share of own-source revenues weakens the downward accountability linkage towards citizens. The only positive aspect of these changes is that there is no conditionality imposed on transfer revenues—they are mainly unconditional for municipalities” (Yılmaz & Güner, 2017, p. 247).

Yılmaz and Güner (2017, p. 238) also claimed that in Turkey the (downward) accountability relationships between citizens and local governments were very weak as the citizens’ involvement in local planning and budgeting process were absolutely limited. Significant obstacles impeded the accession to information concerning municipal finance. “More importantly, there is a need for social scrutiny of local government budget and tracking of expenditure to ensure downward accountability of all local governments’ financial operations” (Yılmaz&Güner, 2013, p.141). However, although upward accountability structures were introduced into legal system, it is very difficult to claim that they were effectively implemented. In Turkey, the Court of Accounts is the main establishment charged with the financial control of public administration. But, during the last decades, the Court did not file a legal action against AKP municipalities, although it identified and disclosed some irregular or illegal actions of them<sup>2</sup>. Indeed, a strong and transparent accountability is not really desirable for central administration as the patronage links and clientelistic relations at local/metropolitan level (as well as central level) are particularly important for electioneering at national and local levels. The exchange of votes and in-kind and cash contributions for political patronage jeopardizes downward accountability. As a

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<sup>2</sup> See Cigdem Toker (<https://www.sozcu.com.tr/2019/yazarlar/cigdem-toker/sayistayin-sayginligi-5185018/>)

consequence of dependence of metropolitan municipalities on transfer revenues and decline of accountability and transparency institutions local discretion and accountability deteriorate (Yılmaz&Guner, 2017, p.247).

Indeed, patronage politics in municipalities are documented in several scientific studies; Aytac (2014) wrote about the distribution of public goods and services in return for votes; Erder&Incioglu, (2008); Eligur, (2009) studied about distribution of appliances, coal and food baskets. Agirel (2019) and Toker<sup>3</sup> transcribed the corruptions and scamming cases by AKP municipalities which have been documented by Court of Accounts without leading to any investigation. Because, as demonstrated by Ceviker-Gürakar and Bircan (2019) AKP's political sustainability was assured by dependency networks. AKP municipalities established clientelistic networks to ensure the endurance of the Party and transferred colossal sums to politically connected private sector firms through outsourcing of public procurements. Important number of contracts was given to firms having close ties with the party or those owned by municipal council members. In that way, municipal procurements turned out to be the tools for favoritism and financing party politics. These municipalities also collaborated with Islamic charity organizations considered as NGOs which had close connections with AKP officials including Erdogan. Substantially founded by AKP municipalities, these NGOs became mediators of redistributive politics in negotiating for voting. The loss of major cities during last local elections by AKP damaged these dependency networks and thus party's political stability.

Especially after the last electoral defeat of the ruling party, the central State control on financial issues over local administrations turned out to be an oppression instrument susceptible to be used in quite discretionary ways. Indeed, as far as ruling party's municipalities concerned, the lack of control appeared as a form of discretionary (lack of) interference, which in turn threatens local democracy. Because of bad management (patronage politics) these municipalities accumulated in fact exponentially growing debts<sup>4</sup>. Istanbul the city governed by AKP since 1994, has a budget for 2019 of over 4 billion dollar, when transportation and water management

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<sup>3</sup> <https://www.sozcu.com.tr/2019/yazarlar/cigdem-toker/ibbden-vakiflara-hizmet-raporu-3288303/>

<sup>4</sup> See Pinar Tremblay, Istanbul on brink of bankruptcy, Al Monitor, April, 8, 2019  
<https://www.al-monitor.com/pulse/originals/2019/04/turkey-istanbul-metropolitan-municipality-goes-bankrupt.html>

agencies are included, total budget is more than 6 billion dollar. According to the 2018 oversight report submitted to the parliament, the metropolitan municipality (all of its 28 companies and partners included) is 4 billion in debt, an incontestable bad management which has not never been scrutinized. Whereas legitimate processes like financial audits are necessary and inevitable safeguards for local democracy. But the patronage politics has been one of the major impediments to the consolidation of democracy in Turkey (Heper & Keyman). “AKP selectively enforced anti-corruption measures in a way that consolidates its power by changing existing intuitionist structures. In this regard, anti-corruption-related institutional change in the public sector, to a great extent, accommodated corruption, instead of eliminating it” (Soyaltin, 2017, p. 452).

Moreover, the bad management of metropolitan municipalities was used as an argument for asking citizens to vote once again for the ruling party during 2019 elections implying that this situation, acceptable and manageable for AKP ruled municipalities would be a major handicap for opposition if they take over. Underlining the financial situation of metropolitan cities (ruled by AKP affiliated mayors since several years), the President and the chief of AKP Erdogan stated in a TV interview on 27 March 2019, in the eve of local elections that “the metropolitan municipalities which would not be in accordance with central administration would go bankrupt. They would not be able to govern even if they win”<sup>5</sup>. Similarly, with reference to the AKP majority in local councils of Istanbul and Ankara, the President called the newly elected opposition mayors-elect ‘lame ducks’<sup>6</sup>.

Indeed, having an eventual defeat in local elections in perspective (the AKP leded alliance lost the most important metropolitan municipalities; 11 out of 30 passed to the opposition including three most important cities)<sup>7</sup>, the central State created new tools to put metropolitan municipalities financially under pressure. A modification realized on 2 July 2018 on the law about the intergovernmental transfers reinforced the authority of the President over Ilbank, (previously called bank of Provinces), the

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<sup>5</sup> <https://tr.euronews.com/2019/04/03/herkesin-aklindaki-soru-istanbul-ve-ankara-erdogana-ragmen-yonetilebilir-mi-istanbul-ankar>

<sup>6</sup> <http://www.diken.com.tr/erdogan-ortada-topal-ordek-var-bu-secim-sembolik/>

<sup>7</sup> <https://www.ntv.com.tr/2019-yerel-secim/buyuksehirlerde-kazanan-partiler-31-mart-2019-yerel-secimleri,z-dL7nRrMkqMAolasrTw7Q>

institution that directs intergovernmental transfers to municipalities and SPAs apart from metropolitan municipality transfers which are directly channeled to the metropolitan municipalities' account by the Ministry of Finance and provides financial support to local administrations through medium and long term loans. Another modification realized on the same law on 17 January 2019 handed power to the President to control the financial aides to be accorded to municipalities by the Directorate of Strategy and Budget.

The Ilbank hence had power to imply deductions up to 40 percent from municipalities' transfer revenues in case of debt delinquency, predominantly stemming from the taxes, social security payments and other debts to public entities. These cuts were implemented rather arbitrarily to opposition municipalities especially to those run by pro-Kurd HDP. These deductions at source without any early warning disposed by the central State via Ilbank potentially risk to have an enormous harm on the stability and predictability of the transfer system. The fact that the deductions were stopped for four months just before the 31 mars 2019 local elections<sup>8</sup> suggests the instrumentalisation of Ilbank by the central State. Moreover, since the revision of the status of Ilbank to a joint stock company in February 2011, the bank has ceased delivering comprehensive information about deductions at the source except the global amount of the transfers to SPAs and municipalities. Yılmaz&Guner (2017, p. 245) stated that the Bank hides behind the Banking Law in rejecting the requests for information.

Another recent State intervention, which put municipalities in a financially difficult position was related to the refunding of the costs of subway constructions realized by central State on behalf of the municipalities. On 30 April 2019, a presidential decree stipulated that 5% cut would be applied to municipality's part from the general budget tax revenue. Whereas, previously the 5% cut had been realized over the subway revenues. Newly elected Ankara mayor stated in his report about first 100 days in office that this modification implies 20 times greater payback for the municipality<sup>9</sup>.

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<sup>8</sup> <https://www.cnnturk.com/ekonomi/belediye-borclarina-4-ay-kesinti-olmayacak> (25/7/2019)

<sup>9</sup> See : <https://www.birgun.net/haber-detay/mansur-yavas-in-ilk-100-gunu-aciklandi-ankara-136-milyon-butce-fazlasi-verdi.html>

## **2. Control over local administration's decisions and arbitrary removals**

The intergovernmental relations have a substantial effect in the degree of control over local administration's decisions. As local administrations' autonomy vis-à-vis central government is already a fragile issue, the local administration-central State relation is crucial. The decisions of local authorities should be protected by the arbitrary interventions of the central administration (Bland, 2011, p.70). A good relationship guarantees the support of the center and this is the case when they all belong to same political party. On the contrary, the opposition party municipalities may encounter several problems at administrative and financial levels. Beltan (2018) argued how the central government which was “[h]eavily imbued by partisan politics and rivalry blocked or obstructed opposition municipality projects in İzmir<sup>10</sup>; the stronghold of the opposition (CHP) since the mid- 1990s, and Diyarbakır; bastion of pro-Kurd parties. Although the center financed some large-scale transportation projects in İzmir, these were to show their capacity to transform the city into a competitive metropolis and to indicate their pledge for more in the case the governing party was to takeover the metropolitan municipality (Beltan 2018, p. 145).

The opposition affiliated municipalities also faced numerous strategies destined to disgrace them, varying from auditing raids, extremely publicized corruption allegations targeting high-ranking municipal authorities, including the mayor and condescending speeches by the government officials. “İzmir's municipalities and the CHP leaders have claimed that the central government has been highly biased and inconsistent towards their municipalities and others across the country. They argued that the central government's dealings with İzmir's municipalities have been far from objective and fair, accusing the center of a campaign to defame their municipalities in order to win over the city in the future elections—national and local” (Beltan, 2018, pp.147-148). In Diyarbakır, both the lower and metropolitan tiers are criticized by the State officials for their performance in service delivery and for their lack of competitiveness and efficiency in governing metropolitan area. Whereas, the

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<sup>10</sup> In 28 November 2018, the mayor of the city deplored that the municipality submitted subway project for Buca to the ministry of development a year ago, and still waits for approval.  
<https://www.izmir.bel.tr/tr/Haberler/izmire-su-yok/39202/156>

municipalities claimed that the municipal activities were deliberately blocked by the central State and its local agents (governor and district governors) who “did not approve or put on hold many of their projects and cut their spending by obstructing the release of foreign funds for municipal projects” (Beltan, 2018, p. 196). Beltan (2018, p. 239) asserted that “the administrative tutelage had an added political bias—perception tutelage—in the region”.

In Turkey, due to the weakening of institutions and excessive politicization even the instruments for insuring democratic governance were frequently used as facades for central state interferences. This tendency towards strengthening the central State’s control over local administrations was accelerated during state of emergency announced aftermath of the 2016 botched coup attempt and sustained until 17 July 2018. Decree Law No. 674, published by the Government on 1 September 2016 was adopted by the Parliament and became law on 10 November 2016. The amendments brought to Law on Municipalities by the Decree Law No. 674 (Articles 38, 39 and 40), stipulated for the replacement of mayors, deputy mayors or council members who were suspended, detained or dismissed from public service in relation to offenses of aiding and abetting terrorism and terrorist organizations, by appointed the trustees. Likewise, they authorized interference by State authorities in the effective exercise of local affairs in municipalities in the context of the fight against terrorism.

Thousands of elected mayors and councilors were dismissed in Kurdish provinces and incarcerated most of them indefinitely, on the grounds that they were affiliated with the PKK and thus threatened national safety after 2016 failed coup attempt. State officials, basically governors and sub-governors were appointed to replace the dismissed mayors and councilors under the title of ‘trustee’ (*kayyım* in Turkish) a novelty in Turkish public law. In December 2016, the dismissed mayors of 81 municipalities out of 88 were from pro-Kurdish DBP (Demokratik Bölgeler Partisi) (Keles& Ozgöl, 2017, p. 310). Diyarbakır municipality considered as the fortress of the Kurdish political movement became the main target of this prosecution (Kuyucu, 2018, pp. 1171-1172).

The Congress of Local and Regional Authorities of the Council of Europe stated in its Resolution No. 416 adopted on 29 March 2017 that the Decree Law No. 674 was

incompatible with the European Charter of Local Self-Government and it could be used as a means of restricting local self-government and actually contributed to a ‘recentralization’ move in Turkey. The Venice Commission also stated that the provisions of the Decree Law “allow interference by state authorities in the effective exercise of local self-government in certain municipalities in the context of the fight against terrorism”<sup>11</sup>. The Venice Commission has also noted the Congress’ repeated calls for the abolition of administrative tutelage and a genuine decentralization in Turkey and called the Turkish authorities to revoke the provisions introduced by the Decree Law. Keles&Ozgül (2017, p. 306) argued that the clauses introduced to the law on municipalities through the Decree Law and appointed trustees are constitutional violations.

The March 31, 2019 local elections constituted another important turning point for local democracy in Turkey. The major opposition party (CHP) won 11 of the 30 metropolitan municipalities including Istanbul, Ankara, Izmir and Adana while HDP won most of eastern cities previously placed under trustee administration. However, on 19 August 2019, less than 5 months after their election, the mayors of HDP ruled metropolitan municipalities of Diyarbakır, Van and Mardin were dismissed on grounds that they were under investigation for alleged misuses of public office and ongoing terror-related investigations. The dismissed mayors-elect were replaced by appointed trustees, which were governors of respective cities. The appointment of trustees seems to be a practice mainly reserved to Kurdish cities, whereas, in western cities when a mayor is removed from duty due to an investigation, the municipal council normally elects the new mayor from within its ranks, as it was the case for some AKP and MHP-led municipalities in 2016<sup>12</sup>. Indeed, President and AKP leader Erdogan had declared before 2019 local elections that trustees would be appointed immediately Kurdish municipalities in the case of terror-related activities<sup>13</sup>. Out of 94 previously suspended mayors, 41 were sentenced to over 237 years imprisonment for terror related crimes on 3 September 2019<sup>14</sup>.

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<sup>11</sup> Venice Commission Opinion no. 888/2017

<sup>12</sup> <https://www.al-monitor.com/pulse/originals/2019/08/three-hdp-mayors-dismissed-turkey-crackdown.html#ixzz5xEbRcijF>

<sup>13</sup> <http://www.hurriyetdailynews.com/mayors-seen-as-having-links-with-pkk-will-be-dismissed-erdogan-141479>

<sup>14</sup> <https://www.aa.com.tr/en/politics/turkey-41-mayors-get-230-yrs-in-jail-for-terror-links/1572262>

Nonetheless, it is also important to differentiate the removal procedures inflicted to the governing party affiliated mayors and councilors and to the opposition affiliated (basically pro-Kurdish) mayors and councilors. Indeed, in September 2016, (having 2019 local elections in perspective) a number of ruling AKP's mayors as well as party's provincial chiefs were forced to resign at Erdogan's behest, under the pretext of bringing remedy for the 'fatigue' within the Party. Mayors of Istanbul, Ankara, Bursa and Balıkesir eventually announced their resigns in the course of 2017. According to the opposition the removals were an alternative to the prosecution of potential crimes, notably corruption. "Erdogan [actually acknowledged] that some mayors from his party acted outside the law and he forced them to resign instead of handing them over to justice"<sup>15</sup>. Indeed, any investigation has not been opened against these mayors and in these cities, the metropolitan councils voted for a new mayor.

Turkey is actually in an ongoing process of democratic decline and its political system evolves to what certain authors called 'Erdoganism' (Yılmaz&Bashirov, 2018; Cagaptay&Aktas, 2017), which combines elements of electoral authoritarianism, neopatrimonialism, populism and Islamism. Evidently, the frequent and fairly conducted elections (secret ballot on the basis of direct, equal, universal suffrage) are one of the minimum characteristics of local democracy (Bland, p.70; Council of Europe, 1985). In Turkey, during the previous decade, scholars (Yılmaz&Turner, 2019; Yılmaz&Bashirov, 2018), political parties and NGOs expressed concerns about the safety and reliability of elections. Several NGOs like Vote and Beyond (*Oy ve Otesi*) were created to ensure transparency in observing of ballot count in the elections and whose 56,000 volunteers successfully monitored Turkey's June 7 and following elections. The opposition parties along with non-governmental organizations and union confederations formed a Fair Election Platform before 2018 presidential election. Concerns about the election safety and impartiality of the Supreme Electoral Council have been reinforced particularly during 2019 local elections as in the case of the Council's resolution stating that mayors-elect who were previously dismissed as part of a crackdown following 2016 failed coup attempt with a presidential decree were not entitled to carry out this function, although the same

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<sup>15</sup> Sibel Hürtaş, 8 kasım 2017 <https://www.al-monitor.com/pulse/originals/2017/11/turkey-local-administrations-in-turmoil.html>

Council had been approved their candidacy before the elections<sup>16</sup>. The mandates were given to the runner-up AKP candidates, instead of rerunning the elections. Another arguable decision was indeed to rerun Istanbul election.

## **Conclusion**

The modifications in the Turkish local administration system in the direction of recentralization stemmed from the determination of strengthening the central State. There were two main pillars of territorial recentralization: First, after the collapse of so called ‘peace process’ the Kurdish question was treated as an issue of security, order and sovereignty. Embracing an extremely nationalist discourse, the State put the pressure on HDP ruled municipalities, and expelled mayors-elect in major Kurdish populated cities. Second “the provision of public welfare as ‘charitable patronage’, redistribution of public resources, and access to public jobs, health services and public housing” (Yılmaz&Bashirov, 2018, p. 1819) constituted the major assets of dependency networks created between the AKP and its electors. Taking into account the crucial role played by municipalities in the constitution and founding of these networks, the control of them became imperative for the central State. This is why, since the control of them through elections turned out to be an arduous challenge, on one hand the prerogatives of municipalities were progressively seized back, and on the other hand especially those controlled by the opposition were put under pressure financially.

Having lost one of major mechanisms for preserving the patronage based politics nourished and maintained by local administrations through democratic alternation, the State may take further steps to reinforce State control and recentralization. Indeed, a journalist close to AKP had mentioned already Erdogan’s desire for renouncing to the election of mayors in favor of a new system of centrally appointed mayors<sup>17</sup>. Forced to cohabit with opposition affiliated local administrations the central State may also attempt to limit mayors’ executive powers. Nevertheless the mayors still dispose

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<sup>16</sup> <https://www.turkishminute.com/2019/04/09/hdp-mayor-elect-not-given-mandate-in-mardin-due-to-akp-objection/>

<sup>17</sup> <https://t24.com.tr/haber/erdogan-belediye-baskanlarinin-atamayla-goreve-gelmesi-daha-dogru-2019dan-sonra-gundeme-gelecek-dedi.486587>

some tools even in a marginalized local democracy and should try to put them into service of reinforcing and spreading out of democratic rights. The broadcasted municipal council reunions and investigations on the blemished financial transfers realized during previous administrations demonstrated already that they might still have opportunities for enhancement of local autonomy at risk.

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