



STRUCTURE AND OPERATION OF LOCAL AND REGIONAL DEMOCRACY

Turkey

Situation in 2009

TURKEY
Territorial set up

PROVINCIAL MAP OF TURKEY

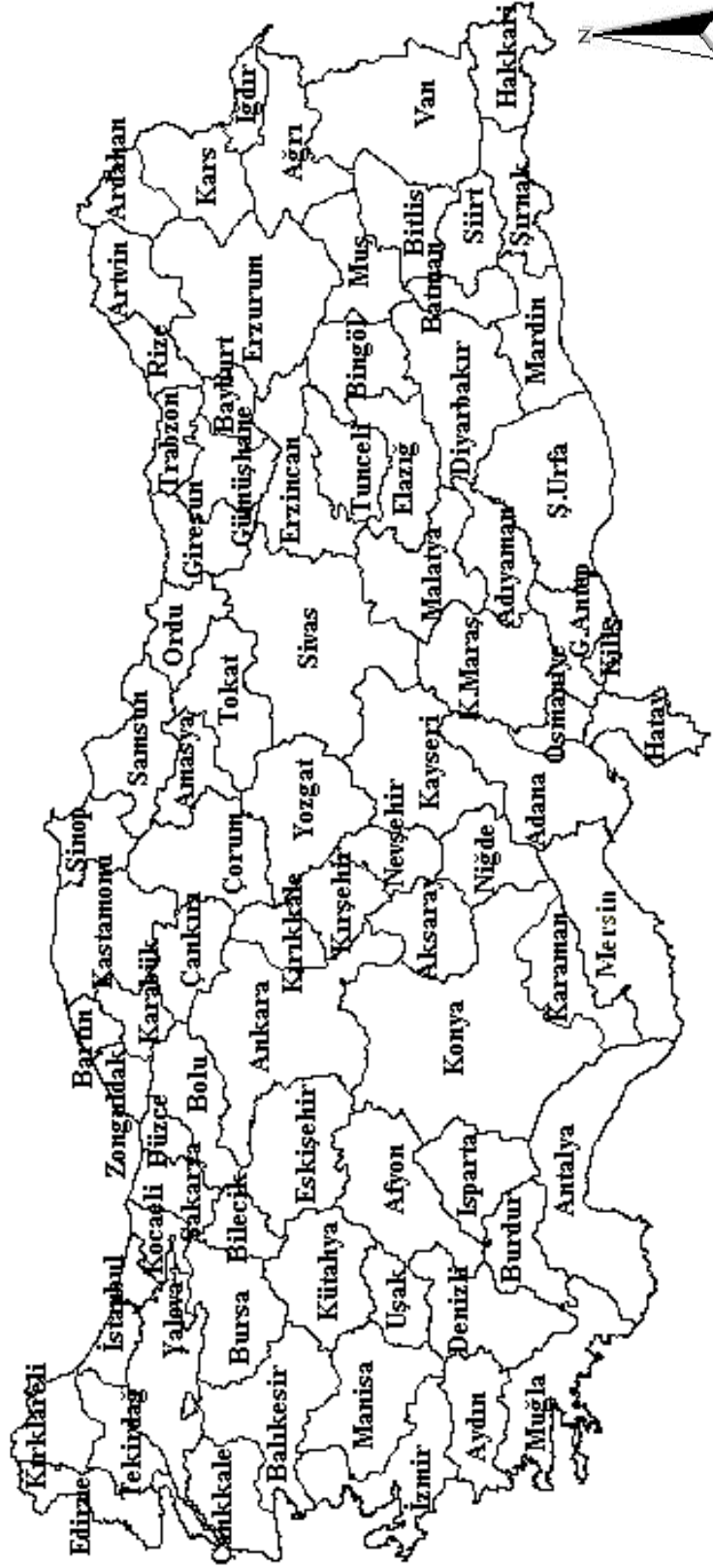


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1. LEGAL BASIS

1.1. Constitutional provisions relating to local / regional authorities

Article 123 of the Constitution sets out the general principles for the administration:

- Administration forms a whole with regard to its structure and functions, and shall be regulated by law;
- The organisation and the functions of the administration are based on the principles of centralisation and decentralisation;
- Public corporate bodies shall be established only by law, or under the authority expressly granted by law.

Article 127 of the Constitution is the main article relating to local authorities. It states that:

- Local governments have public legal personality;
- Local governments are autonomous organisations based on the principle of decentralisation;
- General decision-making organs of local governments are elected;
- Supervision of the acquisition by elected organs of local authorities of their status as an organ, and their loss of such status is carried out by the judiciary.
- Their elections are held under the direction and supervision of the judiciary, according to the principles of free, equal, secret, direct, universal suffrage, and public counting of the votes.
- The central government oversees local governments to ensure the integrity of administration, guarantee uniform delivery of public services, protect the public benefit and provide for local needs properly; the central government oversight is regulated by law;
- Local governments are allocated revenue resources proportionate to their functions;
- Function and responsibilities of local governments are regulated by law;
- Local governments may form unions between themselves with the permission of the Council of Ministers.

1.2. Main legislative texts concerning local / regional authorities

- Law No. 5393 on Municipalities (date of adoption: 3/7/2005, publication in the Official Gazette: 13/7/2005 No. 25874)
- Law No. 5216 on Metropolitan Municipalities (date of adoption: 10/7/2004, publication in the Official Gazette: 23/7/2004 No. 25531)
- Law No. 5302 on Special Provincial Administrations (date of adoption: 22/2/2005, publication in the Official Gazette: 4/3/2005 No. 25745)
- Law No. 5355 on Unions of Local Authorities (date of adoption: 26/5/2005, publication in the Official Gazette: 11/6/2005 No. 25842)
- Law No. 5442 on Provincial Administration (date of adoption: 10/6/1949, publication in the Official Gazette: 18/6/1949 No. 7236)
- Law No. 442 on Villages (date of acceptance: 18/3/1924, publication in the Official Gazette: 7/4/1924 No. 68)
- Law No. 5018 on Public Financial Management and Control (date of adoption: 10/12/2003, publication in the Official Gazette: 24/12/2003 No. 25326)

- Law No. 2464 on Revenues of Municipalities (date of adoption: 26/5/1981, publication in the Official Gazette: 29/5/1981 No. 17354)
- Law No. 5779 on Appropriation of Shares to Special Provincial Administrations and Municipalities from General Budget Tax Revenues (date of adoption: 2/7/2008 publication in the Official Gazette: 15/7/2008 No. 26937)
- Law No. 1319 on Property Tax (date of adoption: 29/7/1970, publication in the Official Gazette: 11/8/1970 No. 13576)
- Law No. 3194 on Public Improvement (date of adoption: 3/5/1985, publication in the Official Gazette: 9/5/1985 No. 18749)

2. STRUCTURE OF LOCAL / REGIONAL AUTHORITIES

2.1. Main subdivisions

There are three types of local governments in Turkey:

- Special Provincial Administrations,
- Municipalities,
- Villages.

Special Provincial Administrations are public legal entities with administrative and financial autonomy whose decision-making organs are elected. They are established at the provincial level to provide for the common local needs of citizens living within the provincial borders. Special provincial administrations have functions and responsibilities both within and outside municipal boundaries. They are established by the law on establishing provinces and their legal personality terminates with the abolishment of the province. The organs of the special provincial administration are: the general provincial council, the provincial executive committee and the governor.

Municipalities are public legal entities with administrative and financial autonomy whose decision-making organs are elected. They are established to provide for the common local needs of citizens living within municipal boundaries. The organs of municipalities are: the municipal council, the municipal executive committee and the mayor. Municipalities may be established in settlements with a population of 5 000 or more. Municipalities are compulsory in provincial and district centres regardless of their population.

Villages are traditional forms of low-density (population between 150 and 5 000) local government with public legal personality which are located in rural areas and which carry out functions conferred on them by law. The village organs are: the village society, the council of the elderly and the *muhtar* (headman).

2.2. Statistical data concerning local and regional authorities

Number of each category of local authorities

Special Provincial Administration	81
Municipality	2949
Village	34 400

Share of municipal population to total population (2007)

	Population	%
Population within municipal boundaries	58 581 515	82.99%
Population outside municipal boundaries	12 004 741	17.01%
Total population of Turkey	70 586 256	100%

Distribution of municipalities by type

Municipalities	Type	Number
Metropolitan Municipality	Two-tier structure- first tier	16
Metropolitan District Municipality	Two-tier structure- second tier	143
Provincial Municipality	Single tier structure	65
District Municipality (with the exception of those within the territory of the metropolitan municipality)	Single tier structure	749
Sub-district Municipality	Single tier structure	1976
Total		2949

2.3. Regulations governing the setting up of and changes to structures and boundaries

A special provincial administration is established under the law on establishing provinces and its legal personality terminates with the abolition of the province.

Under Law No. 5393 on Municipalities, a municipality may be established in a settlement with a population of 5 000 or more. A municipality is established by a joint decree at the request of the electorate residing in that settlement, at the proposal of the Ministry of Interior and on the opinion of the Council of State.

A provincial municipality whose total population for the settlements within its municipal boundaries exceeds 750 000 according to the most recent population census may become a metropolitan municipality by law.

A village is established by a decision of the Ministry of Interior at the request of the electorate and on the opinion of the general provincial council, the executive committee provincial and the governor.

2.4. General units of state administration at local/regional level and their relationship with local authorities

The administrative organisations in Turkey can be grouped under three headings:

- Central government organisations,
- Local governments,
- Other institutions and organisations.

The basic administrative, political and economic functions of the state are carried out by the central government organisations. Central government organisations are further divided into "central organisation" and "provincial organisation".

The *Central organisation* is composed of the President, the Council of Ministers, Ministries and other affiliated institutions. These institutions are organs of the executive body on the one hand, and of the administration on the other.

The *Provincial organisation* is composed of the provincial and district administration. According to Article 126 of the Constitution: "In terms of central administrative structure, Turkey is divided into provinces on the basis of geographical situation, economic conditions and public service requirements; provinces are further divided into lower levels of administrative districts. The administration of the provinces is based on the principle of deconcentration." In this respect, provincial administrations have decision-making and implementing powers on behalf of the central administration. At present, there are 81 provincial and 892 district administrations in Turkey. The head of these administrative units are governors and district governors appointed by the central administration.

The central administration's power of administrative trusteeship over the local governments is governed by law, and ensures the functioning of local services in conformity with the principle of the integral unity of the administration, securing uniform public service, safeguarding the public interest and meeting local needs, in an appropriate manner.

3. ORGANS OF EACH CATEGORY OF LOCAL/REGIONAL AUTHORITIES

3.1. Deliberative body

3.1.1. Special Provincial Administrations

The general provincial council is the general decision-making organ of the special provincial administration and is composed of directly elected members.

The number of members of the general provincial council varies according to the number of districts in the province and their population.

Decisions of the general provincial council are voted by an absolute majority of its members at its meetings.

3.1.2. Municipalities

The municipal council is the general decision-making organ of the municipality. Its members are directly elected. Every municipality is an electoral district, for the purpose of the municipal council elections. Members of the municipal council are elected directly by the public once every five years, through the d'Hondt method with a threshold of 10%.

The number of members on municipal councils depends on population ranges.

The municipal council meetings are only valid if attended by an absolute majority of its members. It takes decisions by an absolute majority of those present.

3.1.3. Metropolitan Municipalities

The metropolitan municipal council is the decision-making organ of the metropolitan municipality.

The metropolitan municipal council comprises one fifth of the members of every district municipal council within its boundaries and the mayors of these municipalities, as well as the metropolitan mayor. The metropolitan mayor is the head of the metropolitan municipal council. The council's term of office is 5 years.

Metropolitan municipal council meetings take place at the customary meeting place in the second week of every month on a day fixed by the council in advance.

3.1.4. Villages

The village society is the decision-making organ. It comprises all residents entitled to vote, who are over the age of 18.

3.2. Executive body

3.2.1. Special Provincial Administrations

The provincial executive committee is the executive organ of the special provincial administration. The executive committee has a composite structure consisting of elected and appointed members. The executive committee is chaired by the governor or by the secretary general in the absence of the governor and it is composed of a total of ten members. Five of these members are elected by secret ballot each year, for a period of one year, by the general provincial council from among its own members. The remaining five are selected by the governor each year from among the heads of department, one of whom is the head of the financial services department.

The executive committee meets at least once a week at a previously fixed time and date.

3.2.2. Municipalities

The municipal executive committee is the executive organ of the municipality. The executive committee has a composite structure consisting of elected and appointed members.

The municipal executive committee, headed by the mayor or in his absence the deputy mayor or a member of the executive committee assigned by the mayor, is composed of the following:

In provincial municipalities and municipalities with a population of more than 100 000, seven members comprising:

- three members elected for one year by the municipal council by secret ballot from among its own members;
- the head of the financial services department; and
- two members selected for one year by the mayor from among the heads of departments.

In other municipalities, five members comprising:

- two members elected by the municipal council by secret ballot from among its own members for a period of one year;
- the head of the financial services department, and one member selected for one year by the mayor from among the heads of departments.

The executive committee meets no less than once a week at a pre-arranged date and time. The agenda of the executive committee is prepared by the mayor.

3.2.3. Metropolitan Municipalities

The metropolitan executive committee consists of elected and appointed members. The executive committee is chaired by the mayor, and is composed of ten members: five elected by secret ballot by the metropolitan municipal council from amongst its own members at its first stated meeting for a term of one year; five members appointed each year by the mayor from among unit heads including the secretary general and head of financial services.

In the absence of the (metropolitan) mayor, the executive committee is chaired by the secretary general.

3.2.4. Villages

The council of the elderly is an executive and decision-making organ which takes implementation decisions and oversees the running of village affairs.

The council of the elderly has a composite structure consisting of elected and non-elected members.

The principle of the village school and the village religious official (*imam*) are the non-elected members of the council of the elderly.

At least 8, and at the most 12, members, of which half are substitute members, are elected to the council of the elderly on the basis of the most recent population census.

3.3. Head of the local and regional administrations

3.3.1. Special Provincial Administrations

Under Law No. 5302, the governor is the head of the special provincial administration and the representative of its legal personality. The governor is appointed by a decision of the Council of Ministers and the approval of the President.

3.3.2. Municipalities

As the executive organ of the municipal management, the mayor is the head of the municipal administration and the representative of the legal personality of the municipality. The mayor is elected directly by the public for a period of five years.

3.3.3. Metropolitan Municipalities

The metropolitan mayor is the head of the metropolitan municipal administration and the representative of its legal personality, and is elected directly for a term of five years by residents eligible to vote, living within the boundaries of the metropolitan municipality.

3.3.4. Villages

The village headman (*muhtar*), as the head of the village administration and representative of its legal personality, is the most important organ that carries out all the work of the village.

The village headmen are elected by direct suffrage on the basis of majority voting for a term of 5 years, from among villagers aged 25 years or over residing in the village for at least six months, who are Turkish literate and where there is no legal impediment to their election.

3.4. Local electoral system

It is explicitly stated in the Constitution that the decision-making organs of local governments are elected.

Local government elections are held every five years by direct universal suffrage on the basis of transparency, equality and confidentiality. The count and breakdown of votes is public, and under the direction and supervision of the judiciary. General provincial council and municipal council elections are by proportional representation with 10% threshold; whereas elections for mayors and headmen (*muhtars*) are by majority vote.

Every Turkish citizen aged 18 or over has the right to vote in elections and referenda. Every Turkish citizen aged 25 or over may stand for mayor, *muhtar* (headman), member of the general provincial council or member of the municipal council provided that s/he may not be disqualified under Article 11 of Law No. 2839 on the Election of Members of Parliament.

3.5. Division of powers and responsibilities between different organs of the local/regional authorities

3.5.1. Special Provincial Administrations

The main functions and powers of the general provincial council are:

- negotiating and deciding the strategic plan, investment and work programmes, the activities of the special provincial administration and the performance criteria of its personnel;
- adopting the budget and final accounts;
- negotiating and deciding the provincial environmental development plan and the land development plans for areas outside the municipal boundaries, except for the metropolitan municipalities whose boundaries extend to the provincial borders;
- deciding on borrowing;
- giving permission to purchase, sell, exchange, allocate and modify the allocation of immovable properties or convert allocated property to real estate; deciding whether to lease them for more than three years and limiting real rights on these for up to 25 years;
- taking decisions on whether to grant concessions on behalf of the special provincial administration, on carrying out investments for the special provincial administration through the build-operate or build-operate-transfer model, and on the privatisation of companies, enterprises and affiliates that belong to the special provincial administration;
- approving the regulations issued by the special provincial administration;
- deciding whether to create, cancel or modify the cadres within the special provincial administration and affiliated establishments, in accordance with the rules on managing staff structure;
- deciding on the establishment of unions with other local governments, or on joining or withdrawing from existing unions.

The main functions and powers of the provincial executive committee are as follows:

- reviewing the strategic plan and annual work programme as well as the budget and final accounts, and submitting opinions to the general provincial council in relation on these issues;
- taking and implementing expropriation decisions related to work included in the annual work programme;
- making budgetary transfers between the second levels of functional classification;
- imposing penalties established by law;
- implementing decisions for the sale, exchange and allocation of immovable properties, deciding on leasing this type of property for periods of no more than three years;
- submitting opinions on issues submitted by the governor.

As the executive organ of the special provincial administration, the main duties and powers of the governor are as follows:

- managing the organisation and protecting the rights and interests of the special provincial administration;
- managing the special provincial administration in accordance with the strategic plan; establishing the institutional strategies of the special provincial administration; preparing and implementing, monitoring and evaluating the budget and the performance criteria of activities and staff in line with these strategies; presenting reports on these to the council;
- representing the special provincial administration;
- monitoring and collecting the revenues and receivables of the special provincial administration;
- implementing decisions of the general provincial council and the executive committee;
- implementing the budget;
- appointing the personnel of the special provincial administration;
- auditing the special provincial administration, its dependent establishments and enterprises;
- taking any measures necessary for ensuring the comfort, well-being, health and happiness of the residents of the province.

3.5.2. Municipalities

The main functions and powers of the municipal council are as follows:

- negotiating and deciding on the strategic plan, investment and work programmes, as well as the activities of the municipality and the performance criteria for its personnel;
- adopting the budget and final accounts;
- negotiating and deciding on the development plans of the municipality; adopting the provincial environmental development plans for metropolitan and provincial municipalities;
- deciding on borrowing;
- deciding on the purchasing, sales, exchange, and allocation of immovable property; changing the form for allocating immovable property or cancelling the allocation of immovable property in cases where the allocated immovable is not needed for the provision of public services; deciding on the leasing of immovable property for more than three years and limits to real rights on these for a period not exceeding thirty years;

- deciding whether to grant concessions on behalf of the municipality; to carry out investments for the municipality through build-operate or build-operate-transfer models, to privatise companies, enterprises and affiliates belonging to the municipality;
- deciding on the creation, cancellation and modification of the cadres of the municipality and its affiliated establishments in accordance with the norm cadre system;
- approving the regulations to be issued by the municipality;
- naming public squares, avenues, streets, parks, and similar places; deciding on the creation, removal, and amalgamation of neighbourhoods, and the identification and modification of their names and boundaries; adopting the emblems, pennants and similar symbols designed to represent the town;
- deciding whether to establish unions with other local authorities, and to join or withdraw from already established unions;
- establishing relations with unions of local authorities within nationally and with the permission of the Ministry of Interior, to establish relations with those abroad.

The main functions and powers of the municipal executive committee are as follows:

- reviewing the strategic plan and the annual work plan as well as the budget and final accounts, and informing the municipal council of its opinion in relation to these issues;
- adopting and implementing decisions on expropriation related to work indicated in the annual work programme;
- making transfers in the budget between the second levels of functional classification;
- imposing penalties envisaged by law;
- implementing council decisions related to the sales, exchange and allocation of immovable property; deciding on the leasing of immovable property for not more than three years.

Duties and powers of the mayor are as follows:

- managing the municipal organization, as its highest ranking official and protecting the rights and interests of the municipality;
- managing the municipality in conformity with the strategic plan, establishing the institutional strategies for the municipal administration; preparing, implementing, monitoring and evaluating the budget and performance criteria of municipal activities and staff according to these strategies; and presenting reports on these issues to the council;
- representing the municipality;
- monitoring and collecting the revenues and receivables of the municipality;
- implementing the decisions of the council and the executive committee;
- implementing the budget;
- appointing municipal staff;
- auditing the municipality and its dependent establishments and enterprises;
- taking the measures necessary for ensuring peace, welfare, health and happiness of the local inhabitants;
- preparing and presenting the municipal council with the 'Strategic Plan and the Performance Programme' in municipalities with a population of more than 50 000.

3.5.3. Villages

The main duties of the village society are as follows:

- electing the village headman and members of the council of elderly;
- deciding on the incorporation of duties considered discretionary by the Law on Villages as compulsory duties;
- determining the wages to be paid to village employees.

The main duties of the council of elderly are as follows:

- prioritising village works based on their significance;
- deciding on which of the village works will be realised by the villager through mutual co-operation and solidarity (*imece*) and which ones are to be undertaken by paying money or employing workman;
- deciding on the expropriation of immovable's to be purchased for village works;
- overseeing the spending of the village budget in accordance with the procedure;
- deciding on mutual co-operation and solidarity (*imece*) and setting local rates (*salma*);
- Adopting the village budget;
- Imposing penalties against those who do not carry out the compulsory work of the village or who do not carry out their duties;
- Resolving disputes between villagers through fostering reconciliation.

The duties of the headman are grouped into two as state duties and village services.

State duties:

- announcing the laws and regulations declared by the government in the village, and carrying out his/her duties as envisaged by the law, regulations, instructions and orders;
- protecting law and order within the territory of the village;
- informing the officials of infectious and contagious diseases;
- registering births, marriages, deaths and divorces in the village and notifying the relevant administration;
- assisting the officials collecting tax;
- calling soldiers and informing the officials of those who are in arrears of taxes and fugitives;
- gathering villagers in the event of fire and flooding in the village territory, extinguishing fires and managing flooding;
- helping the gendarmerie in judiciary matters.

Village works:

- delivering or outsourcing delivery of all compulsory work of the village by consulting the council of the elderly;
- providing advice to villagers to ensure the delivery of discretionary work of the village;

- calling the villager to work after consultations with the council of the elderly;
- collecting the money to be spent on village works and implementing spending plans following decisions of the council of the elderly;
- representing the village.

3.6. Legal provisions concerning the internal structure of local/regional authorities

3.6.1. Special Provincial Administrations

According to law No. 5302 on Special Provincial Administration (Article 35) the organisational structure of the special provincial administration consists of the general secretariat, financial affairs, health, agriculture, development and construction, human resources, and legal affairs units. The formation, removal or merger of other units to be established as needs be and taking into account the population, physical and geographical structure, economic, social and cultural characteristics as well as the development potential of the province is subject to a decision of the general provincial council.

3.6.2. Municipalities

Under Law No. 5393 (Article 48), the municipal administration consists of the secretariat, financial services, technical services and police departments in accordance with the set of rules for managing staff structure. Departments for health, fire-fighting, reconstruction/development, human resources, legal affairs and other units may be established as needs be, in conformity with the principles and standards of the norm cadre, with regard had to the locality's population, physical and geographical structure, its economic, social and cultural structure, and its development potential. The creation, removal or merger of these units is subject to the decision of the municipal council.

4. DIRECT CITIZEN PARTICIPATION IN DECISION-MAKING

There are several channels for citizen participation in local decision making bodies.

Mahalle (Neighbourhood) administration:

Municipalities are made up of *Mahalles* (neighbourhoods). They are similar in terms of needs and priorities and foster neighbourly relations among residents. They are led by a publicly elected headperson and the village council but they do not have public legal personality.

The headperson is responsible for determining the common needs through the voluntary participation of *mahalle* residents, developing the quality of life in the *mahalle*, managing relations between the municipality and the other public institutions and organisations, issuing opinions on matters related to the *mahalle*, coordinating with other institutions and carrying out other tasks assigned to it by law.

Headpersons carry out certain functions and responsibilities as agents of central government, but also ensure the provision of local services to the *mahalle* by working in close co-operation with their municipality.

The municipality is responsible for providing the necessary assistance and support in kind and other support to meet the needs of the *mahalle* and the *muhtar* and to resolve their problems within the limits of its budget. When taking decisions, the municipality must pay due regard to requests made by *mahalle* residents to ensure that the services are carried out in accordance with the needs of the *mahalle*.

Law on Town citizenship:

According to the Law on Municipalities, everyone is a fellow citizen of the town in which s/he resides. Citizens have the right to participate in the decisions and services of the municipality, the right to be informed of the activities of the municipality and the right to benefit from the assistance provided by the municipal administration.

The municipality is responsible for undertaking work necessary for the promotion of social and cultural relations among fellow citizens and for the protection of cultural values as well as for taking measures to ensure the participation of universities, professional organisations with the status of public institution, trade unions, civil society organisations and expert individuals to such work.

Specialist committees:

Mahalle muhtars (neighbourhood headpersons) and high-level officials of the public institutions in the province, as well as representatives of professional organisations with the status of public institution, universities, trade unions and civil society organisations may participate in meetings of specialist committee's within the special provincial administrations or municipalities where issues concerning their sphere of activity are discussed. They may give their opinion but have no right of vote.

Voluntary participation in local government services:

Within the scope of the Regulation issued by the Ministry of the Interior, municipalities and special provincial administrations may encourage the public to participate on a voluntary basis in services related to health, education, sports, environment, parks, traffic, fire-fighting, library, culture, tourism and social affairs as well as in services specifically aimed at the elderly, women, youth, children, the disabled, the poor and the destitute.

Co-operation with civil society organisations:

Special provincial administrations and municipalities may carry out joint service projects with professional organisations with the status of public institution, public benefit associations, associations and foundations for the disabled, foundations granted tax exemption by the Council of Ministers and professional chambers under Law No. 507 on Tradesmen and Petit Artisans on the decision of their councils and on issues within the scope of their field of duty and responsibility.

Urban council:

Urban councils may be established in municipalities for developing a vision for the city, for encouraging an awareness of townsmanship for urban life, protecting city rights and laws, implementing principles of sustainable development, environmental sensitivity, social assistance and solidarity, transparency, accountability, participation and decentralisation.

Municipalities are given the task of providing the support necessary for the effective and efficient operation of urban councils in which participate the representatives of professional organisations with the status of public institution, trade unions, notaries, universities (if any), related civil society organisations, political parties, public organisations and institutions as well as the representatives of *mahalle muhtars* and other interested parties.

The opinions of the representatives of all local public groups following their discussions in the urban council are put on the agenda and assessed at the next meeting of the municipal council.

Right to information:

The Law on Right to Information enacted in 2004 explicitly states that everyone has a right to information on the activities of all public institutions and organisations including local governments.

Foreigners residing in Turkey and foreign legal entities active in Turkey may also benefit from this opportunity under conditions of reciprocity, provided that the information requested is related to them or their sphere of activity.

Local governments are responsible for making available all kinds of information and documents, except where the law states otherwise and for taking the necessary administrative and technical measures in order to ensure their response to requests for information is effective, rapid and accurate, and within the scope of the right to information.

5. STATUS OF LOCAL/REGIONAL ELECTED REPRESENTATIVES

5.1. Conditions of eligibility and length of the term of office

Every Turkish citizen aged 25 or over may stand for mayor, *muhtar* (headman), member of general provincial council and member of the municipal council provided that s/he is not disqualified under Article 11 of the Law No. 2839 on the Election of Members of Parliament. The length of the term of office for local elected representatives is five years.

As regards villages, the village is an electoral district and there is no political candidature procedure. All Turkish citizens of 25 years and over who have resided in the village for at least six months and who fulfil the legal requirements may be elected as a member of the council of the elderly. Members are elected by the village inhabitants for a term of 5 years by direct suffrage and by majority voting.

5.2. Financing of electoral campaigns

Political parties receive financial aid from the state in proportion to the number of votes they received in the last elections. They may use this aid for their candidates running in local elections.

5.3. Duties and responsibilities of local elected representatives

The duties and responsibilities of the local elected representatives are directly connected to the competences of the local authority body concerned, as stated above.

During his term of office and for a period of two years following the end of his term of office, the mayor of a municipality may neither directly nor indirectly enter into a contract with, nor act as a broker, nor representative for, the municipality or its subordinate bodies. Councillors may not do so during their terms of office or for a period of one year following the end of their terms of office.

5.4. Representation of men and women in the local/regional authorities

	Men	Women	Total	Women (%)
Mayor	3 207	18	3 225	0,56
Municipal Councillor	33 660	817	34 477	2,43
Provincial Councillor	3 150	57	3 207	1,81

5.5. Remuneration

Governor, mayor and *muhtar* (headman) are paid monthly salaries. With the exception of the members of the council of the elderly, the members of the general provincial council and the municipal council receive payment for the meetings they attend.

6. DISTRIBUTION OF POWERS BETWEEN THE VARIOUS CATEGORIES OF LOCAL/REGIONAL AUTHORITIES

6.1. Competences of local/regional authorities

6.1.1. Special Provincial Administrations

Local and common functions and responsibilities of special provincial administrations are divided into two groups: those within the provincial boundaries and those outside municipal boundaries.

– Within the provincial boundaries:

Special provincial administrations must carry out services related to youth and sports, health, agriculture, industry and commerce, environmental development planning of the province excluding the metropolitan municipalities whose municipal boundaries extend to the provincial border, public works and settlement, soil conservation, prevention of erosion, culture, arts, tourism, social services and assistance, microcredit for the poor, day care centres and orphanages, provision of land for primary and secondary education institutions, construction, maintenance and repair of these buildings, and meeting other needs.

- Outside the municipal boundaries:

Special provincial administrations carry out services related to land development, roads, water, sewage, solid waste, environment, emergency aid and rescue, supporting forest villages, forestation, park and garden facilities.

6.1.2. Municipalities

The duties, responsibilities and powers of the municipality cover the area within the municipal borders. Municipal services may also be provided to contiguous areas by a decision of the municipal council. Municipalities have mandatory and discretionary functions.

Mandatory functions:

Municipalities, on condition that the services are local and common in nature, provide or contract out the provision for:

- Urban infrastructure such as (re)construction, water and sewage, transportation;
- Geographical and urban information systems;
- Environment and environmental health, hygiene and solid waste;
- Municipal police, fire-fighting, emergency aid, rescue and ambulances;
- Inner-city traffic, funerals and cemeteries, forestation, park and green areas;
- Housing;
- Culture and art, tourism and promotion, youth and sports, social services and assistance, wedding, vocational training and skill-building;
- Development of the economy and trade.

In addition, metropolitan municipalities and municipalities with a population of more than 50 000 may establish shelters for women and children.

Discretionary functions:

Municipalities may:

- Establish pre-school education institutions;
- Undertake or contract out the construction, the repair and maintenance of school buildings at all levels, and provide all kinds of tools, equipment and other supplies needed;
- Open and operate all types of health-care facilities;
- Ensure the preservation of the cultural and natural heritage, the historical fabric and areas and functions of historical significance to the town; carry out repair and maintenance to this end, and where conservation is not possible, reconstruct these on the basis of their original form;
- Provide supplies to students and amateur sports clubs as well as the necessary support; organise all kinds of amateur sports competitions; and give awards by a decision of the municipal council to sportsmen who demonstrate excellence or are ranked in national and international tournaments;
- Operate food banking.

Municipal services are provided in the places closest to citizens, by methods which are most appropriate. Services are delivered using methods which are best adapted for meeting the needs of disabled people, the elderly, and people on low income or with other needs.

6.1.3. Metropolitan Municipalities

The duties and powers of metropolitan municipalities are clearly set out by law. The main duties and powers of metropolitan municipalities are the following:

- Planning duties: to prepare the strategic plan, annual objectives, investment programmes of metropolitan municipalities and their budget in accordance with these documents; to prepare and commission the preparation of and to approve and implement the urban master plan on every scale between 1/5 000 and 1/25 000; to approve and monitor the implementation of urban implementation plans to be prepared by municipalities in the metropolitan municipality in compliance with the urban master plan, as well as the amendments to be made to these plans ; to prepare the urban environmental plan for metropolitan municipalities whose municipal borders form the provincial border; to carry out planning related to natural disasters and other preparations of a metropolitan scale;
- Duties in relation to licensing: issue permits to and monitor i) work places located in areas built or operated by the metropolitan municipality, and ii) businesses to be operated in areas which are under the responsibility of the metropolitan municipality;
- Duties related to land and provision of housing as well as urban transformation: to manage land and build housing in order to ensure regular urbanisation and to meet the municipality's housing, industry and trade area needs;
- Duties in the area of transport: to draw up or commission and implement the metropolitan transport master plan; to plan and coordinate transport and public transport services; to carry out the public transport services within the metropole; to perform all tasks as required by law concerning municipalities' responsibilities related to traffic management;
- Duties related to water and sewage: to carry out water and sewerage services;
- Infrastructure and coordination tasks: to maintain coordination among institutions responsible in the area of infrastructure within the boundaries of the metropolitan municipality; build or commission the building of, as well as provide the repair and maintenance of, squares, boulevards, avenues and main roads within the metropolitan municipality's area of authority; to set up the geographical and urban information systems;
- Other duties: to perform other functions prescribed by law such as agriculture, environment, cultural and natural assets, health, education, municipal police, social services, sports, cemeteries, marketplaces, slaughterhouses, and terminal services.

Metropolitan municipalities may, by decision of the metropolitan council, delegate any of the above functions which they consider appropriate to district municipalities or perform these functions in co-operation with them.

The main duties and powers of district municipalities are as follows:

- To perform duties and exercise powers other than those exclusively conferred upon metropolitan municipalities by law;

- To collect solid waste and transport solid waste to treatment plants, in accordance with the metropolitan solid waste management plan;
- To issue permits and inspect sanitary work places, second and third level hazardous enterprises, public resting and recreational areas;
- To build parking, sports, resting and recreational areas; to provide social and cultural services to the elderly, disabled, women, youth and children; to open courses for vocational training and skill-building; the building, repair and maintenance of health, educational and cultural facilities and buildings, as well as the protection and preservation of cultural, natural and historical assets; to provide services connected to developing areas of particular importance in terms of the city's history and to develop their functioning;
- Burial and connected services.

6.1.4. Villages

The duties of villages can be divided into two types: mandatory and discretionary.

Mandatory duties:

Certain agricultural, development and public works duties such as the provision of clean and healthy drinking water, environmental health, cleaning, roads, water, schools, village rooms, prayer areas, the public Square and forestation. Over time, most of these services have begun to be provided by either the central administration or the special provincial administrations.

Discretionary duties:

Discretionary functions of the village comprise services which are more related to developing and improving the physical appeal of the village such as whitewashing buildings, building public baths (*hamam*), market places and bazaars in the village, as well as houses with barns.

6.2. Tasks delegated to the local/regional authorities acting as agents of the central authority

If deemed appropriate by the competent ministry, certain investments pertaining to functions and services conducted by the central government can be implemented through special provincial administrations by transferring the relevant institution's necessary funds to the budget of the special provincial administration.

Under Law No. 5286 on the Abolition of the General Directorate of Rural Services, responsibility for the provision of services to the village and villagers such as road, water, sewage, efficient use of land and water resources, etc. has also been assigned to the special provincial administrations.

7. CO-OPERATION AND OTHER TYPES OF LINKAGE BETWEEN LOCAL/REGIONAL AUTHORITIES

7.1. Institutionalised co-operation for the performance of tasks of common interest

For tasks of common interest, local authorities in Turkey may co-operate with other local authorities by forming a union. A local authority union is a public corporate entity with administrative and financial autonomy established between more than one local authority at their own initiative with the aim of joint delivery of some of the services under their responsibility. A union may not be set up with a general objective of incorporating all local authority functions or with an objective that is not clearly set out. Unions of local authorities are the most concrete aspect of co-operation between local authorities.

7.2. Legislative provisions concerning associations of local/regional authorities and their relationship with government authorities

The basic law related to the Union of Local Authority is Law No. 5355 on Unions of Local Authorities dated 26 May 2005. As a result of this Law, Unions of Local Authorities are for the first time organized under an independent law.

Unions of local authorities may be established as legal entities once their statutes are finalised and with the approval of the Council of Ministers.

The statutes of the unions are finalised after being accepted by two-thirds of the total number of council members of the local authorities founding the union, and submitted for approval to the governor or the Minister of Interior if the union is established by the local authorities in more than one province.

A local authority may join an established union by a decision of its council, followed by an application to the assembly of the relevant union on the basis of this decision. Membership becomes effective by a decision of the assembly of the union to accept the local authority's membership. If the local authority wishes to withdraw its membership, a decision of the council of the local authority is sufficient.

In principle, while the formation of a union by local authorities or their membership in an existing union is voluntary, unions established at the national level, environmental and infrastructure unions, unions providing services to villages and tourism infrastructure service unions constitute the exceptions to this rule.

7.2.1. Unions established at the national level

Municipalities or special provincial administrations may each establish one union at the national level in order to protect their interests, to assist their development, to ensure the delivery of training to their personnel, and to provide their opinion during the deliberations related to the preparation of legislation concerning local authorities. Special provincial administrations and municipalities are natural or, in other words, compulsory members of the unions established at the national level to which they belong. In this context, the Union of Provincial Services founded by special provincial administrations has 81 special provincial administrations as members, while the Union of Municipalities in Turkey has 3225 municipalities as members. These continue to function as national unions in Turkey.

7.3. International co-operation between local/regional authorities

7.3.1. Special Provincial Administrations

Depending on the decision of the general provincial council, the Special Provincial Administration may be a founding member or a member of international institutions and organisations working in its field of activity. The Special Provincial Administration may take part in joint activities or service projects with these institutions and organizations. It is compulsory that the activities undertaken in this context by either Special Provincial Administrations or Municipalities (see below) are carried out in line with foreign policy and international treaties, with the prior authorisation of the Ministry of Interior.

7.3.2. Municipalities

Subject to the decision of the municipal council, municipalities may be founding members or members of international organisations or bodies concerned with matters relating to the municipality's areas of responsibility. Municipalities may take part in joint activities or service projects with such organizations, bodies or foreign local authorities, or may organise a town twinning. Activities undertaken in this context by either Special Provincial Administrations or Municipalities (see above) shall be conducted in a manner consistent with Turkey's foreign policy and with international treaties. They shall be subject to the prior authorisation of the Ministry of the Interior.

8. FINANCE

8.1. Financial Structure of Special Provincial Administrations

8.1.1. Own resources

- Taxes, duties, fees and contributions authorised by law: these revenues are very limited, and constitute a small part of the total revenues of the special provincial administration;
- Revenues from leasing, sale and other means for exploiting movable and immovable property;
- Fees collected in return for services, at rates determined by the general provincial council;
- Revenues from interest and fines;
- Revenues in return for any kind of undertaking, participation and activity;
- Donations.

8.1.2. Shares from state revenues

- Shares from tax revenues of the general budget: shares from state budget tax revenues constitute the most important source of revenue for special provincial administrations. According to Law No. 5779 on the Appropriation of Shares to Special Provincial Administrations and Municipalities from State Budget Tax Revenues, special provincial administrations are granted 1.15% of the total amount collected in state budget tax revenues. The share of the special provincial administration is distributed to the special provincial administrations by the Bank of Provinces, on the basis of each province's population (50%), surface area (10%), number of the villages (10%), rural area population (15%) and development level (15%).

8.1.3. Other revenues

- Payments to be made by administrations from the general and special budget: Out of the investments belonging to the duties and services carried out by the central administration, investment allowances deemed suitable for the special provincial administration by the relevant ministry are transferred to the budget of that special provincial administration by the relevant organisation;
- Revenues obtained by the special provincial administration other than those mentioned above.

8.2. Financial Structure of Municipalities

8.2.1. Own resources

- Municipal taxes, duties, fees and shares of contributions issued by law.
Taxes: announcement and advertisement tax, entertainment tax, communication tax, electricity and gas consumption tax, fire insurance tax, environmental cleansing tax, property tax;
Fees: occupancy charge, work permit (on holidays) fee, brokerage fee, slaughtering, inspection and supervision fee, examination of measurement and weight tools fee, building construction fee, fees related to reconstruction, registration and duplication fee, spring water fee, business license fees, inspection, license and report fees, medical report fees.
- shares from contributions to expenditure: to road expenditure, to sewage expenditure and to water facilities;
- revenues obtained from the leasing, sale and exploitation by other means of movable and immovable property;
- payments collected for service provision, at rates to be determined by the municipal council;
- revenues from interest and fines;
- donations;
- revenues obtained in return for any kind of initiative, participation and activity.

8.2.2. Shares allocated from state revenues

- Transfers from tax revenues of the general budget: these constitute the most important source of revenues for municipalities. According to the Law 5779 on Appropriation of Shares to Municipalities and Special Provincial Administrations from General Budget Tax Revenues, ordinary municipalities are granted 2.85% of the total sum collected in general budget tax revenues, distributed by the Bank of Provinces on the basis of the municipality's population (80%) and development level (20%). District municipalities within the borders of metropolitan municipalities receive 2.50% of the total sum collected in general budget tax revenues, on the basis of their population.

8.2.3. Other revenues

- Payments to be made by administrations with general and special budgets;
- Revenues obtained by the municipality by means other than those enumerated above.

8.3. Financial Structure of Metropolitan Municipalities

8.3.1. Own resources

- 50% of the Entertainment Tax obtained from pool betting;
- All types of municipal taxes, rates and fees to be collected from social and cultural facilities, sports, entertainment and resting areas and green areas placed under the authority of the metropolitan municipality;
- Taxes on announcement and advertisement and costs of posting, allocation and maintenance;
- A share in the contribution to expenditure related to roads, water and sewage;
- Revenues from movable and immovable property;
- Fees collected in return for services provided;
- Remaining 50% of the revenue is obtained from operating park areas, after 50% has been deducted for distribution to district municipalities in proportion to their population;
- Conditional and unconditional donations;
- Revenues from rent, interest and fines;
- A share of the net returns of the metropolitan municipality's economic enterprises according to a percentage determined by the metropolitan council.

8.3.2. Shares from state revenues

- 30% to be transferred by the Bank of Provinces from the share allocated to district municipalities within the metropolitan municipal borders of the total amount of tax revenues under the general budget;
- 5% of the total amount of tax revenues from the general budget collected within the metropolitan municipality boundaries.

8.3.3. Other revenues

- Revenues to be transferred from surplus between income and expenditure in the final accounts of the metropolitan municipality's subordinate establishments;
- Other revenues acquired by the metropolitan municipality by means other than those enumerated above.

8.4. Financial Structure of Villages

Revenues of the villages consist of the following:

- Mutual co-operation and solidarity (*imece*): this concept refers to unpaid work of villagers, involving manual labour, to perform compulsory work to be carried out in the village. It constitutes an important part of the village revenues. Despite involving physical responsibility, this type of revenue is recorded by taking account of the real daily cost of a worker in the village budget;
- Local rate (*salma*): is the money levied on local inhabitants per household taking into account their financial situation and the degree of benefit they draw from the service in the event that village revenues are no longer adequate for the delivery of the compulsory duties of the village;
- Proceeds: village administrations' revenues from their own properties and businesses;
- Duties and fees: income generated from stone quarries, game equipment and animals that are sold and slaughtered, as well as revenues from village ports and piers;

- Fines: revenues obtained from certain penalties mentioned in the Village Law;
- Aid and donations: aid provided by either state institutions or private persons and organizations.

8.5. Borrowing / Loans

In order to finance expenditure incurred in connection with their duties and services, municipalities and special provincial administrations may borrow funds and issue bonds in accordance with the principles and procedures specified by law.

8.6. Financial control of local/regional authorities

Auditing of special provincial administrations and municipalities is carried out to assist the prevention of mistakes in activities and operations, to provide guidance to the development of personnel and organisation, and to ensure that the administration and control systems are legal, reliable and coherent by means of an impartial analysis, comparison and measurement of service processes and results according to legislation, predetermined aims and objectives, performance criteria and quality standards and by way of evidence-based evaluation, reporting the results obtained and presenting these reports to the relevant parties.

Internal and external audit are carried out in special provincial administrations and municipalities in accordance with Law No. 5018 on Public Financial Management and Control.

Apart from the above-mentioned types of audit, special provincial administrations and municipalities are also subject to the type of audit envisaged in the Article 77 of Law No. 5018 on Public Financial Management and Control.

9. CONTROLS OVER LOCAL/REGIONAL AUTHORITIES

9.1. General principles

Local governments, as organisations with public legal personality and based on the principle of decentralisation, are units which stand apart from the central administration hierarchy and are independent from it to a certain extent. However, the “administrative and financial autonomy” does not imply unrestricted liberty for local governments.

According to Article 127 of the Constitution, central government has administrative tutelage over local governments in accordance with the principles and procedures laid down by law for:

- conducting local services in line with the principle of integrity of administration;
- ensuring unity in public services;
- safeguarding public interest; and,
- adequate provision of services to meet local needs.

9.2. Administrative Supervision

Power of giving prior permission:

Central government organisations give permission to local governments prior to the implementation of certain actions and operations.

Power of approval:

Central government organisations give approval for certain operations of local governments to become valid.

Obligation to proclaim the decisions:

A decision of the general provincial council must be sent to the governor and the decisions of the municipal council must be sent either to the district governor or to the governor in accordance with a specific issue, otherwise they do not come into force.

Power to apply to the administrative courts for the annulment of decisions:

Governors or district governors may choose to apply to administrative courts for the annulment of certain decisions taken by the local governments on grounds of illegality.

Power of conducting services on behalf of local governments:

If public health, peace and well-being is negatively affected to a critical extent as a result of inadequate service provision by the special provincial administrations or municipalities and if a competent judge from the Civil Court of Peace, at the request of the Ministry of Interior or related ministry, has officially recognised the problem in question, then the Ministry of Interior must ask the special provincial administration or the municipality to resolve the problem within a reasonable time period.

If the problem remains unresolved, the governor of the province is requested to provide the related services and must resolve the problem firstly by recourse to tools, material, personnel and other resources of the municipality, and if this is not possible, by recourse to the facilities of other public institutions and organisations. The expenditure on services performed in this way will be financed by the own resources of the relevant local authority.

9.3. Audit of Local Authorities

Internal audit:

The work and operations of special provincial administrations and municipalities are audited by internal auditors who are attached to the governor or the mayor. The internal auditors carry out audits on behalf of the governor or the mayor with her/his authorisation. Audits include legality control, financial audit and performance audit. The report prepared upon the completion of the audit is presented to the governor or mayor.

External audit:

External audit is the ex-post audit performed by the Court of Accounts in special provincial administrations and municipalities. The purpose of external audit is to inspect financial actions, decisions and transactions and their compliance with the law, institutional aims, objectives and plans for public administration accountability, and subsequent reporting of the results to the Turkish Grand National Assembly.

Audit based on Article 77 of the Law No. 5018 on Public Financial Management and Control:

In cases where the entire financial management and control system is failing and there are indications of apparent corruption or public loss, at the request of the governor for special provincial administrations, or the mayor for municipalities or on the direct approval of the Prime Minister, the Minister of Interior may authorise the auditors to inspect all financial management and control systems, financial decisions and transactions of the relevant local government for their compliance with the law. A copy of the reports prepared as a result of these inspections shall be sent to the Internal Audit Coordination Board and another copy shall be sent either to the governor or to the mayor concerned for the necessary action to be taken.

Audit of the Ministry of Interior:

All administrative transactions of the special provincial administrations and municipalities other than financial transactions are audited by the Ministry of the Interior to ensure they have been carried out in compliance with the law and according to correct administrative procedures.

Audit of villages:

Under Law No. 5442 on Provincial Administration, villages are audited by the relevant governors and district governors. A district governor has to audit at least half of the villages within that district. Any headman not performing their duties as necessary may be removed from office on the decision of the village's respective provincial or district administration board.

Any decisions of the headmen which do not benefit the village can also be revoked by the district governor or the governor. However, in accordance with the principle of tutelage, the governors or the district governors may not take decisions on behalf of the headmen and while revoking a village decision, they are obliged to provide a written justification to indicate on what grounds the decision does not benefit the village and how it infringes the law.

9.4. Judicial control

According to Article 125 of the Constitution "Recourse to judicial review shall be available against all actions and acts of administration".

Judicial review is limited to reviewing the conformity of actions and acts of the administration to law. No judicial ruling shall restrict executive action exercised in accordance with the forms and principles prescribed by law, which amounts to an administrative action or act, or remove discretionary powers.

The administration shall be liable to compensate for damages resulting from its actions and acts.

9.5. Remedies for the protection of local authorities

If local governments claim that an administrative procedure carried out or a decision taken by the central administration as regards local governments is against the law, they may apply to the administrative judicial authorities for the annulment of the procedure or the decision.

10. REMEDIES FOR INDIVIDUALS AGAINST DECISIONS OF LOCAL AND REGIONAL AUTHORITIES

Under the Constitution anyone whose rights are violated as a result of local government action or procedures may apply to the judicial authorities in this connection, and request compensation for their loss, if any.

11. LOCAL ADMINISTRATIVE PERSONNEL

Special Provincial Administrations:

The personnel of the special provincial administration are appointed by the governor and the appointments are presented to the general provincial council at the first meeting.

Public services in the special provincial administration are carried out by:

- Civil servants;
- Workers;
- Personnel on full-time or part-time contracts;
- Temporary workers.

Municipalities:

Municipal personnel are appointed by the mayor. The municipal Council is informed of appointments to managerial positions such as head of department or above at its first meeting.

In a municipality, public services are carried out by:

- Civil servants;
- Workers;
- Personnel on full-time or part-time contracts;
- Temporary workers.

Villages:

Village officials are employed as part of the village administration. The number of village officials employed depends on the population size and the economic situation of the village. The personnel of the village administration comprises the village watchman, a religious official (*imam*) and the village clerk, as well as other personnel such as a herdsman and a shepherd.

12. REFORMS ENVISAGED OR IN PROGRESS

Comprehensive efforts to reform public administration in Turkey began in 2002. By abolishing the traditional hierarchical model of public administration, the objective of the reform has been to establish a new concept of public administration, based on co-operation and consent among all social stakeholders which puts emphasis on democracy, the rule of law, human rights and fundamental freedoms; brings participation and civil society organisations to the forefront; and which takes transparency, openness, accountability, local self-government, devolution of power and subsidiarity as its basis.

The legislation adopted on local authorities and their effective implementation is one of the reform's most important elements. The basic legislation concerning local authorities has been entirely renewed, and work has been undertaken to ensure the alignment of the local administration system with international norms, specifically the European Charter of Local Self-Government. In this framework, a number of laws were enacted in 2004 and 2005, which include Law No. 5393 on Municipalities, Law No. 5216 on Metropolitan Municipalities, Law No. 5302 on Special Provincial Administrations, Law No. 5355 on Unions of Local Authorities and Law No. 5779 on Appropriation of Shares to Special Provincial Administrations and Municipalities from General Budget Tax Revenues. In addition to these, the necessary secondary legislation has been completed and put into force with the aim of facilitating implementation of primary legislation. Furthermore work on preparing the new Law on Villages and the Draft Law on the Affiliated Institutions of Municipalities in line with the new public administration concept is currently underway.

With the legislation adopted and in force, the distribution of duties and powers between the central administration and the local authorities has been re-defined. The services which used to be carried out by the central administration have been transferred to local authorities as their delivery is swifter, more effective and efficient owing to their nature. In other words, by increasing the duties and powers of local authorities, local governments have been strengthened, personnel recruitment in local governments has been simplified and a flexible organisational system has been adopted in local authorities. The aim has been to ensure that the approach, structure and functioning of local governments acquire a citizen-oriented, high quality, effective, and up-to-date outlook; by adopting modern concepts such as flexibility, transparency, participation, accountability and certainty.