

Y. ACAR

A COMPARATIVE ANALYSIS OF LOCAL ADMINISTRATION  
REFORMS OF POLAND AND TURKEY ON THE WAY TO THE  
EUROPEAN UNION ACCESSION

YELİZ ACAR

METU  
2008

June 2008

A COMPARATIVE ANALYSIS OF LOCAL ADMINISTRATION REFORMS  
OF POLAND AND TURKEY ON THE WAY TO THE EUROPEAN UNION  
ACCESSION

A THESIS SUBMITTED TO  
THE GRADUATE SCHOOL OF SOCIAL SCIENCES  
OF  
MIDDLE EAST TECHNICAL UNIVERSITY

BY

YELİZ ACAR

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS  
FOR  
THE DEGREE OF MASTER OF ART  
IN  
POLITICAL SCIENCE AND PUBLIC ADMINISTRATION

JUNE 2008

Approval of the Graduate School of Middle East Technical University

---

Prof. Dr. Sencer Ayata  
Director

I certify that this thesis satisfies all the requirements as a thesis for the degree of Master of Arts of Political Science and Public Administration.

---

Prof.Dr Raşit Kaya  
Head of Department

This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Arts of Political Science and Public Administration.

---

Prof. Dr. Şinasi AKSOY  
Supervisor

**Examining Committee Members (first name belongs to the chairperson of the jury and the second name belongs to supervisor)**

Prof. Dr. Şinasi AKSOY (METU,ADM) \_\_\_\_\_

Assoc.Prof.Dr. Yılmaz ÜSTÜNER (METU,ADM) \_\_\_\_\_

Assoc.Prof.Dr. Oktay TANRISEVER (METU,IR) \_\_\_\_\_

**I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.**

Name, Last name :

Signature :

## **ABSTRACT**

### **A COMPARATIVE ANALYSIS OF LOCAL ADMINISTRATIVE REFORMS OF POLAND AND TURKEY ON THE WAY OF THE EUROPEAN UNION ACCESSION**

ACAR, Yeliz

M.A., Department of Political Science and Public Administration

Supervisor : Prof. Dr. Şinasi AKSOY

June 2008

This thesis aims to analyze the reform projects and the implementation of these projects both in Poland and in Turkey within a comparative perspective in the field of local administration. Focusing on the similarities and differences between the two cases, it tries to elaborate on the role, significance and contributions of the European Union to the reform processes of these two countries, and draws lessons from the Polish experience for Turkey. In addition, by comparing the Polish case with the Turkish case, this thesis identifies Turkey's problems with respect to the requirements of the European Union as regards democratization. Furthermore, it sheds a light on what other reforms Turkey should implement in order to become a full member of the European Union.

As a result, this thesis shows that Turkey carries out her reform process in the field of local government much more slowly and cautiously than Poland does, and the anxieties of violating the existing system –especially the unitary state character- of Turkey is the primary reason of this caution.

Keywords: Poland, Turkey, Local Administration, the European Union.

## ÖZ

### AVRUPA BİRLİĞİ ÜYELİĞİ YOLUNDA POLONYA VE TÜRKİYE'DEKİ YEREL YÖNETİM REFORMLARININ KARŞILAŞTIRMALI BİR ANALİZİ

ACAR, Yeliz

Master, Siyaset Bilimi ve Kamu Yönetimi Bölümü

Tez Yöneticisi : Prof. Dr. Şinasi AKSOY

Haziran 2008

Bu tez, Polonya ve Türkiye'yi karşılaştırarak, iki ülkenin Avrupa Birliği'ne üyelik sürecinde, yerel yönetimler alanında, gerçekleştirdiği reform projelerini ve bu reformların uygulamalarını analiz etmektedir. Ek olarak, Polonya ve Türkiye arasındaki benzerlik ve farklılıklarla, Avrupa Birliği'nin bu ülkelerde gerçekleştirilen reform projelerindeki rolü ve katkısı tetkik edilmiştir. Ayrıca bu tezde Polonya'nın deneyimlerinden Türkiye için dersler çıkarmak da mümkün olmuş ve Avrupa Birliği'nin öne sürdüğü demokratikleşme şartlarının ne kadarını gerçekleştirebildiği ve tam üyelik için yerel yönetimlerle ilgili daha ne gibi reformların yapılması gerektiği gibi sorular yanıtlanmaya çalışılmıştır.

Sonuç olarak, bu tez Türkiye'nin yerel yönetimlerle ilgili reformlarını, Polonya'ya oranla, daha yavaş ve dikkatli adımlarla gerçekleştirdiğini göstermektedir ki bu durumun başlıca nedeni var olan sistemin –özellikle de üniter devletin- bozulması endişesidir.

Anahtar Kelimeler: Polonya, Türkiye, Yerel Yönetim, Avrupa Birliği.

## ACKNOWLEDGMENTS

The author wishes to express her deepest gratitude to her supervisor Prof. Dr. Şinasi Aksoy for his guidance, advice, criticism, encouragements and insight throughout the research.

The author would also like to thank Assoc. Prof. Dr. Yılmaz Üstüner and Assoc. Prof. Dr. Oktay Tanrısever for their suggestions and comments.

This study was supported by the Scientific Technological Research Council of Turkey (Türkiye Bilimsel ve Teknolojik Araştırma Kurumu - TÜBİTAK).

## TABLE OF CONTENTS

PLAGIARISM .....	iii
ABSTRACT .....	iv
ÖZ .....	v
ACKNOWLEDGEMENTS .....	vi
TABLE OF CONTENTS .....	vii

### CHAPTER

INTRODUCTION .....	1
--------------------	---

<b>1. THEORETICAL DEVELOPMENT OF THE FIELD OF PUBLIC ADMINISTRATION AND THE EUROPEAN UNION ENLARGEMENT AND ITS IMPACT ON LOCAL ADMINISTRATION REFORMS .....</b>	<b>7</b>
---	----------

1.1. THEORETICAL DEVELOPMENT OF THE FIELD OF PUBLIC ADMINISTRATION SINCE 1980S .....	7
1.2. THE IMPACT OF THE EUROPEAN UNION ENLARGEMENT ON LOCAL ADMINISTRATION REFORMS .....	18
1.2.1. EUROPEAN UNION .....	19
1.2.1.1. FROM THE EUROPEAN COAL AND STEEL COMMUNITY TO THE EUROPEAN UNION .....	19
1.2.1.2. THE FIRST WAVE OF ENLARGEMENT .....	22
1.2.1.3. THE SECOND (MEDITERRANEAN) WAVE OF ENLARGEMENT .....	23
1.2.1.4. THE THIRD WAVE OF ENLARGEMENT .....	24
1.2.1.5. THE FOURTH ENLARGEMENT .....	24
1.2.1.6. THE FIFTH ENLARGEMENT .....	25
1.2.2. REQUIREMENTS OF THE EUROPEAN UNION MEMBERSHIP .....	25
1.2.2.1. GENERAL REQUIREMENTS .....	26

1.2.2.2. REQUIREMENT OF DEMOCRATIZATION .....	27
1.2.2.3. EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT .....	27
1.2.3. SUMMARY .....	30
<b>2. POLAND’S ACCESSION TO THE EUROPEAN UNION AND LOCAL ADMINISTRATION REFORMS .....</b>	<b>32</b>
2.1. HISTORICAL BACKGROUND OF POLAND .....	32
2.2. POLAND’S RELATIONS WITH THE EUROPEAN UNION .....	35
2.3. LOCAL ADMINISTRATION SYSTEM IN POLAND .....	37
2.3.1. POLAND AND THE EUROPEAN CHARTER OF LOCAL SELF- GOVERNMENT .....	37
2.3.2. LOCAL ADMINISTRATION IN THE POLISH CONSTITUTION .....	39
2.3.3. LOCAL ADMINISTRATION REFORMS IN POLAND .....	47
2.3.4. LOCAL ADMINISTRATION SYSTEM OF POLAND .....	49
2.4. PROBLEMS OF LOCAL ADMINISTRATION REFORMS IN POLAND DURING THE EUROPEAN UNION ACCESSION PROCESS .....	55
2.5. SUMMARY .....	60
<b>3. TURKEY’S EUROPEAN UNION ACCESSION PROCESS AND THE LOCAL ADMINISTRATION REFORMS .....</b>	<b>62</b>
3.1. HISTORICAL BACKGROUND OF TURKEY .....	62
3.2. TURKEY’S RELATIONS WITH THE EUROPEAN UNION .....	66
3.3. LOCAL ADMINISTRATION SYSTEM IN TURKEY .....	69
3.3.1. TURKEY AND THE EUROPEAN CHARTER OF THE LOCAL SELF- GOVERNMENT .....	69
3.3.2. LOCAL ADMINISTRATION IN TURKEY’S CONSTITUTION .....	72
3.3.3. LOCAL ADMINISTRATION REFORMS IN TURKEY .....	75
3.3.4. LOCAL ADMINISTRATION SYSTEM OF TURKEY .....	78
3.4. PROBLEMS OF LOCAL ADMINISTRATION REFORMS IN TURKEY DURING THE EUROPEAN UNION ACCESSION PROCESS .....	85
3.5. SUMMARY .....	89

<b>4. A COMPARATIVE ANALYSIS OF TURKEY AND POLAND WITHIN THE FRAMEWORK OF THE EUROPEAN UNION ENLARGEMENT</b>	<b>91</b>
4.1. SIMILARITIES BETWEEN POLAND AND TURKEY .....	<b>91</b>
4.2. DIFFERENCES BETWEEN POLAND AND TURKEY .....	<b>93</b>
<b>CONCLUSION</b> .....	<b>101</b>
<b>BIBLIOGRAPHY</b> .....	<b>104</b>

## INTRODUCTION

With the end of the Second World War, the European Coal and Steel Community (ECSC) was founded by the six West European countries -France, Germany, Italy, Luxembourg, Netherlands and Belgium- with the aim of developing and maintaining peaceful relations with each other. Following the European Coal and Steel Community, the European Economic Community (EEC) was established with a similar aim, which is to serve towards peace and prosperity between member states through economic relations. In line with this objective, the European Economic Community has given birth to the European Union shifting its focus from cooperation on economics to cooperation both on economics and politics.

In addition to widening the field of cooperation, with the establishment of the European Union (EU), the enlargement process of the Union to include candidates who strive to be a full member of the EU had also begun. It had gone through several waves of enlargements and enlarged its size from 6 to 15 until 1994. In 2004, the size of the Union nearly doubled once again by the accession of ten new countries. As a result, the number of member states of the European Union increased to 25. However, the previous enlargement waves were never on such a large scale as the last one experienced in the year 2004. Hence, the 2004 enlargement round has forced the Union to become rather cautious in accepting new members. After the accession of Bulgaria and Romania to the Union on the 1 January 2007, the number of members of the European Union increased to 27<sup>1</sup>.

One of the most important reasons behind the enlargement of the European Union was the collapse of the Soviet Bloc. After the collapse of the Soviet Bloc, the Central and Eastern European Countries (CEECs), some of which can be seen among the ten candidate countries of the fourth enlargement -namely Cyprus, Malta, Hungary, Poland, Slovakia, Lithuania, Estonia, Latvia, the Czech Republic and

---

<sup>1</sup> *Enlargement Process: Understanding Enlargement*, prepared by the European Commission. Available online at [http://ec.europa.eu/enlargement/enlargement\\_process/index\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/index_en.htm), accessed on 11.02.2007.

Slovenia-, started to improve relationship with countries of Western Europe. Finally, by denouncing the Warsaw Pact, they declared their willingness to attach themselves to the West by adapting the liberal, political and economic models and standards of the West.

However, despite the fact that enlargement took place in waves; it has rather been an uneasy process. Furthermore, as the enlargement continued, it became much more complex and difficult to digest new members. Today, both the situations and problems of the candidate countries and the Union's capacity to accept new members with a variety of problems in economic, social and political aspects are much more different from those of the past.

Currently, the countries, which are in relation with the European Union, have their own patterns of relationship, history and dialogue with the Union that are shaped and reshaped due to the requirements of the European Union during the candidacy period. In light of this, this thesis analyzes one candidate and one member state which are Turkey and Poland in terms of their local government systems since developing and making local administrations more autonomous is one of the requirements that ease the membership process to the European Union. These two countries are selected for comparison within the enlargement framework because of some similarities in their characteristics that can have a similar impact on the reform process, which are stated briefly below.

According to Ziya Öniş, four main similarities can be listed between these two states. The first one is that the major goal of both states can be seen as "Europeanization". Especially, the elites of both countries accept Europeanization as the most significant point on the European Union path<sup>2</sup>. Secondly, both Poland and Turkey have considerable population. While Turkey has approximately 70.5 million inhabitants in 2007<sup>3</sup>, Poland's population was approximately 38,2 million in 2006<sup>4</sup>.

---

<sup>2</sup> Öniş, Ziya. "Diverse but Converging Paths to European Union Membership: Poland and Turkey in Comparative Perspective", *East European Politics and Societies*, Vol. 18, No. 3, p.482, 2004.

<sup>3</sup> Nüfus ve Demografik Yapı prepared by Türkiye İstatistik Kurumu, 2007. Available at [http://www.tuik.gov.tr/PreTablo.do?tb\\_id=39&ust\\_id=11](http://www.tuik.gov.tr/PreTablo.do?tb_id=39&ust_id=11), accessed on 03.08.2008.

That is to say, Poland has the biggest population among the ten countries<sup>5</sup> which became members of the European Union in 2004. The third similarity is about economic and political spheres. As stated by Öniş, both states experienced state domination and thus a centralized administrative system, although their regime types were different<sup>6</sup>. These can be considered as significant similarities between the two states. Hence, in transition projects of the local governments with the aim of making local governments more autonomous, Turkey may experience similar problems that Poland had experienced in her membership process. The final similarity is that “both countries suffer from the presence of a large and inefficient agricultural sector that poses serious threats to basic community institutions like the Common Agricultural Policy”<sup>7</sup>.

In addition to the similarities which are stated by Ziya Öniş and Serap Bindebir indicates some other similarities. First of all, according to Bindebir, Poland was a unitary state which was highly centralized before the local government reform, as today’s Turkey<sup>8</sup>. The second similarity can be observed on the urbanization ratios of both states. When analyzed, it can be said that both Poland and Turkey have high degrees of urbanization, which means more projects for new infrastructure and services<sup>9</sup>. Thirdly, both Poland and Turkey have a large number of municipalities<sup>10</sup>. Fourthly, just like Öniş, Bindebir also focuses on the population of these states. She emphasizes that Poland has a larger population than the other nine countries which became member of the European Union at the same time with Poland. Like Poland,

---

<sup>4</sup> Key Facts and Figures About Europe and the Europeans prepared by European Commission, Directorate-General for Press and Communication, Luxembourg, 2007. Available at: [europa.eu.int/comm/publications](http://europa.eu.int/comm/publications), accessed on 03.08.2008.

<sup>5</sup> Öniş, 2004.

<sup>6</sup> Öniş, 2004.

<sup>7</sup> Öniş, 2004.

<sup>8</sup> Bindebir, Serap. *Intergovernmental Finance and Local Government System in Turkey: Experiences and Lessons to be Learned from Poland*, p.1, 2004. Available at: [http://www.ecomod.net/conferences/ecomod2004/ecomod2004\\_papers/165.pdf](http://www.ecomod.net/conferences/ecomod2004/ecomod2004_papers/165.pdf), accessed on 12.14.2006.

<sup>9</sup> Bindebir, 2004.

<sup>10</sup> Bindebir, 2004.

Turkey has a large population which makes it as an issue of concern for the EU<sup>11</sup>. The final similarity stated by Bindebir is that -as Turkey has a dual structural system of her lower tier government- “the structures of lower tier governments of Poland are based on a dual system which are deconcentration (profectures) and decentralization (voivodes, counties and municipalities)”<sup>12</sup>.

However, even though there are similarities between these two states and even though both aim to achieve or meet reorganization demands and expectations coming from the European Union, the nature of changes are not so similar in Poland and Turkey. In the Polish case, the transformations started in 1989, right after the collapse of the Soviet Union. As a post-Communist regime, the Polish government introduced a new public administration reform project as a natural continuation of the 1989 revolution. Therefore, it is possible to say that these reforms were undertaken not only for the transformation of public administration system, but also as a transformation of existing state model into a liberal one. Thus, two reasons for the administrative reorganizations in Poland can be considered. One is the 1989 revolutions in Eastern Europe that constituted urgency for the transformation and the other is the dynamics of the European Union integration.

On the other hand, in the Turkish case, it can be said that there were three phases of the administrative reforms in Turkey. The first phase began with the declaration of 24 January 1980 decisions, which was an attempt to regulate and restructure economy and secure its transformation from import substitution into a liberal export-oriented economic system. Nonetheless, these liberalization policies caused the collapse of the state economy that also triggered the second phase of the transformation. In the second phase -which started in the second half of 1980s and continued in the first half of 1990s- the aim was to modify and restructure some basic constitutional principles and corresponding societal organizations. Then, the third phase -that started in 2002- has been particularly on the public administration

---

<sup>11</sup> Bindebir, 2004.

<sup>12</sup>Bindebir,2004.

system and restructuring of the system with its central government and the local governments. The most important cause of the third phase of the administrative reform can be seen as the willingness of Turkey to become a member of the European Union. In line with this integration process to the European Union, the most important and comprehensive reform has been initiated in 2005 in the public administration sphere.

As a result, having considered all these similarities and differences, the thesis argues that Poland can be taken as an example for the Turkish membership process to the European Union. In other words, both of the countries started their administrative reforms with the aim of Europeanization which would end with the European Union membership.

The subsequent chapter of this thesis is about the theoretical background of public administration transition so that the process of change in the field of the public administration can be understood. Moreover, this chapter also focuses on the European Charter of Local Self-Government. Through this analysis, requirements of the European Union from the candidate countries –in terms of the local government transition- can be observed. The next two chapters will explain historical backgrounds, local government systems and problems of Poland and Turkey. By following the footsteps of Poland, this analysis will aid in understanding Turkey's place in the way of membership to the European Union as well as her position with respect to the Union's requirements of democratization for full membership.

As mentioned previously, in this thesis the author is basically going to focus on the local government systems in Poland and Turkey. Upon this point, first of all, I am going to summarize the theoretical developments in the public administration literature to understand situation of the local administrations in the administrative systems of states. Then, I will take a look at the process of the formation of the European Union and its enlargement. Moreover, in the same chapter, the impact of the European Union on local administration reforms that have to be carried out both in member states and in candidate countries will also be analyzed. Here, the European Charter of the Local Self-Government will be examined as the most

important tool of the Union for drawing a framework about the local administrations in modern administrative understanding.

Then, in chapter three, the focus will be on the Polish case. In this chapter, the historical background of Poland will be explained and the relationship between Poland and the European Union will be elaborated on in order to see the differences between Turkish historical background and relations with the Union. In addition, the local administrations in Poland will be analyzed. Under this heading, the author will not only look at the local administration reforms in and local administration system of Poland, but I will also examine the Polish Constitution and the perception towards the European Charter of Local Self-Government. Finally, the problems of local administration reforms in Poland will be analyzed.

The chapter on Turkey follows the one on Poland. Firstly, the historical background of Turkey and then relations between the Union and her will be explained. Again as it is the case in chapter three, in this chapter, the author is going to look at Turkey's understanding towards the Charter and the condition of the local administrations in Turkish Constitution. After these analyses, the local administration reforms in Turkey and the local administrative system of Turkey after the reformation process will be elaborated on. As the final part of this chapter, the problems of local administration reforms in Turkey will be analyzed.

Finally, chapter five will be on the comparison of Poland and Turkey within the framework of the European Union and local administration reforms. In this chapter, historical backgrounds and experiences of these two states, their relations between the European Union, local administration reforms and systems and problems of each of these countries, will be compared in order to find out similarities and differences.

# **1. THEORETICAL DEVELOPMENT OF THE FIELD OF PUBLIC ADMINISTRATION AND THE IMPACT OF THE EUROPEAN UNION ENLARGEMENT ON LOCAL ADMINISTRATION REFORMS**

Public administration theories have affected the administrative systems of countries since the very beginning of the 20<sup>th</sup> century. In fact, a certain type of public administration system – particularly in relation with local governments – is one of the requirements of becoming a full member of the European Union. Thus, looking at the theoretical development of public administration and the European Union together has significance as far as the focus of the thesis is concerned.

It should not be forgotten that changes in the global order have always reflected themselves in the field of public administration as has been the case in other disciplines. Stemming from a growing emphasis of the European Union on certain administrative principles and structuring guideline especially in the field of local government organizations, concomitant restructuring steps have been taken.

These have had and still have impact on Poland's and Turkey's accession to the European Union. Thus, it becomes necessary to look at the redevelopment of the theoretical framework of political and administrative nature in recent years and the European Union administrative principles in order to find out the impacts of these theoretical developments on the accession requirements of the European Union.

## **1.1. Theoretical Development of Public Administration since 1980s**

During the process of theoretical development, which started in the late 1970s and in the beginning of the 1980s, several changes have taken place in economic, political and administrative models of the states. In this process, a grand theory -“New Right”- emerged where basically two main approaches called “Public Management” and “Reinventing Government” can be seen that reflect the changes in the traditional understanding of public administration. With these new approaches, the main

emphasis has started to be put on the structural changes, entrepreneurship, quality and financial management. In other words, a new culture is tried to be imposed on public institutions by the help of market theory that introduces structural solutions to the problems of public administration. In this new culture, the main critical assumption has been that states that encourage monopolies, suppress entrepreneurial behavior, limit choices and lead to overproduction of the unwanted services. As a result, the state involvement mainly causes the inefficiency and waste of sources, whereas the market encourages competition, maximizes choice –thus freedom- and, in the end increases efficiency.

The above mentioned assumptions can also be observed in the Public Management approach, as the approach of the Reinventing Government accepts the same assumptions. Since these approaches influenced the economical, political and administrative models of several states, like the United States of America, the European countries and also the Third World (Developing) countries, looking at these approaches and explaining them becomes highly important due to the fact that they influence public administration understanding and administrative systems of the whole world and its administrative system.

Although it is mentioned above that the approach of Public Management emerged at the end of 1970s and in the beginning of 1980s, precisely, the birth of this approach was declared in 1983 by the publication of a book titled as “Public Management: Public and Private Perspectives” which was written by Perry and Kraemer<sup>13</sup>. According to them, this new approach has four characters and aims, which can be listed as:

“1) to understand and to improve styles and ways of applying the duties of public organizations 2) to take the executive and its containments as the main unit of analysis by doing the first article 3) to develop effective tools and techniques for making public administrators more sufficient and facilitated and 4) to focus methodologically on the comparison techniques between organizations and sectors”<sup>14</sup>.

---

<sup>13</sup> Üstüner, Yılmaz. “Kamu Yönetimi Disiplininde Kimlik Sorunsalı”, *Kamu Yönetimi Sempozyumu Bildirileri*. Vol.1, TODAİE, 1995, p.16.

<sup>14</sup> Üstüner, 1995.

However, this approach remained ineffective since it was not applied to the field. As a result, in the late 1980s, new thoughts have been introduced in the Public Management, as the “New Public Management Approach”. In this approach, generating transparent and competitive bureaucracy was the main aim, by taking initiative, on the grounds that citizens have freedom of choice. However, since the general framework of administration had not been changed, reforms -that New Public Management led- could not be applied sufficiently<sup>15</sup>. In other words, although the New Public Management Theory was one step beyond the previous approach for the application in the administrative system, it also stayed as a theory.

When it came to the 1990s, the Professional Public Management was born from the previous approach, which is called the New Public Administration<sup>16</sup>. This new management understanding was established on five basic assumptions<sup>17</sup>. The first one stated that social improvement can be achieved by increasing the economic efficiency gradually. The second assumption said that gradual intensive communication and the use of organizational technology is necessary in order to increase efficiency. In the third assumption, it was stated that this technology can become applicable by the help of productivity and disciplined labor power. Fourthly, a group of professional administrators can achieve the targeted productivity. According to the fifth and the final assumption, in order to achieve this function, administrators need to have a free space<sup>18</sup>. Thus, all these new approaches – which are Public Management, New Public Management and Professional Public Management – introduced new concepts like efficiency, effectiveness, and freedom of choice, transparency and competitiveness.

In addition to the contributions of the New Public Management and the Professional Public Management to the Public Management, another important contribution was

---

<sup>15</sup> Üstüner, 1995.

<sup>16</sup> Üstüner, 1995.

<sup>17</sup> Terry, Larry. “Administrative Leadership, Neo-Managerialism and the Public Management Movement *Public*”, *Administration Review*. Vol.58, 1998, pp.194-201.

<sup>18</sup> Terry, 1998.

made by the approach called “Reinventing Government” which was born in 1992, with the book by David Osborn and Ted Gaebler which is titled “Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector?”<sup>19</sup>. Although the Public Management introduced the understanding of the private sector, the Reinventing Government not only summarized and listed the previous understandings of Public Management but also made significant additions. Ten principles as the fundamental principles of that invention can be listed which are also cited in Üstüner’s article as;

“Catalyst administration, the administration of which the owners are the citizens, competitor administration, the administration which focuses on the aims, the administration which gives importance to the results, the administration of which focuses on the customer, entrepreneurial administration, administration with prudence, decentralized administration, the administration that is especially directed to the market”<sup>20</sup>.

When these ten principles are carefully analyzed, one can understand the mentality of this approach called Reinventing Government and how this approach reshapes and recovers the approach of Public Management. Below, it is possible to see an in depth analysis of these principles.

According to the principle of the catalyst administration, the state should be less interventionist, which means that it ought to direct the process rather than applying it<sup>21</sup>. In other words, the regulatory state is emphasized, which is explained as “a kind of pilot for society, not actually supplying the motive power but providing overall guidance about direction”<sup>22</sup>. In the second principle, which implies that the owners of the administration are the citizens, the mentality was that the administrative services are not provided by the state. On the contrary, these services are performed by the citizens thanks to the facilitator position of the state providing necessary opportunities to the citizens for self-administration<sup>23</sup>. In the principle of the

---

<sup>19</sup> Üstüner, 1995.

<sup>20</sup> Üstüner, 1995.

<sup>21</sup> Üstüner, Yılmaz. “Kamu Yönetimi Kuramı ve Kamu İşletmeciliği Okulu”, *Amme İdaresi Dergisi*. Vol.33 No:3, 2000, p.23.

<sup>22</sup> Moran, M. *Politics and Governance in the UK*. Palgrave Macmillan, Basingstoke, 2005, p.528.

<sup>23</sup> Üstüner, 2000.

competitor administration, Osborne and Gaebler asserted that competition is the way to increase the quality and effectiveness rather than regularity<sup>24</sup>. In this principle, at the same time, the freedom of choice is emphasized, and the emergence of different options is shown as the basic reason of the competition<sup>25</sup>. The other principle is based on the understanding of the administration which is result-oriented. Osborne and Gaebler try to explain that strict loyalty to the existing rules leads to inefficiency which also decreases productivity. According to Osborne and Gaebler, in order to generate productive, flexible and innovative administration, management by objectives should be the main point<sup>26</sup>. In the fifth principle, Osborne and Gaebler emphasize that the administration needs to attach importance to the results rather than to the process. In this principle, the performance management gains a special significance since the main emphasis is given to whether the targets can be achieved in the end or not; when targets can be achieved, and whether a certain degree of efficiency can be realized or not<sup>27</sup>. Thus, in this principle, it can be deduced that using limited sources more efficiently is becoming more and more important in the public administration.

Of course, these are not the only principles mentioned by Osborne and Gaebler in their study. In the other principal, the concept of ‘customer’ is a fundamental point<sup>28</sup> as citizens are accepted as customers just like the case in market conditions. Although the perception of citizen has changed, it is claimed that the necessities and requirements of the customers (citizens) have become much more important than before. That situation also means that the services that are given to the customers are developed and improved in order to meet their new requirements<sup>29</sup>. In other words, an emphasis and sensitivity on customers’ needs and requirements have been

---

<sup>24</sup> Osborne, David and Ted Gaebler. *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector*. Plume Press, New York, 1992.

<sup>25</sup> Üstüner, 2000.

<sup>26</sup> Üstüner, 2000.

<sup>27</sup> Üstüner, 2000.

<sup>28</sup> Üstüner, 2000.

<sup>29</sup> Üstüner, 2000.

developed. Additionally, this principle is highly related with the seventh principle which is the entrepreneurial administration. This principle's main point is getting profit. That is, in this principle, to hold the budget in balance is significant but the main point is not just balancing the state budget. On the contrary, getting profit from citizens, from administrative services in order to enrich the state budget becomes more significant<sup>30</sup>. In the eighth principle, the administration with prudence is the point of focus. Depending on this principle, the administrators should estimate the possible results of an action or an event and take position by taking these possible results into account. Therefore, this principle introduces the administrative understanding which mostly prevents the possible problems rather than recovering them after they exist<sup>31</sup>.

The previous eight principles can be perceived as the parts of the ninth principle, which is the administration especially directed to the market. The last principle of this approach puts forward that decentralized administration is a necessity for the administration. Indeed, the logic of this approach is that the administrative services should be given by the closest administrative body to the citizen<sup>32</sup>. In order to realize this, decentralizing the administration is seen as the only and the best way.

The Public Management approach and its continuation, the Reinventing Government, have naturally led to many changes in the application of traditional public administration. The article of Guy Peters, titled "Changing States, Governance, and the Public Service", successfully summarizes these changes. According to Peters, debates started in 1970s "make the public administration more rational with techniques such as program budgeting and cost-benefit analysis, and then merely to let the governing system continue to produce effective policies and continued socio-economic improvements"<sup>33</sup>. His observations relate to the changes

---

<sup>30</sup> Üstüner, 2000.

<sup>31</sup> Üstüner, 2000.

<sup>32</sup> Üstüner, 2000.

<sup>33</sup> Peters, B. Guy. "The Public Service, the Changing State, and Governance" in Guy Peters and Donald Savoie Eds. *Governance in a Changing Environment, Canadian Center for Management Development*, 1995, p. 111.

in the traditional public administration, which can be subsumed under six headings, which are; an apolitical civil service, hierarchy and rules, permanence and stability, an institutionalized civil service, internal regulation, and equality.

When each of these headings is analyzed, it is possible to get a better understanding of the effects of public management approach. The first change is the shift to an apolitical civil service. That is to say, civil servants ought not to have visible political loyalties and as a result of that they should be and are able to serve under any master and government. Hence, the civil servants cannot be disloyal to the existing government because of their different partisan views<sup>34</sup>. This principle is highly related with the principle of permanence and stability. If the government has an apolitical civil service, these civil servants can work for many different political cadres. Thus, there would be no reason to change the bureaucrats, when the government is replaced by another one. However, while according to traditional public administration, this situation leads to stability; according to the latest thought, this situation would cause inefficiency since it offers lifetime job security and also lifetime income security. As a result, the position of the civil servants should not be so stable and secured<sup>35</sup>. Moreover, unlike the claim of traditional public administration, this approach emphasizes that there should be an institutionalized civil service governed as a corporate body.

There is a tendency in the theoretical literature that impermanent organizations should be created and the personnel commitments of government should also become less permanent. After all these explanations, the suggestion of the new understanding is the temporary employment<sup>36</sup>. Just like in the personnel politics, the dependency to the hierarchical and rule-bound management becomes less important. In other words, even though the traditional model of government gave more importance to the hierarchical and rule-bound management in public administration,

---

<sup>34</sup> Peters, 1995.

<sup>35</sup> Peters, 1995.

<sup>36</sup> Peters, 1995.

today, a decline in the importance of this understanding is observed, which leads to the fact that the importance of the negotiation in the administration increases. Consequently, bureaucrats have the right to reveal their ideas about the politics. According to the practitioners, this change is advantageous because it enables the implementation of the political process to become more rational. Since bureaucrats are responsible from the possible results of the implementations and know the administrative system at the implementation level, they act more carefully than politicians who generally are not perceived as responsible of the wrong implementations<sup>37</sup>.

In addition to these four headings, Peters emphasizes two more headings under the label of changes in the application of the traditional public administration. These headings are –as mentioned previously- internal regulation and equality. Indeed, further change can only be useful with the principle of neutrality since it refers to the fact that “the civil servants should be responsive almost without question to policy directives issued by its nominal political masters”<sup>38</sup>. That is, regulating administrative services by bureaucrats and serving to all citizens equally without considering their political choices is the main demand from the administrative system. This demand can be met by deregulation since, according to the practitioners, deregulation is the most appropriate response to the needs of developing and transitional regimes, in which several and quick changes can be applied to their administrative processes.

The last change is observed in the nature of equality of the traditional model of public administration. According to the traditional model, rigid bureaucratic structures and strong norms ensure greater equality of services offered to the clients, such as personal management, equal pay and conditions of employment for similar qualified employees. Nonetheless, it is argued that rigidity of bureaucratic structures and strong norms prevent effectiveness and efficiency, while -at the same time- no

---

<sup>37</sup> Peters, 1995.

<sup>38</sup> Peters, 1995.

restrictions on freedom of employees make them more creative in their jobs.<sup>39</sup> In other words, strong norms and bureaucratic structures become the reason of the restriction of the self-actualization of employees. Thus, norms should be more flexible and rigidity of the bureaucratic structure ought to be loosened.

Under all these changes in the traditional public administration understanding, the application has also changed in course of time. As stated above, these kinds of changes were firstly observed in the United States of America and in European countries. Following these, this wave of changing mentality spread to the developing countries. More specifically, this change of mentality affected the field of local administration as well which necessitates that local administration should also be focused on. However, it should not be forgotten that it would be much more useful to divide local administration into parts and branches since in this thesis not all branches of local administrations are examined.

In the Science of Administration, local administration has been generally known as the implementation of “decentralization principles”.<sup>40</sup> Decentralization principles can be divided into two as “political decentralization” –which means federalism- and “administrative decentralization” -which refers to local administrative units<sup>41</sup>. Political decentralization has generally been observed in federal states. They are autonomous and semi-autonomous political administration units, which do not have national identity<sup>42</sup>. On the other hand, administrative decentralization can also be divided into two types. One of these types is deconcentration or delegation of power. The other kind of administrative decentralization is called devolution<sup>43</sup>. By deconcentration, the central administration delegates enough power to the local institutions in order to achieve certain functions on behalf of central administration. However, a group of people asserts that delegation of power is not one of the types

---

<sup>39</sup> Peters, 1995.

<sup>40</sup> Keleş, Ruşen. (b) *Yerinden Yönetim ve Siyaset*. Cem Publication, İstanbul, 1992.

<sup>41</sup> Keleş, Ruşen. (b) *Yerinden Yönetim ve Siyaset*. Cem Publication, İstanbul, 1992, p.11.

<sup>42</sup> Keleş, (b) 1992.

<sup>43</sup> Keleş, (b) 1992.

of decentralization, but it is a kind of softened centralization<sup>44</sup>. On the other hand, devolution of authority, in real terms, is applicable to the local administration. In devolution, administrative organs -which are defined by law-, have duties, responsibilities defined by law, or duties that are not assigned to the central administration. Hence, this kind of local administration has political, financial and juristic authorities<sup>45</sup>. In this thesis, only one branch of the local administration which is called “devolution” is examined. After this clarification of different types of administrative decentralization, by referring to the devolutionary local administration, phrases of ‘the local government’ or ‘the local administration’ are used in this thesis.

It is also possible that changes in the traditional understanding of public administration naturally caused changes in the understanding of local administration and in the level of autonomy that local governments can utilize. For instance, the 19<sup>th</sup> century included some developments about local governments, such as in 1835, in England, it was the first time that “municipal corporations” were founded, although the word of “municipality” was firstly used in France, in 1789<sup>46</sup>.

On the other hand, the 20<sup>th</sup> century provided really significant opportunities to the local governments. In this century, local governments started to find sources for their necessary services. Thanks to these sources, they have started to render much more services than the central government had<sup>47</sup>. In addition to this, three main features were observed in the 20<sup>th</sup> century’s local administrations. The first feature can be named as pluralism of services, which means that, the scope of local administrations’ functions have become larger, due to economic, social and technological reasons<sup>48</sup>. Secondly, as the population of cities dramatically increased in the 20<sup>th</sup> century, rapid urbanization of local administrations took place as a

---

<sup>44</sup> Keleş, (b) 1992.

<sup>45</sup> Keleş, (b) 1992.

<sup>46</sup> Keleş, (b) 1992.

<sup>47</sup> Keleş, (b) 1992.

<sup>48</sup> Keleş, (b) 1992.

result<sup>49</sup>. Particularly, because of the rapid urbanization, the services of local administrations have become much more diversified in bigger areas than before.<sup>50</sup> The third feature of local administrations in the 20<sup>th</sup> century is effectiveness and efficiency in local administration's services<sup>51</sup>. As stated above, as the sources of local administrations increased, the duties of them increased, too. Therefore, using limited sources in an effective and efficient way has become more and more important. In other words, giving more qualified services by spending fewer sources to the people who live in that local area have become significant.

Other than these three features, it is possible to add two more, which can be given as the transparency and neutrality of local administrations. The feature of transparency necessitates public control and participation<sup>52</sup>. For example, if a local government announces its decisions and applies them in a transparent way, people can control them easily by monitoring actions of the administrative bodies. Moreover, thanks to this feature, the trust of people to the local administration also increases. The final important feature is neutrality, which means treating and serving to each and every local citizen equally and without considering those citizens' political preferences. According to this feature, local governments and governors should serve equally to all citizens in their local area; even if they are the members of a different party<sup>53</sup>. In other words, governors are expected to serve without taking whether a group of people voted for him or not into consideration.

Despite some differences, all local administrations share the same features. In fact, local administrations emerged during the historical developments of societies in order to satisfy certain aims and necessities of those societies. When this emergence process is analyzed, it is possible to observe that some factors take a primary role in

---

<sup>49</sup> Keleş, (b) 1992.

<sup>50</sup> Keleş, (b) 1992.

<sup>51</sup> Keleş, (b) 1992.

<sup>52</sup> Yalçındağ, Selçuk. "Saydam ve Dürüst Belediyecilik", *Çağdaş Yerel Yönetimler Dergisi* Vol. 4, No:1, 1995, p.26.

<sup>53</sup> Tortop, Nuri. "Demokratik Mahalli İdare Anlayışının İlkeleri", *Çağdaş Yerel Yönetimler Dergisi* Vol.1, No:3, 1992, p.4.

the distribution of political and administrative power among central and local administrations. These factors are historical development processes of those countries and their traditions; peculiarities of social structure; qualifications of their economies; and the structure of central administration<sup>54</sup>. Consequently, all these factors lead to the differentiations of one state's administrative power between central government and local government from the others.

As far as the case of the European Union is concerned, the Union requires similar transitions from its member states. One of these requirements is about democratization, and basically focuses on the position of the local governments. Especially, the EU perceives the European Charter of Local Self-government as the road map for more democratic local administrations. Actually, the Council of Europe declared a charter called the European Charter of Local Self-government that drew a framework for countries transition projects on local governments. However, before focusing on the Charter, it would be better to give a brief historical account of the European Union.

## **1.2. The European Union Enlargement and Its Impact on Local Administration Reforms**

The European Union experienced several phases of enlargements on the way of taking its final form. In other words, from the European Coal and Steel Community to the European Union, many different thoughts were tried to be realized, and several states became members of the Union. As a result of all these phases, at the very end, the Union, with its 27 member states, represents the final form of their political, cultural and social thoughts. Moreover, while the Union was enlarged, it also gained more and more power. At that point, looking at the transformation process of the Union would be useful in order to understand roots of Union's power and its requirements.

---

<sup>54</sup>Keleş, (b) 1992.

## 1.2.1 European Union

The European Union (EU) is a treaty-based cooperation. The Union's institutional framework aims to achieve economic and political cooperation among its member states. In that sense, 27 member states and over 450 million people<sup>55</sup> share its common policies and institutions. In this part of this chapter, the author will briefly analyze the birth and the evolution of the European integration project together with the founding treaties and major developments and principles in shaping administrative structures and clarification.

### 1.2.1.1 From the European Coal and Steel Community to the European Union

The idea of a United Europe is a rather old one imagined by both philosophers and idealists. This idea was a part of a humanist and peaceful thought despite the fact that the continuing wars damaged this humanist idea. However, after the Second World War, this thought has started to be voiced out again with the same aim.

After 1945, the idea of United Europe started to become real. In these years, Europe was tired of continuing wars and especially the Second World War had left great damages for all parties that involved in the war<sup>56</sup>. Not only political but also economic damages of the war made people search for peace. In this respect, in the post-war period, the first step towards an integrated Europe was the establishment of the Western European Union (WEU) in 1948. In 1948, France, Britain and the three Benelux countries -Belgium, Luxembourg and Netherlands- signed the Brussels Treaty that constituted the initial standing point for the Western European Union<sup>57</sup>.

---

<sup>55</sup> According to the January 1<sup>st</sup>, 2004 information, the actual population of the EU is 456.8 million people. European Commission. May 2005. Key Facts and Figures about Europe and the Europeans. Directorate-General for Press and Communication, Luxembourg, pp.11-12. Available at: [europa.eu.int/comm/publications](http://europa.eu.int/comm/publications), accessed on 02.20.2007.

<sup>56</sup> Preston, Christopher. *Enlargement and Integration in the European Union*. Routledge, London, 1997.

<sup>57</sup> Van Oudenaren, John. *European Integration in Europe Today: National Politics*, European Integration and European Security. Rowman and Littlefield, USA, 1999.

Another important development of this period was the establishment of the North Atlantic Alliance. The Treaty was signed by Canada, United States and ten European States, namely Denmark, Netherlands, Belgium, Luxembourg, England, France, Italy, Norway, Portugal and Iceland, on 4 April 1949<sup>58</sup>. With the North Atlantic Treaty, these twelve countries had guaranteed their common security in case of external attacks. Although the treaty can be accepted merely as an initial step for integration of Europe, it was not necessarily an entire integration among European countries since two non-European countries, the United States and Canada, would demand military assistance by this Treaty. Furthermore, the Treaty would protect the signatories in case of external attacks, but it did not protect the parties involved for internal attacks that might come from European countries as it was experienced in the Second World War<sup>59</sup>.

Shortly after, several proposals were put forward in the post-war period, in order to form cooperation among European states. However, when it comes to the 1950s, it can be claimed that the first developments towards the European Union began. In order to form the United Europe, three organizations were founded in the 1950s which were the European Coal and Steel Community (ECSC), the European Economic Community (EEC), and the European Atomic Energy Community (EURATOM).

The Schuman Declaration, which was regarded as the first step towards achieving a unified Europe, stemmed mainly from the inspiration of Jean Monnet, who was a French businessman. According to him, integration in a few certain sectors would bring more practical and significant results than in economic, political, cultural and defense areas in which the implementations of broader adjustments are more difficult<sup>60</sup>. As a result of debates and negotiations, in Paris on 18 April 1951, the European Coal and Steel Community Treaty was signed by six countries which were

---

<sup>58</sup> The North Atlantic Treaty Organization. 1949. The North Atlantic Treaty. Available at: <http://www.nato.int/docu/basicxt/treaty.htm>, accessed on 03.30.2007.

<sup>59</sup> The North Atlantic Treaty Organization. 1949. The North Atlantic Treaty. Available at: <http://www.nato.int/docu/basicxt/treaty.htm>, accessed on 03.30.2007.

<sup>60</sup> Van Oudenaren, 1999.

the Federal Republic of Germany, Italy, France, Luxembourg, Netherlands and Belgium. The European Coal and Steel Community aimed to create a common market, in which the tariff barriers and restrictions of the coal, coke, iron ore, steel and scrap on trade among the six members were abolished<sup>61</sup>.

After forming the European Coal and Steel Community, further integration became necessary due to two reasons. First of all, the immediate success of the European Coal and Steel Community led these six countries to widen the integration. The second reason was the general perception of the threat of communism in the Cold War period<sup>62</sup>. Given the threat of communism, these countries focused on defense. They signed a treaty called the European Defense Community (EDC) on May 1952. However, the French National Assembly rejected it<sup>63</sup>. Consequently, by this experience, six signatories understood that defense was still a tough area for integration. As a result, after this experience, these countries turned back to the economic area (Oudenaren, 1999, 246).<sup>64</sup> In this context, after detailed negotiations, on 25 March 1957, two communities were established by these six countries, by signing the Rome Treaty. The Rome Treaty came into force in January of the following year<sup>65</sup>.

These communities were the European Atomic Energy Community (EURATOM), which aimed to encourage the development of nuclear power and to establish a common policy, and the European Economic Community (EEC), which aimed to get together separate national markets into a single market to ensure the free movement of goods, people, services and capital with a range of common economic policies<sup>66</sup>. In addition to the common economic policies, the Treaty of Rome introduced common policies in many other areas like agriculture, transportation and

---

<sup>61</sup> Van Oudenaren, 1999.

<sup>62</sup> Nugent, Neill. *The Government and Politics of the European Community*. Macmillan, UK, 1989.

<sup>63</sup> Nugent, 1989.

<sup>64</sup> Van Oudenaren, 1999.

<sup>65</sup> Van Oudenaren, 1999.

<sup>66</sup> Preston, 1997.

competition<sup>67</sup>. At the end of this Agreement, the European Economic Community, which can be argued as the basis of the European Union, was founded.

In the second half of 1980s and the beginning of 1990s, it is possible to observe the last step of integration. In those years, the collapse of the Soviet Union and the reunification of West and East Germany changed the political environment of Europe which also accelerated the project of the European Political Union. As a consequence, at the Rome Summit, in December 1990, the European Monetary Union (EMU) and political union were discussed<sup>68</sup>. At the end, on December 1991, the Maastricht Treaty was signed<sup>69</sup>, and the European Union was established by ratifying the Maastricht Treaty in 1991<sup>70</sup>. Moreover, although the Monetary Union was firstly mentioned in the early 1970s, the process progressed gradually. Nonetheless, at the end of the irreversible movement towards the monetary union, the Economic and Monetary Union became realized on January 1<sup>st</sup> of 2002 with the adoption of Euro. Today thirteen member states of the European Union use the common currency -Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Slovenia and Finland<sup>71</sup>.

### **1.2.1.2 The First Wave of Enlargement**

When the European Coal and Steel Community was reshaped into the European Union, several other European countries emphasized their willingness to be a part of this community. In line with this, the first enlargement wave occurred when Denmark, Ireland and United Kingdom joined the six founding countries, which

---

<sup>67</sup> Preston, 1997.

<sup>68</sup>European Commission. Euro: Our Currency. 2007. Available at: [http://ec.europa.eu/economy\\_finance/euro/our\\_currency\\_en.htm](http://ec.europa.eu/economy_finance/euro/our_currency_en.htm), accessed on 03.30.2007.

<sup>69</sup> Van Oudenaren, 1999.

<sup>70</sup> Van Oudenaren, 1999.

<sup>71</sup>European Commission. Euro: Our Currency. 2007. Available at: [http://ec.europa.eu/economy\\_finance/euro/our\\_currency\\_en.htm](http://ec.europa.eu/economy_finance/euro/our_currency_en.htm), accessed on 03.30.2007.

were –as stated before- France, Germany, Italy, Luxembourg, Netherlands and Belgium, in 1973<sup>72</sup>.

At the very beginning, Britain tried to stay outside from the integration. The main reason of this was economic since Britain had quite a larger economy than the other European countries. Nonetheless, in 1960s, British economy started to decline and thus Britain turned her way to the European integration<sup>73</sup>. Moreover, although Norway became a member of the European Economic Community on 1 January 1973, by a referendum, she decided not to accept the membership of the Union<sup>74</sup>.

### **1.2.1.3 The Second (Mediterranean) Wave of Enlargement**

The second enlargement included the accession process of the Mediterranean region. In 1970s, the military regime collapsed and was replaced with a democratic government in Greece, Spain and Portugal. Thus, these three countries turned their faces to the European Community and sought ways of membership.

After the collapse of military government in 1974, Greece applied for the membership in June 1975<sup>75</sup>. One year after the application, on July 1976, accession negotiations began and ended after 34 months. Thus, Greece was accepted to the European Community on January 1<sup>st</sup>, 1981<sup>76</sup>.

Following Greece, Spain and Portugal submitted their applications for membership in 1977. Like Greece, they applied to the Community after they developed their democratic institutions. However, the negotiation process took longer than the

---

<sup>72</sup> Van Oudenaren, 1999.

<sup>73</sup> Van Oudenaren, 1999.

<sup>74</sup> Preston, 1997.

<sup>75</sup> Preston, 1997.

<sup>76</sup> Preston, 1997.

process Greece experienced. After eight years of negotiations, on January 1<sup>st</sup>, 1986, Spain and Portugal became the new members of the Community<sup>77</sup>.

#### **1.2.1.4 The Third Wave of Enlargement**

The third wave of enlargement involved Austria, Finland and Sweden. It was the first enlargement after signing the Maastricht Treaty. The Treaty of Accession was signed with these three states and Norway on June 24<sup>th</sup>, 1994. After that, the signatory countries went to the national referendums. At the end of these referendums, Austria, Finland, and Sweden voted for the membership of the Union, on January 1995. Nevertheless, the Norwegian referendum again demonstrated that the public opposition continued against the European integration continued<sup>78</sup> and Norway did not again accept the membership of the Union.

#### **1.2.1.5 The Fourth Enlargement**

It can be said that this was the biggest wave of enlargement for the European Union. When the forty-year history of the Union is looked at, it is possible to observe that in those years the membership increased from six to fifteen. In forty years, nine states became member of the Union through three enlargement waves. In the final enlargement, ten countries became the member states of the Union at once. These countries were Cyprus, Malta, Hungary, Poland, Slovakia, Lithuania, Estonia, Latvia, the Czech Republic and Slovenia<sup>79</sup>.

These countries submitted their formal application of the membership in different years. For instance, Cyprus and Malta applied to the Union in 1990, while Hungary and Poland applied in 1994. Moreover, Slovakia, Lithuania, Estonia, Latvia submitted their application in 1995, and the Czech Republic and Slovenia applied to

---

<sup>77</sup> Preston, 1997.

<sup>78</sup> Preston, 1997.

<sup>79</sup> Activities of the European Union: Summaries of Legislation. *Enlargement 2004*. Available at: <http://europa.eu/scadplus/leg/en/s40016.htm>, accessed on 11.02.2007.

the Union in 1996<sup>80</sup>. After the accession negotiations these ten countries became the member of the EU on May 1<sup>st</sup>, 2004<sup>81</sup>.

### **1.2.1.6 The Fifth Enlargement**

In this final enlargement two more countries became members of the European Union, which are Romania and Bulgaria. With the accession of Romania and Bulgaria on the 1 January 2007, the fifth enlargement of the European Union took place, and the number of the European Union increased to 27 states<sup>82</sup>.

Although the enlargement rounds of the European Union were briefly analyzed, this thesis mainly focuses on the fourth enlargement round of the Union since the subject matter of the thesis is Poland, which is the country that became a member of the Union in that round. The thesis will also focus on Turkey which is still the candidate country although it applied for membership in 1987.

### **1.2.2 Requirements of the European Union Membership**

For the new countries join the Union, a certain level of development is expected in economic, social and political areas from the candidate countries. Since this thesis is basically about local governments, the general requirements of the European Union are also taken into account. The part titled as the “Requirements about Democratization” generally examines the European Charter of the Local Self-Government.

---

<sup>80</sup> Representation of the European Commission to Turkey. 2007. *EU-Turkey Relations: Enlargement*. Available at: <http://www.deltur.cec.eu.int/genisleme-01.html>, accessed on 03.23.2007.

<sup>81</sup> Activities of the European Union: Summaries of Legislation. *Enlargement 2004*. Available at: <http://europa.eu/scadplus/leg/en/s40016.htm>, accessed on 11.02.2007.

<sup>82</sup> European Commission. *Enlargement Process: Understanding Enlargement*. 2007. Available at: [http://ec.europa.eu/enlargement/enlargement\\_process/index\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/index_en.htm), accessed on 11.02.2007.

### 1.2.2.1 General Requirements

Although a detailed examination of the requirements of the European Union will not be provided at this point, three general areas of requirements which were declared by the Copenhagen Council Summit, in 1993<sup>83</sup>, will be mentioned first. These three points can be summarized as the following: the candidate countries ought to achieve first of all, to secure democracy, rule of law, human rights and respect and protection of the minorities; secondly, candidate countries should achieve the functional market economy and should support competition and market forces within the Union; additionally, candidate countries should gain the ability to assume the obligations of membership<sup>84</sup>. Thus, the natural result of these requirements is that all candidate countries ought to obey all the rules and the regulations of the European Union. In other words, each candidate country, before becoming a member state, must obey the “acquis communautaire”<sup>85</sup>.

As well as the requirements of the Copenhagen criteria, when the fourth and the fifth enlargements are analyzed, it is possible to see that the European Union has used a new tool called “the Accession Partnership”, which makes the process harder than before by requiring additional developments that make the accession process longer. Indeed, the accession partnerships were proposed by the European Commission in order to reinforce the pre-accession process, which establishes priorities and financial assistance in order to help the candidate countries to prepare themselves for the membership<sup>86</sup>. Moreover, each candidate country is required to prepare a national program and a time table for the adoption of rules and regulations of the Union. The Commission issues annual progress reports, which reflect the readiness of the candidate country for the membership. After this, the “accession negotiations” begin between the Union and the candidate country. At the end of the accession

---

<sup>83</sup> European Council. *The Accession Criteria: Copenhagen Criteria*. 1993. Available at: [http://europa.eu/scadplus/glossary/accession\\_criteria\\_copenhagen\\_en.html](http://europa.eu/scadplus/glossary/accession_criteria_copenhagen_en.html), accessed on 04.08.2008.

<sup>84</sup> European Council, 1993.

<sup>85</sup> European Council, 1993.

<sup>86</sup> Türkiye Avrupa Komisyonu Temsilciliği. *Katılım Ortaklığı Belgesi*. Available at: <http://www.deltur.cec.eu.int/default.asp?lang=0&pId=4&fId=4&prnId=3&hnd=1&docId=349&ord=2&fop=0>, accessed on 03.20.2007.

negotiations, it is decided whether the candidate country is ready for full membership<sup>87</sup>.

### **1.2.2.2 Requirement of Democratization**

As mentioned above, the European Union requires some democratic developments by the Copenhagen Criteria. These requirements can be listed as to secure democracy, rule of law, human rights and respect and protection of the minorities. At that point, it is rather useful to remind that autonomous local administrations are perceived as a tool for the application and protection of democracy. Because of that, this part shall focus on the European Charter of the Local Self-Government, which draws a framework of local administrations for the member states.

### **1.2.2.3 The European Charter of Local Self-Government**

The European Charter of Local Self-Government introduces only one option for the members of the Council of Europe. In this Charter, the main emphasis is on the local autonomy. Indeed, the Council of Europe accepts autonomous local administrations as the most important pillar of the European Union since autonomous local administration, according to the Council, is the common social value in European countries. Moreover, local autonomy contains a value that every European can easily agree on it. Hence, it can be claimed that this value also eases and contributes to the unification of Europeans<sup>88</sup>. In the light of this value, which is to unite Europe based on the principles of democracy and devolution, the European Charter of Local Self-Government was accepted and was opened to signatures of the member states of the Council of Europe on November 15<sup>th</sup>, 1985<sup>89</sup>. The major points in the Charter are as follows.

---

<sup>87</sup>Türkiye Avrupa Komisyonu Temsilciliği. *Katılım Ortaklığı Belgesi*. Available at: <http://www.deltur.cec.eu.int/default.asp?lang=0&pId=4&fId=4&prnId=3&hnd=1&docId=349&ord=2&fop=0>, accessed on 03.20.2007.

<sup>88</sup> Keleş, Ruşen. (a) “Yerel Yönetimlerde Avrupa’lı Olmak”, *Metropol*, No:1, 1992, pp.58-59.

<sup>89</sup>European Commission. *European Charter of Local Self-Government*. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

In the “Preamble” part of the Charter, it is accepted that local authorities are the main pillars of the democratic regime. The right of participation to “the conduct of public affairs was accepted as one of the democratic principles”<sup>90</sup>. Moreover, this participation can directly be experienced at the local level since local authorities can provide effective administration, which is also the closest administration level to the citizens<sup>91</sup>. Thus, according to the Council of Europe, local authorities and local governments are really necessary for democratic administration.

In the first part of the Charter, the fundamental principles of local self-government and the necessity of constitutional and juristic basis for local self-government are emphasized. In this part, the concept of local self-government is defined as “local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population”<sup>92</sup>. In the same article, it is mentioned that free elections with secret ballot should be done on the basis of direct, equal, universal suffrage<sup>93</sup>. According to Article 4, the basic powers and responsibilities of local authorities should be described in the constitution and in the laws<sup>94</sup>. In other words, “local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority”<sup>95</sup>. Hence, in terms of powers and responsibilities, local self-governments are accepted as the

---

<sup>90</sup> European Commission. European Charter of Local Self-Government, Preamble, Paragraph 5. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>91</sup> European Commission. European Charter of Local Self-Government. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>92</sup> European Commission. European Charter of Local Self-Government, Part I, Paragraph 1, Article 3. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>93</sup> European Commission. European Charter of Local Self-Government, Part I, Paragraph 2, Article 3. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>94</sup> European Commission. European Charter of Local Self-Government, Part I, Paragraph 1, Article 4. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>95</sup> European Charter of Local Self-Government, Part I, Paragraph 2, Article 4. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 20.03.2007.

prior authority since -as the Article 4 says- powers and responsibilities of local self-governments have a general character while other authorities' powers and responsibilities should be listed in laws.

As far as the Paragraph 4 of Article 4 is concerned, it can be seen that the power and the autonomy of local governments are protected by the statement "powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law"<sup>96</sup>. The financial autonomy of local governments is also stated in the Part I of the Charter. For instance, Article 7 states that, "they shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection"<sup>97</sup>. In line with this, Article 9 specifically mentions the financial resources of the local authorities. These articles guarantee the autonomy of finance of the local administrations. As a result, state control and interference of central and regional governments to the local governments are reduced.

In addition to these, the European Charter of Local Self-Government limited the administrative supervision on local governments by Article 8. According to this Article, "any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may, however, be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities"<sup>98</sup>. Hence, the supervision can only be as the supervision of compliance with the laws and the constitution. In the same Part, local

---

<sup>96</sup> European Commission. European Charter of Local Self-Government, Part I, Paragraph 4, Article 4. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>97</sup> European Commission. European Charter of Local Self-Government, Part I, Paragraph 2, Article 7. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>98</sup> European Commission. European Charter of Local Self-Government, Part I, Paragraph 2, Article 8. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

authorities' right to associate and legal protection of local self-government are emphasized, too.

In Part II, responsibilities and duties of the states, which ratified by the Charter, are presented. In Article 12, it is stated that

“Each Party undertakes to consider itself bound by at least twenty paragraphs of Part I of the Charter, at least ten of which shall be selected from among the following paragraphs: Article 2; Article 3, paragraph 1 and 2; Article 4, paragraph 1, 2 and 4; Article 5; Article 7, paragraph 1; Article 8, paragraph 2; Article 9, paragraph 1, 2 and 3; Article 10, paragraph 1; Article 11”<sup>99</sup>.

Thus, it is possible to deduce that the Charter gives flexibility to the states and allows protecting each state's own sensitiveness about the relationship between local administrations and central administration. In the final part, the conditions of application and ratification are presented.

### **1.2.3 Summary**

In short, when the change in the public administration understanding is analyzed, it is possible to observe important repercussions. That is, the influences of the New Right approach, which were also reflected in the Public Management and the Reinventing Government in the 1980s, can easily be seen. On the other hand, the most important transformation is observed on the fundamental mentality of the public administration, which reflects the market opinion rather than public interest or common good. This transformation also leads to many different applications in public administration. Especially, new concepts which are cost-benefit analysis, efficiency, effectiveness, transparency and being economic are introduced into the administrative area and they have become more significant.

While transformations are realized on how the public administrations should be, another development is also experienced in Europe which can be explained with the fact that a strong Union was in the process of being built. About fifty years, several

---

<sup>99</sup> European Commission. 1985. European Charter of Local Self-Government, Article 12. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

propositions have been tried in order to form an integrated Europe, and in the end, with the Maastricht Treaty, which was signed in 1991, today's European Union has been established. From the 1950s to the present, the enlargement of the Union has continued, as well. With four-enlargement waves, the population of the Union increased to 27 countries from 6 countries. In addition, many administrative systems and their applications have been changed by the Union. Hence, it can be claimed that the most important adjustment of the Union, on the local government systems, is the European Charter of the Local Self-Government, which draws a framework for the local government systems of the member states. Although the character of the Charter is an advice of the Council of Europe, since the European Union sees local administrations as the easiest way of democratization, some Articles of the Charter –which are stated above- gain an obligatory character.

## **2. POLAND'S ACCESSION TO THE EUROPEAN UNION AND LOCAL ADMINISTRATION REFORMS**

The Republic of Poland is a country situated in Central Europe, and covers around 313 thousands of square kilometers including a population of 38.2 million according to data of 2006<sup>100</sup>. Its capital city is Warsaw.

The relationship between Poland and the European Union started in 1989 (Actually, in those years the Union was named as the European Economic Community, which was renamed as the European Union in 1991). Since 1989, membership to the European Union has been a major strategic objective of the Polish. From this year on, Poland has initiated the transformations of her administrative system and especially the local administration system of Poland has changed in accordance with the requirements by the European Union.

In this part of the thesis, the historical background of Poland, her relations with the European Union, her local administration system and the problems encountered during the transition period will be discussed in order to understand Poland's problems faced during the transformation period.

### **2.1 Historical Background of Poland**

The history of Poland goes back to the 10<sup>th</sup> century. In 966, Poland was founded by Piast Dynasty and converted to Christianity. After that day, Poland has become known as the most Catholic state among the European states. The Piast Dynasty was replaced by the Empire of Lithuania-Poland in 14<sup>th</sup> century. After 1597, Poland got weaker and weaker. In the second half of the 18<sup>th</sup> Century, Poland was divided into parts by Germany, Austria and Russia. Actually, this first division was experienced in 1772. Between the first and the second division, Poland issued a written

---

<sup>100</sup> European Commission. Key Facts and Figures about Europe and the Europeans. Directorate-General for Press and Communication, Luxembourg, 2007. Available at: [europa.eu.int/comm/publications](http://europa.eu.int/comm/publications), accessed on 03.08.2008.

constitution. With this Constitution, Poland became the first country in Europe and the second country in the world that had a written constitution in 1791. The second division of Poland was in 1793 and the third division was in 1795 which resulted in the Polish disappearance on the map of Europe<sup>101</sup>.

However, in the years of the First World War, one can observe that Poland reappeared on the European map. In 1916, the Kingdom of Poland was founded and in 1918 the Kingdom was replaced by the Republic of Poland. The founder of this independent and autonomous Republic was Josef Pilsudski<sup>102</sup>.

On the other hand, this independent Republic experienced military interventions, twice in her history. The first military regime was experienced between the years of 1926 and 1939 and the military rule continued until the conquest of Poland by Germany in 1939. In 1941, Germany occupied the whole territory of Poland. However, in 1944, the Red Army sent the Nazi soldiers away from the Polish territory<sup>103</sup>. Thus, after the Second World War, like many other Eastern European countries, Poland got under the influence of the Soviet Union. In the 1947 national elections, the Democratic Block, which was united under the leadership of communists, got the power. In this period, the name of Republic of Poland was replaced with the name “Polish People’s Republic”<sup>104</sup>. The Labor Party and the Socialist Party merged and created the United Labor Party of Poland. After all these transformations, in 1948, single-party regime was applied, which simulated basically the Soviet Union model. In the single-party period, public and economic system was under strict control of the Party. Nevertheless, this strict control was relaxed right after the death of J. Stalin in 1953<sup>105</sup>.

---

<sup>101</sup> Çınar, Tayfun. “*Polonya*” in Ayman Güler, Birgül, Onur Karahanoğulları, Koray Karasu, Ahmet A. Dikmen, Özden Akın, Erel Tellal, Nuray E. Keskin, Selin Esen, M. Necati Kutlu, and Tayfun Çınar Eds. 2004. *Kamu Yönetimi Ülke İncelemeleri*. Ankara Üniversitesi Siyasal Bilgiler Fakültesi Kamu Yönetimi Araştırma ve Uygulama Merkezi, Ankara, 2004, p.300.

<sup>102</sup> Çınar, 2004.

<sup>103</sup> Çınar, 2004.

<sup>104</sup> Çınar, 2004.

<sup>105</sup> Çınar, 2004.

The control started to be weakened in 1953, even though dramatic transformations were observed at the end of the 1980s. The main transformation was that the communist economic system has been replaced with the capitalist economic and social systems through the significant influences of trade unions<sup>106</sup>. However, this transformation did not take place smoothly. On the contrary, important social events were organized by the Solidarity Trade Union. As strikes organized by the Union spread all around the country, some changes affected the party administration but these changes were not able to stop the strikes. Thus, in the end, in 1980, the state administration was taken over by the National Military Council. All the actions of trade unions were banned and the leaders of the Solidarity Trade Union and its activists were arrested and remained in custody until 1983<sup>107</sup>.

However, in 1983 the martial law was abolished, and leaders of the Trade Union of Solidarity freed with the end of military rule and a general election was held in 1985<sup>108</sup>. Unfortunately, the economy of the state deteriorated day by day. Therefore, Poland started to wait for Western aid, but the recommendation of the West was the initiation of reforms to establish capitalist social and economic models<sup>109</sup>.

As a result, 1989 was the year when prominent changes towards market economy from central planning economy in Poland started. In the spring of the very same year, “Round Table Negotiations” were realized with the aim of searching a peaceful way of compromising the old regime with the new one<sup>110</sup>. At the end of these negotiations, the organization of Solidarity was legalized. Furthermore, the National Assembly became bi-cameral which are Sejm and the Senate<sup>111</sup>. After these reforms, in the elections, T. Mazowiecki, who was supported by the Solidarity gained power.

---

<sup>106</sup> Çınar, 2004.

<sup>107</sup> Çınar, 2004.

<sup>108</sup> Çınar, 2004.

<sup>109</sup> Çınar, 2004.

<sup>110</sup> Institute for East-West Security Studies. *Special Report on Eastern Europe and Democracy: The Case of Poland*. Westview Press, New York, 1990.

<sup>111</sup> Çınar, 2004.

With this event, the 45 year Single-party administration that fundamentally relied on the communist rule came to its end in Poland<sup>112</sup>. After collapse of the Communist regime, Poland experienced a period to rebuild its economic, political and administrative structures according to the liberal market economy. Therefore, privatization and decentralization became the focus point of reform policies<sup>113</sup>. Additionally, after 1989, Poland started to develop relationships with international organizations and tried to integrate with the West and the most strategic relationship is established with the European Union.

## **2.2 Poland's Relations with the European Union**

The first pace of relationship with the West took place when Poland wanted to be a part of the political and security structures of Europe, in September 1988<sup>114</sup>. One year later from the first attempt, Poland started a negotiation process that continued 5 months and signed an agreement on trade and economic cooperation with the European Economic Community, in September 1989<sup>115</sup>. This agreement is called the Trade and Cooperation Agreement, which established diplomatic relations between Poland and the European Community. In this Agreement, abolishing the restrictions against imports to Poland was also aimed<sup>116</sup>.

A significant step towards the accession to the European Union was taken on 16 December 1991. On the very same day, the European Agreement was signed. With this Agreement, an association was established between the Republic of Poland and the European Community and Community's member states, in order to support Poland's integration to the Community<sup>117</sup>. It became effective on February 1<sup>st</sup> of

---

<sup>112</sup> Çınar, 2004.

<sup>113</sup> Çınar, 2004.

<sup>114</sup> T.C: Başbakanlık Dış Ticaret Müsteşarlığı. *Avrupa Birliği ve Türkiye*. October 1999.

<sup>115</sup> Burok, Ryszard. *Poland: An Encyclopedic Guide*. Polish Scientific Publishers PWN, Warsaw, 2000.

<sup>116</sup> Çınar, 2004.

<sup>117</sup> Burok, 2000.

1994 and basically dealt with trade issues, but this Agreement also stated criteria which the candidates ought to meet before becoming the European Union members.<sup>118</sup> As a result, the European Agreement can be accepted as the legal basis of the relationship between Poland and the European Union. Poland applied for the full membership to the European Union on April 5, 1994<sup>119</sup>.

As a step for full-membership to the European Union, Poland was accepted as the member of the Organization for Economic Cooperation and Development (OECD) in 1996<sup>120</sup>. After its membership to the OECD, Poland published her National Integration Strategy Program on 28 January 1997, which contained the principles that helped Poland in its accession to the Union<sup>121</sup>.

In July 1997, the European Commission declared its opinion on the membership of Poland to the European Union<sup>122</sup>. On 13 December 1997, in Luxembourg Summit, starting the accession negotiations was decided by the European Commission and the negotiations started on 30 March 1998, between Poland and the Union<sup>123</sup>.

The European Community provided the Accession Partnership (AP) document to each and every candidate country in order to describe the priority of legal adjustment. In the first Accession Partnership, which was granted to Poland, it was stated that Poland should meet the Copenhagen political criteria. After this, in May 1998, Poland prepared her first National Program for the Adoption of the Acquis (NPAA)<sup>124</sup>. In addition to the Accession Partnership, the Commission gave regular

---

<sup>118</sup> Burok, 2000.

<sup>119</sup> T.C: Başbakanlık Dış Ticaret Müsteşarlığı, 1999.

<sup>120</sup> The Committee for European Integration. *National Strategy for Integration*. Warsaw, 1997. Available at: <http://msz.gov.pl/english/indexang.html>, accessed on 11.02.2007.

<sup>121</sup> The Committee for European Integration, 1997

<sup>122</sup> Burok, 2000.

<sup>123</sup> Burok, 2000..

<sup>124</sup> European Commission. *Regular Report from the Commission on Poland's Progress Towards Accession*. Brussels. 1998.

progress reports to Poland. These reports included the successes, problems and shortcomings of Poland in the implementation of the national programs and reforms.

After all these, Poland became one of the full members of the European Union on May 1<sup>st</sup> of 2004, among the other nine candidate countries which are Cyprus, Malta, Hungary, Poland, Slovakia, Lithuania, Estonia, Latvia, the Czech Republic and Slovenia<sup>125</sup>.

### **2.3 Local Administration System in Poland**

As it is stated before, because of the influence of the communist Soviet model, the administrative system of Poland was characterized by a strongly centralized system of power, in the post Second World War period. Nonetheless, after 1989, Poland started to experience strict transformations in political, economic and social aspects. Thus, the reforms on the administration system of Poland were a continuing part of the political reforms. Although the territorial organization of the state has continuously changed since the 1950s, the local government system of Poland was significantly transformed from Soviet type of local government to a much more democratic form in the 1990s. One of the most important reforms was the ratification of the European Charter of Local Self-Government in 1993<sup>126</sup>. After ratification, fundamental changes were undertaken both in the legal system and the Constitutional system.

#### **2.3.1 Poland and the European Charter of Local Self-Government**

In 1991, Poland became the member of the Council of Europe. As a result of this membership, she ratified the European Charter of Local Self-Government. Indeed, Poland ratified the Charter on 22 November 1993, without any reservations, and the

---

<sup>125</sup> European Commission. *Activities of the European Union: Summaries of Legislation, Enlargement*. 2004. Available at: <http://europa.eu/scadplus/leg/en/s40016.htm>, accessed on 11.02.2007.

<sup>126</sup> Smith, Kathryn and Doric, Miljenko. *Report on Local and Regional Democracy in Poland*. Committee of Ministers, 2002.

Charter came into force on 1 March 1994<sup>127</sup>. As a consequence, Poland went through dramatic changes in the local government system in terms of achieving local democracy.

By ratifying the Charter, Poland basically accepted the several important principles. First of all, Poland accepted that the principle of local self-government in her Constitution. Moreover, as it shall be stated in the next part titled “Local Administrations in the Constitution of Republic of Poland”, Poland met the requirements of this Article. Secondly, “sub-national share of public affairs”<sup>128</sup> was delegated to the local self-government. Furthermore, with the European Charter of Local Self-Government, Poland accepted the precedence of local governments in order to serve to the local population. Article 4 of the European Charter of Local Self-Government commands that

“Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority. Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen...Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law”<sup>129</sup>.

For instance, in Poland, (*gminas*) municipalities as the closest unit to the public are generally the charged unit of the local government system and (*powiats*) counties can apply the specific duties, which are listed in laws<sup>130</sup>.

In order to see the regulation of the administrative supervision of local authorities’ activities, one ought to look at the Article 8 of the European Charter of Local Self-Government. The Article says that

---

<sup>127</sup> Kathryn and Doric, 2002.

<sup>128</sup> European Commission. *European Charter of Local Self-Government*, Part I, Paragraph 1, Article 3. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>129</sup> European Commission. *European Charter of Local Self-Government*, Part I, Paragraph 2-3-4, Article 4. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>130</sup>Smith and Doric, 2002.

“Any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as are provided for by the constitution or by the statute. Any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities. Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect”<sup>131</sup>.

Thus, the right of supervision of the central government on the local governments’ activities is limited by laws and by the Constitution in Poland. The only control can be carried out in order to find out whether the activities have compliance with the laws and the principles of the Constitution of the Republic of Poland. With this Article, the local self-governments gain legal autonomy in a sense. Furthermore, the European Charter of Local Self-Government gives financial autonomy to the local self-government with the Article 9 of the Charter. Moreover, with financial autonomy, local governments are given a certain amount of independence from the central administration since with the help of Article 9, central administration cannot restrict the administrative affairs of local governments by cutting their financial resources.

As mentioned above, by ratifying the European Charter of Local Self-Government, Poland’s local government system has been transformed in accordance with the requirements of the European Union, and this transformation has been taken under guarantee by the Constitution of the Republic of Poland, which was ratified in 1997<sup>132</sup>.

### **2.3.2 Local Administrations in the Polish Constitution**

The Constitution of 1952 was prepared by taking the Soviet model as the example. This Constitution was significantly amended in 1976. Continuously, the Constitution of 1952 was again fundamentally amended in 1989. With this last

---

<sup>131</sup> European Commission. *European Charter of Local Self-Government*, Part I, Paragraph 1-2-3, Article 8. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>132</sup> Çınar, 2004.

amendment, the National Assembly became bi-cameral which were named as Sejm as the lower chamber and Senate as the upper chamber of the Assembly<sup>133</sup>.

Moreover, in December 1989, the first two parts of the Constitution of 1952 were replaced with a new part titled “Basis of the Politic and Economic System”. Due to this new chapter of the Constitution, the first Article which stated “Polish People’s Republic is a socialist state” was changed with the Article which says Republic of Poland is a state governed by rule of law which is based on social equity<sup>134</sup>. Secondly, the article stating that the power is given to the classes who work in urban and rural areas was replaced with the article that states, “The supreme power shall be vested in the nation”<sup>135</sup>. As a result of this amendment, the class-based understanding was abolished. Furthermore, the article that led the establishment of the single-party regime was abolished by replacing this article with the article that led the establishment of multiparty regime in Poland<sup>136</sup>. Another important change, which was achieved in December 1989, was accepting the economic system based on the private ownership and the right of estate rather than the socialist and collective type of possession<sup>137</sup>.

The amendment of the Constitution 1952 continued in the 1990s, as well. On March 8<sup>th</sup>, 1990, an amendment about the local governments took place. A new system of local government that depends on the principle of the democratic centralization was established. Hence, rather than the strict control on the local governments by the state party, the French model of the local government system was applied. As a result of this change, the structure of communal assembly and provinces based on regional level were foreseen. Additionally, municipalities acquired their own budgets and their own incomes<sup>138</sup>.

---

<sup>133</sup> Çınar, 2004.

<sup>134</sup> Çınar, 2004.

<sup>135</sup> Çınar, 2004.

<sup>136</sup> Çınar, 2004.

<sup>137</sup> Çınar, 2004.

<sup>138</sup> Çınar, 2004.

In the year 1992, a transition constitution named as “the Little Constitution” was applied in Poland in order to regulate the separation of power<sup>139</sup>. In that period, the Constitution of 1952 was in practice, as well. However, the struggle to solve the problems on the Constitutional level went on<sup>140</sup>. After the application of the Small Constitution, the new Constitution was accepted in the National Assembly on April 2<sup>nd</sup>, 1997, and was approved by referendum on 25 May 1997, with the % 53 positive votes of the participants, which consists of the % 43 of the Polish population<sup>141</sup>.

This new Constitution contains 13 chapters. According to the Article 3 of the first chapter titled “the Republic”, it is stated that “the Republic of Poland shall be a unitary State”<sup>142</sup>. Moreover, the amended articles of 1952 Constitution can also be seen in this chapter of the Constitution of 1997. For instance, the Article 2 says, “the Republic of Poland shall be a democratic state ruled by law and implementing the Principles of social justice”<sup>143</sup>. Additionally, the Article 4 states, “Supreme power in the Republic of Poland shall be vested in the Nation. The Nation shall exercise such power directly or through their representatives”<sup>144</sup>. Also, the first paragraph of Article 11 can be given as another important example. According to this Article “the Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means”<sup>145</sup>. Hence,

---

<sup>139</sup> Kernen, Beat. “Out from the Cold: Peacefull Democratization in Hungary, Poland and the Czch Republic” in Marco Rimanelli Eds. *Comparative Democratization and Peaceful Change in Single-Party-Dominant Countries*. Macmillan Press, London, 2000, p. 244.

<sup>140</sup> Çınar, 2004.

<sup>141</sup> Çınar, 2004.

<sup>142</sup>The Constitution of the Republic of Poland. Article 3. 1997. Available at: [http://www.poland.pl/info/information\\_about\\_poland/constitution.htm](http://www.poland.pl/info/information_about_poland/constitution.htm), accessed on 02.23.2007.

<sup>143</sup> The Constitution of the Republic of Poland, Article 2.

<sup>144</sup> The Constitution of the Republic of Poland, Article 4.

<sup>145</sup> The Constitution of the Republic of Poland, Article 11.

not only the idea of being a unitary state but also the idea of being a democratic state occupies the Articles that are at in the beginning of the Constitution.

On the other hand, this new Constitution of the Republic of Poland makes significant changes, especially about local governments. Indeed, the articles about local governments occupy one chapter. Chapter 7, which is titled “Local Self-Government”, takes into consideration the European Charter of Local Self-Government. Not only the Chapter of Local Self-Government, but also some other articles, namely Article 15, Article 16, Article 184 and Article 191 refer to the decentralization of powers and territorial authorities. Through these Articles, the local self-governments are taken under the Constitutional guarantee<sup>146</sup>.

Having explained the points above, the Constitution of the Republic of Poland now needs to be analyzed in detail. Firstly, Article 15 says, “the territorial system of the Republic of Poland shall ensure the decentralization of public power. The basic territorial division of the State shall be determined by statute, allowing for the social, economic and cultural ties which ensure to the territorial units the capacity to perform their public duties”<sup>147</sup>. Hence, with this Article, the territorial system of the Republic of Poland is taken under the guarantee of the Constitution and thus, has a legal basis. Moreover, with the Article 15, the territorial units are seen as the units that can fulfill the public duties. Additionally, Article 16 states, “the inhabitants of the units of basic territorial division shall form a self-governing community in accordance with law. Local self-government shall participate in the exercise of public power. The substantial part of public duties which local self-government is empowered to discharge by statute shall be done in its own name and under its own responsibility”<sup>148</sup>. Therefore, it can be seen that with Article 15 and 16, local self-government gains legal basis. Furthermore, Article 16 also declares that “the substantial part of public duties” is achieved by local self-governments. Thus, these two Articles meet the requirements of the second and third Article of

---

<sup>146</sup> The Constitution of the Republic of Poland.

<sup>147</sup> The Constitution of the Republic of Poland, Article 15.

<sup>148</sup> The Constitution of the Republic of Poland, Article 16.

the European Charter of Local Self-Government. In addition, the statement of Article 15 which says, “the basic territorial division of state shall be determined by statute...” also shows that the boundaries of local governments are protected by law. Also, Article 5 of the European Charter of Local Self-Government is reflected in the Constitution. The statement of Article 16 which states that “Territorial self-government shall participate in the exercise of public power...” refers to the last paragraph of Article 4 of the European Charter of Local Self-Government, which gives right to the local authorities for being in the planning and the decision-making processes that concern the local governments directly.

Chapter 7, titled Local Self-Government, includes articles from 163 and 172 which reflect the logic of the European Charter of Local Self-Government. Article 163 says, “Local self-government shall perform public tasks not reserved by the Constitution or statutes to the organs of other public authorities”<sup>149</sup>. Moreover, Article 164 states, “the commune municipality (*gmina*) shall be the basic unit of local self-government. Other units of regional and/or local self-government shall be specified by statute. The commune shall perform all tasks of local self-government not reserved to other units of local self-government”<sup>150</sup>. Hence, with these two Articles the scope of local self-government, responsibilities and powers of local self-government are defined. As a result of these Articles, local self-government takes the responsibility to realize the public needs. Especially, municipality (*gmina*) is seen as the basic unit of the local division. Consequently, municipality (*gmina*) shall fulfill all tasks about local administrations, but responsibilities of the other units of the local administration ought to be listed by laws. In other words, municipality (*gmina*) has the general responsibility in order to serve to the citizens of that local area. With this adjustment, the first two paragraphs of Article 4 of the European Charter of Local Self-Government are reflected in the Constitution.

Furthermore, Article 165 says, “units of local self-government shall possess legal personality. They shall have rights of ownership and other property rights. The self-

---

<sup>149</sup> The Constitution of the Republic of Poland, Article 163.

<sup>150</sup> The Constitution of the Republic of Poland, Article 164.

governing nature of units of local self-government shall be protected by the courts”<sup>151</sup>. As a result, this Article provides to financial autonomy to the local self-governments and reflects the basic aim of the Article 9 of the European Charter of Local Self-Government. On the other hand, the last sentence of the article 165 refers the Article 11 of the Charter. In other words, local self-governments are under the protection of the courts. Consequently, these governments can apply to the courts against the actions that violate the rights of local self-governments.

Article 166 of the Constitution of the Republic of Poland says in the first paragraph that “public duties aimed at satisfying the needs of a self-governing community shall be performed by units of local self-government as their direct responsibility”<sup>152</sup>, with this provision, like Article 15 and 16 of the Constitution, public duties are given to the territorial self-governments as units that have direct responsibility for the results of their duties. Furthermore, the second paragraph of Article 166 states that

“If the fundamental needs of the State shall so require, a statute may instruct units of local self-government to perform other public duties. The mode of transfer and manner of performance of the duties so allocated shall be specified by statute”<sup>153</sup>.

With this paragraph of the Article, it is meant that the scope of responsibility of the local self-government may be broadening in order to protect fundamental needs of the State. In other words, with this paragraph, the responsibilities of the local authorities may be extended. According to the last paragraph of the Article, “the administrative courts shall settle jurisdictional disputes between units of local self-government and units of government administration”<sup>154</sup>, and it is reflected in Article 11 of the European Charter of Local Self-Government by giving the right to apply to courts in order to solve the problems between the units of territorial self-governments and administrative units of government.

---

<sup>151</sup> The Constitution of the Republic of Poland, Article 165.

<sup>152</sup> The Constitution of the Republic of Poland, Paragraph 1, Article 166.

<sup>153</sup> The Constitution of the Republic of Poland, Paragraph 2, Article 166.

<sup>154</sup> The Constitution of the Republic of Poland, Paragraph 3, Article 166.

Article 167 includes adjustments on the revenues and budgets of the local self-government, just as the European Charter of Local Self-Government required in the Article 9. With Article 167 of the Constitution, local self-governments have financial autonomy and, according to the Article, they can take money from the State Central Budget, collect their own revenues such as local taxes, and charge for services provided locally<sup>155</sup>.

In addition to all these articles which reflect the requirements of the European Charter of Local Self-Government in the Constitution of the Republic of Poland, Article 169 reflects another requirement of the Charter which is about the elected council and their executive organs. The first two paragraphs of the Article say,

“Units of local self-government shall perform their duties through constitutive and executive organs. Elections to constitutive organs shall be universal, direct, equal and shall be conducted by secret ballot. The principles and procedures for submitting candidates and for the conduct of elections, as well as the requirements for the validity of elections, shall be specified by statute”<sup>156</sup>.

Hence, like Article 3 paragraph 2 of the European Charter of Local Self-Government, these paragraphs regulate that the elections should be undertaken in order to elect the constitute organs, and in these elections principles of universal suffrage, direct and equal vote should be applied. Moreover, as Article 6 paragraph 1 of the European Charter of Local Self-Government states, Article 169 paragraph 4 says that, “the internal organizational structure of units of local self-government shall be specified, within statutory limits, by their constitutive organs”<sup>157</sup>. Thus, by Article 169 of the Constitution, local governments also gain autonomy for structuring their own internal organization.

In the Article 170 of the Constitution it is stated that, “members of a self-governing community may decide, by means of a referendum, matters concerning their community, including the dismissal of an organ of local self-government established by direct election. The principles of and procedures for conducting a

---

<sup>155</sup> The Constitution of the Republic of Poland, Article 168.

<sup>156</sup> The Constitution of the Republic of Poland, Paragraph 1-2, Article 169.

<sup>157</sup> The Constitution of the Republic of Poland, Paragraph 4, Article 169.

local referendum shall be specified by statute”<sup>158</sup>. With this Article, citizens who live within that local unit can participate in the decision making process through referendums. In addition, this Article makes dismissal of an organ of the local self-government difficult. In other words, by referendums, the existence of the local self-government gains additional protection. This provision is also stated in the second paragraph of Article 3 and Article 5 of the European Charter of Local Self-Government.

In the Article 171, it is observed that this Article regulates the administrative supervision of local authorities’ actions by stating

“The legality of actions by a local self-government shall be subject to review. The organs exercising review over the activity of units of local self-government shall be: the Prime Minister and voivodes and regarding financial matters – regional audit chambers. On a motion of the Prime Minister, the Sejm may dissolve a constitutive organ of local self-government, if it has flagrantly violated the Constitution of a statute”<sup>159</sup>.

Consequently, in this Article, organs that can control the local self-government are listed. Furthermore, according to this Article, dissolving the local self-government is bound to a prerequisite. In other words, if a local self-government violates the Constitution or a law, it can be dissolved only by the decision of the Sejm. As a result, this Article makes dissolution of a local self-government much difficult. Hence, Article 171 of the Constitution of the Republic of Poland reflects the requirements of Article 8 of the Charter. Lastly, the final Article of Chapter 7 of the Constitution says, “units of local self-government shall have the right to associate. A unit of local self-government shall have the right to join international associations of local and regional communities as well as cooperate with local and regional communities of other states”<sup>160</sup>. Thus, Article 172 reflects the provision of Article 10 of the European Charter of Local Self-Government in the Constitution and arranges the right to generate associations of local self-government.

Not only all these Articles, but also two other Articles regulate provisions about local self-government. One of them is Article 184, which says, “the Chief

---

<sup>158</sup> The Constitution of the Republic of Poland, Article 170.

<sup>159</sup> The Constitution of the Republic of Poland, Article 171.

<sup>160</sup> The Constitution of the Republic of Poland, Paragraph 1-2, Article 172.

Administrative Court and other administrative courts shall exercise, to the extent specified by statute, control over the performance of public administration. Such control shall also extend to judgments on the conformity to statute of resolutions of organs of local self-government and normative acts of territorial organs of government administration”<sup>161</sup> and this reflects the requirements of Article 8 of the European Charter of Local Self-Government, like Article 171 does. As a result, it can be seen that –as Article 184 states- the administrative control of public administration can be done in order to find out whether performance of local self-government is satisfactory and actions of local self-government match with the provisions of the Constitution and with the directives of laws. Contrary to the Article 184, Article 191 gives the right of application to the Constitutional Tribunal by the local self-government according to the third paragraph of the Article. This Article empowers the right of local self-government to apply the judicial remedy when their rights are violated as Article 11 of the European Charter of Local Self-Government regulates.

### **2.3.3 Local Administration Reforms in Poland**

The foundation of the local administration system in Poland goes back to the second half of the 18<sup>th</sup> Century, when Poland was divided among Austria, Prussia and Russia, especially in the regions that were governed by Prussia and Austria<sup>162</sup>.

In the inter-war period, the local government system was based on the institutions inherited from the previous occupiers of Poland. As each occupier applied a different system of local administration, in the interwar period, divergent systems can be observed until 1933<sup>163</sup>. In 1933, when county and municipality emerged, these divergent systems of local administration could be harmonized in a sense. In this system, councils of municipality were elected by direct elections, while

---

<sup>161</sup> The Constitution of the Republic of Poland, Article 184.

<sup>162</sup> Burok, 2000.

<sup>163</sup> Burok, 2000.

councils of (*powiat*) county were elected by members of municipality<sup>164</sup>. Therefore, according to this system, municipality was the prominent part of the local administrations, and county had secondary importance.

In the years 1944-1945, right after the end of the German occupation, the local government system had been transformed. In that period, voivodships (provinces or regions) were founded<sup>165</sup>. Nonetheless, in 1950, because the Soviet model was applied in Polish administrative system, local governments were abolished and the National Council took away all the authorities of the local governments<sup>166</sup>. When the mid-1970s came, units of local administrations regained their functions. In the mid-1970s, Poland was divided into “49 voivodships and over 2400 municipalities as parts of centralized system of administration”<sup>167</sup>. In the 1980s, administrative units acquired a certain degree of independence, which was not taken under guarantee by the Constitution and by laws. Moreover, municipalities continued to be under the control of the central administration<sup>168</sup>. Hence, until the end of the 1990s, administrative units could not gain a high amount of independence. Indeed, firstly the Law on Gminas (municipalities) Self-Government was ratified on 8 March 1990; then, on 5 June 1998, the Law on Powiats Self-Governments and the Law of Voivodships Self-Government were ratified<sup>169</sup>. From 1 January 1999, the system that contains three territorial levels of local governments gained their functions and powers again<sup>170</sup>. These three levels are municipalities, counties and regions, and none of them are dependent on the other two levels<sup>171</sup>. The territorial

---

<sup>164</sup> Burok, 2000.

<sup>165</sup> Burok, 2000.

<sup>166</sup> Burok, 2000.

<sup>167</sup> Bindebir, 2004.

<sup>168</sup> Bindebir, 2004.

<sup>169</sup> Smith, Kathryn and Doric, Miljenko. *The Territorial Organization and The Main Features of Local and regional Authorities in Report on Local and Regional Democracy in Poland*. Committee of Ministers, 2002.

<sup>170</sup> Burok, 2000.

<sup>171</sup> Bindebir, 2004.

self-governments gained another right on 15 September 2002 with the law that granted the right to join international associations of local and regional governmental units<sup>172</sup>.

#### **2.3.4 Local Administration System of Poland**

The Chapter of the Local Self-Government of the Constitution of the Republic of Poland states “The commune (*gmina*) shall be the basic unit of local self-government. Other units of regional and/or local self-government shall be specified by statute”<sup>173</sup>, as stated in Article 164. With this Article, regional units are also accepted as the local administration units. Thus, according to the Polish Constitution, (*voivodes*) regions, (*powiats*) counties and municipalities are the local administration units in Poland.

As stated in the previous part of this chapter, Poland reorganized her system of territorial administration and system of local self-government. On January 1<sup>st</sup>, 1999, Poland initiated the application of a new local administrative system which has three administrative levels that are hierarchically separated from each other. 16 regions, 373 counties and 2489 municipalities were created in Poland. Also 2489 (*gminas*) municipalities contain 318 urban municipalities, 1599 rural municipalities and 572 urban-rural municipalities<sup>174</sup>. On the other hand, the Capital city –Warsaw- got a private statue by the law that ratified in 2002. Warsaw is divided into 17 city districts and municipal councils, which are independent from each other. Additionally, one separate council of capital city, city standing committee and their own mayors and executives are regulated in Warsaw<sup>175</sup>.

---

<sup>172</sup> Smith and Doric, 2002.

<sup>173</sup> The Constitution of the Republic of Poland, Paragraph 1-2, Article 164.

<sup>174</sup> Swianiewicz, Pawel and Herbs, Mikolaj. “Economies and Diseconomies of Scale in Polish Local Governments” in Pawel Swianiewicz Eds. *Consolidation or Fragmentation: The Size of Local Governments in Central and Eastern Europe*. Open Society Institute, Warsaw, 2002.

<sup>175</sup> Swianiewicz, Pawel and Herbs, Mikolaj, 2002.

At this point, it would be better to start with municipalities since this unit of local self-government is conceived as the basic unit of local self-government in the Constitution of the Republic of Poland.

Municipalities have three organs which are the council of the municipal council, the executive board and the mayor<sup>176</sup>. The council is the consultation organ of the municipality. It is elected for four years. Since the elections of 1994, the threshold between majority system and proportional system has become 20.000 people<sup>177</sup>. Therefore, according to the election system that was ratified in 1994, if population of that municipality is less than 20.000 the direct suffrage, secret ballot majority system is applied. On the other hand, in the municipalities -in which the population is over 20.000- proportional system that depends on single tour, by making up a list, is the election system<sup>178</sup>. Furthermore, in all municipalities that are located in the cities which have the status of counties, lists that have 5 percent of the votes are taken into consideration since 1998<sup>179</sup>.

The members of the executive board of the municipality are elected from the members of the Council. For this election, 3/5 of the all members of the Council should be present in the meeting<sup>180</sup>. The law that ratified in 2002 regulates that, on the other hand, the mayor is elected directly by the society for four years. If one of the candidates cannot receive more than 50 percent of valid votes in the first round, the second round should be held in two weeks. In the second round, the candidate who receives the majority of the votes can be the mayor of that municipality<sup>181</sup>. The mayor of the municipality represents the legal personality of that municipality. Moreover, the mayor gains a different title in different kinds of municipalities. In rural municipalities, mayors are called as “wojt”; while in urban municipalities,

---

<sup>176</sup> Swianiewicz, Pawel. *Reforming Local Government in Poland: Top-Down and Bottom-Up Processes*. Warsaw University Press, Warsaw, 2003.

<sup>177</sup> Swianiewicz, 2003.

<sup>178</sup> Çınar, 2004.

<sup>179</sup> Çınar, 2004.

<sup>180</sup> Swianiewicz, 2003.

<sup>181</sup> Çınar, 2004.

mayors are named as “*burmistrz*”. In addition to these different titles, in the municipalities of the metropolis, mayors are named as “*prezydent miasta*”<sup>182</sup>.

Mayors have the right to select their own assistants<sup>183</sup>. The number of assistants depends on the population of that municipality. For example, if the population of the municipality is under 20.000, only one assistant is allowed. If population of that municipality is more than 20.000 and less than 100.000, two assistants can work. Additionally, if more than 100.000 and less than 200.000 people live in the municipality, three assistants can be selected by the major; while in the municipalities which have the population more than 200.000, four assistants of the mayor can be appointed<sup>184</sup>.

Responsibilities and duties of municipalities can be listed as “plans for local development, local physical master plans, granting building permits, water supply and sewerage, waste collection and disposal, street cleaning, street lighting, parks and green areas conservation, central heating, local roads, city public transportation, city guards, voluntary fire brigades, kinder gardens, primary schools, colleges and salaries of teachers, local health foundations, social services such as housing benefits, service for elderly, social welfare benefits, construction of social housing, management of municipal housing, local libraries, theatres, cultural institutions”<sup>185</sup>. These duties are shortly classified under nine different parts such as strategic and physical planning; roads and communal infrastructure; public order and safety; education; health; welfare; housing; culture, sport and leisure; and environment.

The second level of the local self-government, according to the Constitution, is (*powiat*) county. Counties also have three organs, which are the county council, the head of the county (*starosta*) and the executive board of the county (*zarząd powiatu*). The advisory organ of counties is the county council (*Rada powiatu*),

---

<sup>182</sup> Çınar, 2004.

<sup>183</sup> Çınar, 2004.

<sup>184</sup> Çınar, 2004.

<sup>185</sup> Swianiewicz, 2003.

which is elected for four years by the method of list election system. These lists should take 5 percent of all votes of that county. Elections are performed in one round depending on the representative system. In other words, in the elections, the principle of universal suffrage and the procedure of single round are applied<sup>186</sup>. The executive organs are the heads of the county and the executive boards in the county and executive organs of counties are selected by the councils of the counties<sup>187</sup>.

Responsibilities of counties are “secondary schools, technical schools, salaries of teachers who are working in these schools, plans for county’s development, building inspection, county road network, public order and security (police), civil defense, public health, and sanitary services, unemployment measures, and fighting against unemployment, care for homeless people, and consumer rights”<sup>188</sup>. Thus, although strategic and physical planning, roads and communal infrastructure, public order and safety, education, health, and welfare are the duties of counties, - differently from municipalities- housing and culture, sport and leisure are not among duties of (*powiats*) counties.

The third and the widest level –in terms of territory- of the local self governments is the (*voivodships*) region. The organs of the regions can be listed as the assembly (Sejmik), the executive board and the head of the region (Marshal). The Sejmik is the advisory organ of the regional government. Like elections in counties, elections in regions are held with the method of list in a single round by universal suffrage that depends on the representative system. The elections of the regional council are organized at the same time with the elections of councils of counties in every four years. Furthermore, the executive board and the Marshal are selected by the Sejmik<sup>189</sup>.

---

<sup>186</sup> Çınar, 2004.

<sup>187</sup> Çınar, 2004.

<sup>188</sup> Swianiewicz, 2003.

<sup>189</sup> Çınar, 2004.

The main responsibility of the regions is regional development by achieving economic development and by doing strategic and physical planning. In depth, the functions of the regions can be listed as “strategic regional planning including international economic relations and regional promotion , regional development contracts with central government, regional work network, water management like fluid protection, some higher education facilities, public health, -especially regional hospitals-, regional cultural facilities and protection of the environment”<sup>190</sup>. Therefore, differently from municipalities, regional administration does not deal with public order and safety, welfare and housing; and different from counties, regions do not deal with public order and safety, and welfare issues. On the other hand, similarly with the counties, regions do not deal with the issues on housing. Culture, sport and leisure are not the responsibility of counties; they are among the duties of regional administration.

As illustrated before, the municipalities are the basic components of local self governments. In other words, the duties of the municipalities are more than what the counties and regions have. As a result, municipalities need more money, in order to fulfill their duties, than the counties and regional governments. Hence, differently from other local government levels, (*gminas*) municipalities have the right to set the rates of some taxes, which are agricultural tax, taxes of real estate, and tax on means of transportation, and some local fees<sup>191</sup>.

Nonetheless, not only municipalities but also (*powiats*) counties and (*voivodes*) regions need financial resources in order to meet their responsibilities. Consequently, the revenues of the local government in Poland can be arranged as “local taxes like real estate tax, agricultural tax, forest tax, tax on means of transportation, dog tax, inheritance and gift tax, tax payable on the basis of a tax card, fees and charges, general government grants, government grants specific for delegated powers, earning from council rents and from selling communal property, budgets surpluses from the previous year, revenues from loans and bonds, local fees

---

<sup>190</sup>Swianiewicz. 2003.

<sup>191</sup> Bindebir, 2004.

such as mining fees, and fees for health resorts and market places”<sup>192</sup>. Thus, it can be said that local government revenues are basically taxes, grants and loans. All local administrative bodies also have the right to determine rates of taxes and exemptions from taxes. However, the rates of taxes cannot exceed the maximum rates that are decided by the Parliament<sup>193</sup>. As a result, when the proportions of these three types of revenues at three administrative levels in the year 2001 are examined; the result is as the one illustrated below.

In 2001, without loans, government grants constituted 50 percent of the whole revenues of municipalities, while government grants occupied 87 percent of the regional revenues. Moreover, government grants engaged 91 percent of the whole revenues of counties. However, the amount of grants that have been transferred to the local self-government is 8.2 thousand million Euros for municipalities, 3.5 thousand million Euros for counties and 1 thousand million Euros for regions<sup>194</sup>. Therefore, it is possible to conclude that municipalities have the biggest budget among the three levels of local self-government. This financial distribution also shows the significance importance of municipalities among local government bodies.

Finally, looking at the control mechanisms that are applied over the local administrations would be necessary in order to understand whether local governments are really autonomous or not. Article 171 of the Constitution gives the right to review the activities of the local self-government to the Prime Minister and regions, while the right to make financial review is given to the regional audit chambers. For instance, one way of legal review is indicated in the third paragraph of Article 171. According to that paragraph, if a constitutive organ of local self-government violates the Constitution or a statute, the Sejm may dissolve that organ

---

<sup>192</sup> Bindebir, 2004.

<sup>193</sup>Polonya: Pazar ile İlgili Bilgiler. Available at: <http://www.birebiriletisim.com/?module=dunya&submodule=ulkedetay&id=0000000040&bolum=pi>, accessed on 10.31.2007.

<sup>194</sup>Çınar, 2004.

by the instruction of the Prime Minister<sup>195</sup>. Another way of legal review is achieved by regions. When the region encounters an illegal activity of the organs of the local self-government, the region conveys the situation to the Prime Minister. The Prime Minister gives the right of investigation to the Ministry of Interior Affairs. At the end of the investigation, if irregular acts are observed, the Prime Minister can dissolve the executive organ of the municipality. Then, maximum for two years, Prime Minister can delegate the administration of the municipality to the government commissioner<sup>196</sup>.

On the other hand, the local self-governments are financially reviewed by the regional audit chambers, according to the Article 171. Nevertheless, in Article 203, it can be observed that the Supreme Chamber of Control can also make reviews. Indeed, Article 203 states, “the Supreme Chamber of Control may audit the activity of the organs of the local self-governments, communal legal persons and other communal organizational units regarding the legality, economic prudence and diligence”<sup>197</sup>. As a result, the Supreme Chamber of Control can review the activities of the local self-government in terms of the three components. Moreover, the Supreme Chamber of Control is dependent on the Sejm<sup>198</sup>. As a result, the Supreme Chamber of Control and the regional audit chambers are independent control mechanisms from each other.

#### **2.4 Problems of Local Administration Reforms in Poland during the European Union Accession Process**

While achieving administrative transformations and having a democratic local government system Poland has naturally experienced many problems. Some of these problems can be experienced by all the post-communist countries, and some

---

<sup>195</sup> The Constitution of the Republic of Poland, Paragraph 3, Article 171.

<sup>196</sup> Çınar, 2004.

<sup>197</sup> The Constitution of the Republic of Poland, Article 203.

<sup>198</sup> The Constitution of the Republic of Poland, Paragraph 2, Article 202.

of them cannot. In this part, the problems and shortcomings will be examined and differences among problems will be pointed out.

When the political and administrative tradition of Poland is analyzed, the causes of problems that have general characteristics can be encountered. As stated in the previous pages, Poland started her transformation processes in 1989, right after she broke out the communist influence on her administrative and political system. Previously, strong state control on all areas of state affairs –especially on the local government administration-, statist economy and single-party regime were experienced by Poland. However, after 1989, the multi-party regime was founded. Moreover, institutional framework of market economy was built, and control over administration –as well as on local administration- declined. Thanks to these developments, civil society has become more important and democracy on executive and administrative units of the State has also become more prominent components. In other words, in Poland, democratic characteristics and market economies are successfully transformed in a few years. Therefore, the Poland's transformation was rather rapid.

On the other hand, “institutional adaptations and reforms will have to be based on a careful institutional analysis of the existing institutional contexts and problems in each individual country”<sup>199</sup>. Thus, cultural and institutional traditions of the State contain significant factors in the reform processes through which a modern state and a society could emerge.

In transition projects of the administrative system, political and administrative actors who are influenced by the political and administrative culture of that state play important roles. In short, “in order to evaluate the characteristics of change, one must also take under examination the forces of reform and resistance existing in society, their values, life and work habits, structures of interests, intentions,

---

<sup>199</sup> Toonen, T.A.J. European of the Administrations: The Challenges of 1992. *Public Administration Review* Vol.52 No:2, 1992, p.232.

character of education”<sup>200</sup>. In other words, if transition projects are tried to be conducted by ignoring the values, habits and intentions of society, resistance may emerge against the reforms in society.

As a consequence, some of the central problems stemmed from the conditions that occurred after the collapse of the authoritarian socialist regime in 1989. Domestic and international environment were open to social and political pluralism and global capitalist economic system was the major component. Thus, this new system created its new elites and these new elites have learnt their new duties. Moreover, from the perspective of these new elites, it would be more difficult to take decisions in the new and complex system of open society than they experienced in the communist regime. Indeed, the reason of the complexity of the new system can be seen as the plurality of interest groups and their free actions<sup>201</sup>. In other words, the plurality of interest groups, political parties and social movements which represent different thoughts made the transformation process in Poland more difficult. In addition, the transition process was a painful process because of the heritage of the economic and social crises of the communist regime, which needed to be coped with by the new elites of this new system.

Poland’s another problem has also risen from the plural character of democracy. Actually, when one considers that “democratization is a process of subjecting all interests to competition...”<sup>202</sup>, it is possible to conclude that balance between different interests gains additional importance. Hence, the competition of different interests in the State may cause tension. As a result, to achieve balance between the reforms carried out and thoughts and demands of different interest groups has caused difficulty for the governors. In other words, to maintain balance between the popular legitimacy of the new regime, reforms and effectiveness of governmental

---

<sup>200</sup> Jablonski, Andrzej W. *Europeanization of Public Administration in Central Europe: Poland in Comparative Perspective*. 1998, p.2. Available at: <http://www.nato.int/acad/fellow/95-97/jablonsk.pdf>, accessed on 05.16.2007.

<sup>201</sup>Jablonski, 1998.

<sup>202</sup> Przeworski, A. *Democracy as a Contingent Outcome of Conflicts* in J. Elster and R. Slagstad Eds. 1988. *Constitutionalism and Democracy*. Cambridge University Press, Cambridge, 1988, p.63.

affairs become the main problem in the transformation process in order to achieve success and legitimacy of reforms.

Other than the above mentioned issues, the stability of government and guaranteeing democratic principles are significant issues for the membership of the European Union, as well. As a consequence, the reforms and transition projects are closely followed by the Union. In line with this, the regular report that was issued by the European Commission, in 1999, concluded that Poland complied with the Copenhagen political criteria. Nonetheless, the Commission stated that further attempts were needed in order to increase judicial efficiency and to reduce corruption<sup>203</sup>. In the following year's report, the Commission stated that, although the Commission appreciated the reforms on the judiciary and fight against corruption, there was still a lot of work ahead for Polish government on the way to full membership<sup>204</sup>. For instance, the Commission's 2000 Regular Report pointed out that Poland ought to make Polish laws compatible with the *acquis* of the Union<sup>205</sup>.

Moreover, the Commission's Regular Report, which was issued on 13 November 2001, indicated the Commission's satisfaction with the establishment of stable institutions to guarantee democracy and rule of law<sup>206</sup>. As stated in the previous parts, in order to guarantee democracy and the rule of law, Poland amended her Constitution and changed its regime to parliamentary democracy in 1992. After this fundamental amendment, a new Constitution named "the Constitution of the Republic of Poland" was ratified in 1997. Another focal point of the 2001 Regular Report of the European Commission was corruption. Excessive bureaucracy, lack

---

<sup>203</sup> European Commission. 1999 Regular Report from the Commission on Poland's Progress Towards Accession. Commission Staff Working Document, Brussels, 1999.

<sup>204</sup> European Commission. 2000 Regular Report from the Commission on Poland's Progress Towards Accession. Commission Staff Working Document, Brussels, 2000.

<sup>205</sup> 2000 Regular Report.

<sup>206</sup> European Commission. 2001 Regular Report from the Commission on Poland's Progress Towards Accession. Commission Staff Working Document, Brussels, 2001.

of transparency, lack of accountability and insufficient controls were the components of corruption in Poland, according to the Regular Report<sup>207</sup>.

Based on these Regular Reports of the European Commission, several significant problems can be listed in Poland's administrative system, which are as follows:

The first problem can be seen as the lack of financial resources, although the regional and local governments have the right to collect their own revenues. In other words, financial dependency of local governments on the central authorities still continues as the existing resources are not enough for ongoing development policies<sup>208</sup>.

Secondly, the lack of consultation of local authorities or local inhabitants, while transforming the existing system of that local area, is another problem. For example, the local authorities were complained with lack of consultation during the drafting process of the Law on the Capital City of Warsaw, which was ratified on 15 March 2002<sup>209</sup>. In relation with the second problem, the third problem emerges. The third problem can be summarized as the decrease of public support given to the local governments. According to the report on Local and Regional Democracy in Poland, as a result of this decrease of social support, the local and regional governments might lose their power. This situation –in the long-run – can lead to inability to resist against powerful political opposition of well organized groups. Moreover, these well organized groups may have the power to stop decentralization and may turn back the transition of the administrative system of Poland. The Report indicates that some elected heads of local and regional authorities have already been under the influence of their political party<sup>210</sup>. As a result, the aims of the political parties and of the local and regional self-governments may conflict and in this respect interests of the political parties may prevent actions of the self-governments. One effect of this influence can be the politicization of the local and regional

---

<sup>207</sup> 2001 Regular Report.

<sup>208</sup> Smith and Doric, 2002.

<sup>209</sup> Smith and Doric, 2002.

<sup>210</sup> Smith and Doric, 2002.

administrations. Another effect can be seen –as stated above- as weakening decentralization and concentrating on the centralization since some politicians who act on the national arena are opposed to decentralization, which limits their powers<sup>211</sup>.

On the one hand, central administration remained insufficient in order to meet the needs of the new territorial organization and to share public responsibilities with the new territorial units, although the local and regional administrations' staffs' professional training were not sufficient<sup>212</sup>.

## **2.5 Summary**

One should bear in mind that as a member of the European Union, Poland has the biggest population with 38.2 million people among ten countries which became members of the European Union in 2006.

Furthermore, historically, the State experienced several occupations and divisions but at the end gained her independence. Moreover, Poland experienced two military interventions in her history. One of them was experienced before the Second World War and another was experienced after the Second World War. After the Second World War, Poland was highly under the influence of the Soviet Union. As a result, the administrative and economic system of the State reflected the Soviet model of administration. In 1989, Poland broke out this influence and managed establishing a new model in her administrative, economic and political systems with the intention of integration with the West.

In this new administrative model, the important component becomes the local self-government. In terms of giving more autonomy to the local self-government, first of all, the European Charter of Local Self-Government was accepted without

---

<sup>211</sup> Smith and Doric, 2002.

<sup>212</sup> Smith and Doric, 2002.

reservations in 1994. Following, a new Constitution was ratified in 1997, and all articles of the Charter are included in the Constitution.

With this new Constitution, Poland granted significant autonomy to the local self-government and guaranteed its autonomy. Actually, the Constitution contains one direct chapter about local self-government. However, in the other chapters of the Constitution, some articles refer indirectly to the local self-government. With these articles, local self-government gains its financial autonomy and legal and Constitutional protection. Furthermore, because of delegating several duties of the central government to the local self-government, the units of the local self-government gained more importance in terms of responding to the needs of the local society.

### 3. TURKEY’S EUROPEAN UNION ACCESSION PROCESS AND THE LOCAL ADMINISTRATION REFORMS

The Republic of Turkey, the capital of which is Ankara, is located at the intersection of Asia and Europe with a territorial area of 769,6 thousands of square kilometers<sup>213</sup>. It has a population of 70,5 million<sup>214</sup> and the official language is Turkish. Furthermore, “its flag is composed of a white crescent and star on a red background”<sup>215</sup>.

The relations between Turkey and the European Union date back to 1959 when Turkey applied to the European Economic Community<sup>216</sup>. The relations between the two parties are still on-going with the aim of becoming an European Union member on the part of Turkey. Therefore, in accordance with this aim, Turkey has undertaken various reforms to comply with the requirements of the European Union.

In this part of the thesis, the historical background of Turkey, its relations with the European Union, and the local administration system and problems that are encountered during the reformation period will be analyzed in order to perceive what Turkey has accomplished for membership and what she still has to accomplish.

#### 3.1 Historical Background of Turkey

Although the historical background of the Turks goes back to the years Before Christ, Turkey accepts herself as the successor of the Ottoman Empire. Hence,

---

<sup>213</sup> European Commission. *Key Facts and Figures about Europe and the Europeans*. Directorate-General for Press and Communication, Luxembourg., 2007. Available at: [europa.eu.int/comm/publications](http://europa.eu.int/comm/publications), accessed on 03.08.2008.

<sup>214</sup> Türkiye İstatistik Kurumu. *Nüfus ve Demografik Yapı*. 2007. Available at: [http://www.tuik.gov.tr/PreTablo.do?tb\\_id=39&ust\\_id=11](http://www.tuik.gov.tr/PreTablo.do?tb_id=39&ust_id=11), accessed on 03.08.2008.

<sup>215</sup> Türkiye Cumhuriyeti 1982 Anayasası. Article 3. Seçkin Yayıncılık, Ankara, 2007.

<sup>216</sup> EU – Turkey Relations. Available at: <http://www.euractiv.com/en/enlargement/eu-turkey-relations/article-129678>, accessed on 08.01.2007.

looking at the history of the Ottoman Empire can be seen as a necessity in order to understand Turkey's cultural heritage. For instance, by looking at the history of the Empire, roots of the strong state understanding and equalization the meaning of modernization with the meaning of Europeanization can be observed, which are also seen in Turkey.

As far as the first democratization movements are concerned, they begin in the Ottoman times.. For instance, the "Tanzimat Edict" (Gulhane Hatt-ı Humayunu) was declared in 1839. After that, in 1856, the Islahat Imperial Edict was declared and with these two edicts, the non-Muslims who lived in the Ottoman Empire gained the same rights as the Muslims of the Empire<sup>217</sup>.

The first Constitution of the Empire, which was called "Kanun-i Esasi", was declared in 1876, establishing a Constitutional Monarchy. The First Constitutional Monarchy was abolished later by II. Abdülhamit and was reestablished again in 1908, by Abdülhamit the Second<sup>218</sup>.

Over the years, the continuing wars and high loans weakened the Ottoman Empire. In the end, in 1914, the Ottoman Empire became a part of the First World War. At the end of the War, the Empire signed the Montrose Armistice as the loser part of the War in 1918, and this brought the end of the Empire<sup>219</sup>.

Right after the Armistice, occupations by the winners of the War, which were England, Italy, France and Greece, started. These occupations led to reactions and the War of Independence started under the leadership of Mustafa Kemal (Ataturk) on 19 May 1919<sup>220</sup>. During the years of the War of Independence, on 23 April 1920, the Grand National Assembly has been established. Moreover, a new Constitution

---

<sup>217</sup> Heper, Metin. *Türkiye Sözlüğü: Siyaset, Toplum ve Kültür*. Doğu Batı Publications, Ankara, 2006, pp.43-44.

<sup>218</sup> Heper, 2006.

<sup>219</sup> Heper, 2006.

<sup>220</sup> Ozankaya, Özer. *Cumhuriyet Çınarı*. İmge Publications, Ankara, 1996, p.173.

was accepted on 20 January 1921, which is called Teşkilat-i Esasiye” and it was accepted as the first constitution of Turkey as a new nation. In 1923, the War ended and on 24 July 1923, the Lausanne Treaty was signed, and thus, the final borders of Turkey have drawn by an international treaty<sup>221</sup>.

With the Lausanne Treaty, Turkey was officially established. Right after the establishment, administrative, political, economic and social reforms started. First of all, Turkey became a Republic on 29 October 1923. Then, on 3 March 1924, the caliphate was abolished. In addition to this, on 10 April 1928, laicism was accepted. With this reform, the effect of religious rules on governmental issues was prevented<sup>222</sup>.

As far as the multi-party system is concerned, even though there were attempts to establish as such before 1946, Turkey actually set the multi-party in 1946, with the establishment of the Democrat Party<sup>223</sup>. This was an important step in the democratization process.

Nevertheless, the multi-party system and civil governmental model of Turkey experienced two interruptions. The first military intervention was carried out in 1960. On 27 May 1960, a group of military officers under the leadership of Cemal Gürsel took over the power<sup>224</sup>. This period was relatively short. One year later, on 15 October 1961, general elections were undertaken in Turkey<sup>225</sup>.

Despite other attempts to carry out military coups, civil governments ruled the country until 12 September 1980. On that date, the second military intervention was experienced by Turkey, and to put an end to the chaos and bloody violence between the rightists and the leftists on the streets was the justification point of the Army.

---

<sup>221</sup> Heper, 2006 and Ozankaya, 1996.

<sup>222</sup> Heper, 2006.

<sup>223</sup> Heper, 2006.

<sup>224</sup> Heper, 2006.

<sup>225</sup> Heper, 2006.

However, the main reason behind the intervention has been the violation of basic principles and democratic system of government which caused a series of street demonstrations by the young students. Thus, the aim of the military intervention was to enhance political and social stability.

After each of these two interventions, new constitutions were prepared and were applied in Turkey. Actually, after 1960, May 27 intervention, the Constitution of 1961 started to be prepared; and the Constitution was accepted by a national referendum on 9 July 1961. Similarly, after 1980 military intervention, the Constitution of 1982 was ratified on 7 November 1982. However, the interim period after the 1980 military intervention was longer than the one in 1960 since the general elections were held on 6 November 1983<sup>226</sup>.

Between 1960 and 1980, in 1971, Turkey experienced another important intervention. On 12 March 1971, the Chief of the General Staff, the Commander of the Army, the Commander of the Air Force and the Commander of the Navy gave a memorandum to the government, and emphasized the necessity of a powerful cope with anarchy and inflation which prevailed severely for the last couple of years. As a result, the existing government, the prime minister of which was Süleyman Demirel, resigned<sup>227</sup>.

After all these military interventions, the 1980s was the period of an inception of the liberal outwardly oriented economic system for Turkey. In those years, competitive market economy started to grow intensively. Moreover, in 1987, Turkey finally applied for full membership to the European Economic Community<sup>228</sup>.

---

<sup>226</sup>Heper, 2006.

<sup>227</sup> Heper, 2006.

<sup>228</sup> *EU – Turkey Relations*. Available at: <http://www.euractiv.com/en/enlargement/eu-turkey-relations/article-129678>, accessed on 08.01.2007; and Avrupa Birliği Genel Sekreterliği. *Türkiye Avrupa Birliği İlişkileri Kronolojisi*. Available at: <http://www.abgs.gov.tr/index.php?p=112&l=1>, accessed on 08.01.2007.

### 3.2 Turkey's Relations with the European Union

As mentioned earlier, the relations between Turkey and the European Union started in 1959 with the application of Ankara for associate membership of the European Economic Community (EEC)<sup>229</sup>. After that day, this relationship has a fluctuating character, with ups and downs.

Indeed, after the Second World War, Turkey started to concentrate her energy on the West. Firstly, she aimed to join the newly formed European institutions by ratifying political and economic agreements in order to have a place in the European system<sup>230</sup>. It firstly became a member of the Organization for Economic Cooperation and Development (OECD) in 1948. After that, it became a member of the Council of Europe in 1949 and the North Atlantic Treaty Organization (NATO) in 1952<sup>231</sup>.

Following all these memberships, on 31 July 1959, Turkey formally applied to the EEC with the aim of making alliance of the West in the economic sphere. After this application, the official negotiations between Turkey and the Community started on 29 September 1959<sup>232</sup>. On the other hand, just after the negotiations started, the military coup on 27 May 1960 was undertaken which resulted in the halting of the negotiations between Turkey and the Community. After this mandatory break, the negotiations began again, and on 12 September 1963, the Ankara Agreement was signed. However, the agreement went into force on 1 December 1964, which had an important clause that the agreement could not be terminated until Turkey became a full member of the Community<sup>233</sup>. Moreover, the Ankara Agreement anticipated

---

<sup>229</sup> EU – Turkey Relations.

<sup>230</sup> Çayhan, Esra. *Türkiye-Avrupa Birliği İlişkileri*. Boyut Publications, Istanbul, 1997, p.24.

<sup>231</sup> Vali, Ferenc A. *Bridge Across the Bosphorus: The Foreign Policy of Turkey in Meltem Müftüler Bac. Turkey's Relations with a Changing Europe*. Manchester University Press, Manchester, 1997, p.23.

<sup>232</sup> Müftüler Bac, Meltem. *Turkey's Relations with a Changing Europe*. Manchester University Press, Manchester, 1997, p.54.

<sup>233</sup> Türkiye-Avrupa Birliği Karma Parlamento Komisyonu. *Türkiye Avrupa Birliği İlişkilerinde Önemli Tarihler Kronolojisi*. Available at [www.tbmm.gov.tr/ul\\_kom/kpk/trabils.html](http://www.tbmm.gov.tr/ul_kom/kpk/trabils.html), accessed on 01.07.2008.

three stages that Turkey should pass before becoming a member of the Community, which were the preparatory phase, the transition phase and the final phase. At the end of the preparatory phase completing the customs union was planned<sup>234</sup>.

The Ankara Agreement was also enhanced with the signing of the Additional Protocol on 23 November 1970 between the Community and Turkey. However, the period between signing the Protocol and its activation took a longer time since after the signing of the Additional Protocol another military intervention was experienced in Turkey, in March 1971. The delayed application of the Protocol took place on 1 January 1973 because of the internal instability in Turkey<sup>235</sup>.

However, at the end of the 1970s, Turkey required freezing the terms of the Association Agreement until 1986<sup>236</sup>. Meanwhile, Turkey again experienced a military coup on 12 September 1980, which caused the period to take much longer.

In 1986, the relations between the EEC and Turkey turned back to the normal once again, and a special meeting was held on 16 September 1986. More importantly, on 14 April 1987, while Turgut Özal was the prime minister, Turkey officially applied for full membership to the Community<sup>237</sup>. Nevertheless, the response to Turkey's application was negative. On 18 December 1989, European Commission stated that the priority was the creation of a single market within Europe by the end of 1992 and that is why, before membership, Turkey should achieve economic, social and political developments<sup>238</sup>.

After the European Union achieved its single market as a criterion in order to be a member, the European Parliament ratified the agreement on Customs Union with Turkey on 13 December 1995, and this agreement was put into effect on 1 January

---

<sup>234</sup> Türkiye Avrupa Birliği İlişkilerinde Önemli Tarihler Kronolojisi.

<sup>235</sup> Türkiye Avrupa Birliği İlişkilerinde Önemli Tarihler Kronolojisi.

<sup>236</sup> Türkiye Avrupa Birliği İlişkilerinde Önemli Tarihler Kronolojisi.

<sup>237</sup> Türkiye Avrupa Birliği İlişkilerinde Önemli Tarihler Kronolojisi.

<sup>238</sup> Türkiye Avrupa Birliği İlişkilerinde Önemli Tarihler Kronolojisi.

1996<sup>239</sup>. This agreement necessitated the elimination of all tariffs and other forms of trade restrictions among the participant countries. Moreover, the participant countries were expected to establish uniform external tariffs and other kinds of regulations on trade towards the non-participant countries<sup>240</sup>.

Apart from the Customs Union further important developments took place in 1997. Although on 29 April 1997, the European Community-Turkey Association Council met in Luxembourg and the Chief of the Council declared that Turkey can be evaluated with the same criteria, applied to the other applicant countries for full membership; on 12-13 December 1997, at the end of the Luxembourg Summit of the European Union, Turkey was not accepted as a candidate for membership<sup>241</sup>. However, with the Helsinki Summit, on 11-12 December 1999, Turkey became a full candidate<sup>242</sup>.

In response to this, the European Union adopted its first Accession Partnership for Turkey on 8 March 2001. In line with the requirements of the Accession Partnership, Turkey presented her National Program for Adoption of the Aquis (NPAA) on 19 March 2001<sup>243</sup>. As a result of these developments, Turkey and the European Union's relations took another turn. For instance, in February 2002, the first adjustment package was prepared by Turkey<sup>244</sup>. Moreover, at the end of the Summit of the Copenhagen European Council, it was declared that if the European Council –in the light of the report and the recommendation of the Commission in December 2004- would decide that Turkey fulfilled the Copenhagen political criteria, accession negotiations between the European Union and Turkey would be

---

<sup>239</sup> Avrupa Birliđi Genel Sekreterliđi. *Türkiye Avrupa Birliđi İlişkileri Kronolojisi*. Available at: <http://www.abgs.gov.tr/index.php?p=112&l=1>, accessed on 08.01.2007.

<sup>240</sup>Müftüler Bac, 1997.

<sup>241</sup>Türkiye Avrupa Birliđi İlişkilerinde Önemli Tarihler Kronolojisi.

<sup>242</sup>Türkiye Avrupa Birliđi İlişkileri Kronolojisi.

<sup>243</sup> Türkiye Avrupa Birliđi İlişkileri Kronolojisi.

<sup>244</sup> Türkiye Avrupa Birliđi İlişkilerinde Önemli Tarihler Kronolojisi.

initiated; and on 17 December 2004, the European Council decided to initiate accession negotiations on 3 October 2005 with Turkey<sup>245</sup>.

Nonetheless, some negative developments occurred in 2006. On 29 November 2006, the Commission recommended suspending membership negotiations partially because of the problems between Turkey and Cyprus and lack of progress on this issue. About 15 days later, 8 of 35 topics of negotiation areas were suspended. The negotiation process has been accepted to be “open ended”, which meant it would not certainly be ended with full membership in the European Union and this process still continues<sup>246</sup>.

### **3.3 Local Administration System in Turkey**

As stated before, Turkey began her membership endeavor of the European Union in 1959. From that year till today, she has made many transformations. One important issue of Turkey’s reforms is giving more autonomy to the local governments. In order to achieve these reforms, first of all, Turkey signed the European Charter of Local Self-Government in 1988<sup>247</sup>. However, significant developments did not take place until 2005 in the local administration sphere.

#### **3.3.1 Turkey and the European Charter of the Local Self-Government**

The European Charter of Local Self-Government was signed on 21 November 1988 in Strasbourg by Turkey, and the Charter came into force in May 1991 with the Law Related to the Approval of the European Charter of Local Self-Government ratified by the Turkish Grand National Assembly. According to this Law, most of the parts of the European Charter of Local Self-Government were accepted<sup>248</sup>.

---

<sup>245</sup> Türkiye Avrupa Birliği İlişkilerinde Önemli Tarihler Kronolojisi.

<sup>246</sup> EU – Turkey Relations. Available at: <http://www.euractiv.com/en/enlargement/eu-turkey-relations/article-129678>, accessed on 08.01.2007.

<sup>247</sup> Avrupa Yerel Yönetimler Özerklik Şartına İlişkin Yasa. 1991. Available at: <http://www.belgenet.com/yasa/k3723.html>, accessed on 08.01.2007.

<sup>248</sup> Avrupa Yerel Yönetimler Özerklik Şartına İlişkin Yasa.

First of all, Article 2, which states “the principle of local self-government shall be recognized in domestic legislation, and where practicable in the Constitution” was accepted<sup>249</sup>. Moreover, Article 3 was also accepted by Turkey. This Article says “local self-government denotes the right and the ability of local Authorities, within the limits of the law to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population”<sup>250</sup>. Therefore, with the Article 3, local self-government gains additional rights and responsibilities so that it fulfill its needs. Not only Article 3, but also Article 4 gives additional autonomy and responsibility by stating “local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority”<sup>251</sup>. Furthermore, in Paragraph 4 of the same Article, it is stated that “powers may not be undermined and limited by another, central or regional, authority except as provided for by the law”<sup>252</sup>. Hence, this paragraph, in a sense, limits the possibility of intervention to powers and responsibilities of the local self-government.

In addition to these Articles, Article 5 provides direct participation of the local citizens in the decision making process about the local government boundaries where they live in, by stating that “changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute”<sup>253</sup>.

Article 7 and Article 9 adjust the financial resources and expenditures of the local self-government. The approved part of the Article 7 states that “the conditions of office of local elected representatives shall provide for free exercise of their functions.

---

<sup>249</sup>European Commission. European Charter of Local Self-Government, Part I, Article 2, 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

<sup>250</sup> European Charter of Local Self-Government, Part I, Paragraph 1, Article 3.

<sup>251</sup> European Charter of Local Self-Government, Part I, Paragraph 2, Article 4.

<sup>252</sup> European Charter of Local Self-Government, Part I, Paragraph 4, Article 4.

<sup>253</sup> European Charter of Local Self-Government, Article 5.

They shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection”<sup>254</sup>. Furthermore, article 9 contains that “local authorities shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers. Local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the law. Part at least of the financial resources of local authorities shall derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate”<sup>255</sup>. Consequently, with these two Articles, the expenditures and financial resources of the local self-government are equalized the responsibilities and duties of the local self-government. Also, this equalization makes easier to fulfill their duties of self-governments.

Administrative supervision is another significant point of the European Charter of Local Self-Government. Article 8 states “any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as are provided for by the constitution or by statute. Any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities”<sup>256</sup>. With this Article, the intervention of central and regional authorities is limited. This limitation also gives a certain extent of autonomy to the local self-government.

However, in this Law, Turkey puts reservations on ten paragraphs which are about financial and administrative autonomy<sup>257</sup>. These are the sixth paragraph of Article 4,

---

<sup>254</sup> European Charter of Local Self-Government, Paragraph 1-2, Article 7.

<sup>255</sup> European Charter of Local Self-Government, Paragraph 1, 2 and 3, Article 9.

<sup>256</sup> European Charter of Local Self-Government, Paragraph 1-2, Article 8.

<sup>257</sup> Keleş, Ruşen. “Yerel Yönetim Özerklik Şartı Karşısında Avrupa ve Türkiye”, *Çağdaş Yerel Yönetimler Dergisi*, Vol:4, No.6, November 1995, pp.17-19.

which says “local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly”; first paragraph of Article 6, which states “without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management”; third paragraph of Article 7, which says “any functions and activities which are deemed incompatible with the holding of local elective office shall be determined by statute or fundamental legal principles”; paragraph three of Article 8 which states “administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect”; paragraph 4,6 and 7 of Article 9 which are basically about financial autonomy of the local self-government;<sup>258</sup> and paragraph 2 and 3 of Article 10 which states “the entitlement of local authorities to belong to an association for the protection and promotion of their common interests and to belong to an international association of local authorities shall be recognized in each State. Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other States”.

Additionally, the final reservation is put on Article 11, which also states “local authorities shall have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation”.

### **3.3.2 Local Administration in Turkey’s Constitution**

Until today Turkey has had four constitutions although the Republic of Turkey has three constitutions. The first constitution was ratified under the extraordinary conditions. Indeed, the first Constitution was ratified in 1921, which was during the years of the War of Independence. Therefore, this Constitution was a rather short

---

<sup>258</sup> In other words, by rejecting to accept these paragraphs, Turkish Grand National Assembly also rejects to give financial autonomy to the self-governments and rejects to give the right to use provisions freely.

one with only 23 Articles<sup>259</sup>. On the other hand, major amendment was achieved in 1923 by declaring that “state of Turkey is a republic”<sup>260</sup>. Moreover, by this Constitution, the State declared her official religion as Islam”<sup>261</sup>.

After the Republic was founded, the Republic of Turkey needed another Constitution which should be more detailed than the Constitution of 1921. This second constitution was ratified in 1924, with its 105 Articles<sup>262</sup>. In 1928 and 1935, this constitution was also amended. Those amendments were about the principles of Atatürk and laicism. However, the final amendment was done in 1937<sup>263</sup>. Until 1961, the Constitution of 1924 was functional.

Right after the military coup, in 1960, a new Constitution was begun to be prepared. The third constitution of Turkey or the second constitution of the Republic was approved by referendum in 1961<sup>264</sup>. This constitution with its liberal spirit was a reaction to the previous constitution. However, objections against this Constitution started in one year after the approval of the Constitution and number of amendments till 1971 resulted in a relatively less liberal constitutional system compared with the 1961<sup>265</sup>.

Nonetheless, continuing conflict in the State, unsecured conditions and deep economic problems resulted with another military coup in 1980<sup>266</sup>. Again, at the end

---

<sup>259</sup> Law number: 85. Teşkilat-ı Esasiye Kanunu. 1921. Available at: [www.anayasa.gov.tr](http://www.anayasa.gov.tr), accessed on 08.20.2007.

<sup>260</sup> Law number: 85. Teşkilat-ı Esasiye Kanunu. 1923. Available at: [www.anayasa.gov.tr](http://www.anayasa.gov.tr), accessed on 08.20.2007.

<sup>261</sup> Law number: 85. Teşkilat-ı Esasiye Kanunu, Article 2. 1921. Available at: [www.anayasa.gov.tr](http://www.anayasa.gov.tr), accessed on 08.20.2007.

<sup>262</sup> Law number: 491. Constitution of Republic of Turkey, Article 105. 1924. Available at: [www.anayasa.gov.tr](http://www.anayasa.gov.tr), accessed on 05.20.2007.

<sup>263</sup> Law number: 491. Constitution of Republic of Turkey, Article 105. 1924, available at: [www.anayasa.gov.tr](http://www.anayasa.gov.tr), accessed on 05.20.2007

<sup>264</sup> Law number: 334. Constitution of Republic of Turkey, Introduction. 1961. Available at: [www.anayasa.gov.tr](http://www.anayasa.gov.tr), accessed on 05.20.2007.

<sup>265</sup> Tanör, Bülent. *İki Anayasa: 1961 ve 1982*. Beta Publications, Istanbul, 1986, pp.53-54.

<sup>266</sup> T.C Danışma Meclisi Anayasa Komisyonu, Basis No; 1/463, Decision No: 434, 07.30.1982.

of this military intervention, the previous constitution, which was the Constitution of 1961, was abolished and replaced with the Constitution of 1982. This Constitution was ratified in November 1982 and the major amendments were done in the years of 1995 and 2001. The first Article of this Constitution states that “The Turkish state is a Republic”<sup>267</sup>. Additionally, Article 3 states that “The Turkish state, with its territory and nation, is an indivisible entity”<sup>268</sup>. Moreover, Article 5 says “The fundamental aims and duties of the state are; to safeguard the independence and integrity of the Turkish Nation, the indivisibility of the country, the Republic and democracy; to ensure the welfare, peace, and happiness of the individual and society; to strive for the removal of political, social and economic obstacles which restrict the fundamental rights and freedoms of the individual in a manner incompatible with the principles of justice and of the social state governed by the rule of law; and to provide the conditions required for the development of the individual’s material and spiritual existence”<sup>269</sup>. Thus, the principle of the unitary state and the indivisibility of the country have special emphasis. However, the amendments that are mentioned above are not about the articles which are related with the local governments, which are Article 123 and Article 127<sup>270</sup>.

Article 123 states that “the administration forms a whole with regard to its structure and functions, and shall be regulated by law. The organization and functions of the administration are based on the principles of centralization and local administration. Public corporate bodies shall be established only by law or by the authority expressly granted by law”<sup>271</sup>. As a result, in this Article, although administration is divided into two as central and local administrations, the integral unity of administration is still the fundamental principle. Furthermore, Article 127 states that;

“Local administrative bodies are public corporate entities established to meet the common local needs of the inhabitants of provinces, municipal districts and villages, whose decision-making organs are elected by the electorate as described

---

<sup>267</sup> Türkiye Cumhuriyeti 1982 Anayasası. Article 1. Seçkin Yayıncılık, Ankara, 2006.

<sup>268</sup> Türkiye Cumhuriyeti 1982 Anayasası. Paragraph 1, Article 3.

<sup>269</sup> Türkiye Cumhuriyeti 1982 Anayasası. Article 5.

<sup>270</sup> Türkiye Cumhuriyeti 1982 Anayasası.

<sup>271</sup> Türkiye Cumhuriyeti 1982 Anayasası. Article 123.

in law, and whose principles of structure are also determined by law. The formation, duties and powers of the local administration shall be regulated by law in accordance with the principle of local administration. The elections for local administrations shall be held every five years in accordance with the principles set forth in Article 67. However, general or by-elections for local administrative bodies or for members thereof, which are to be held within a year before or after the general or by-elections for deputies, shall be held simultaneously with the general or by-elections for deputies. Special administrative arrangements may be introduced by law for larger urban centers. The procedures dealing with objections to the acquisition by elected organs of local government or their status as an organ, and their loss of such status, shall be resolved by the judiciary. However, as a provisional measure, the Minister of Internal Affairs may remove from office those organs of local administration or their members against whom investigation or prosecution has been initiated on grounds of offences related to their duties, pending judgment. The central administration has the power of administrative trusteeship over the local governments in the framework of principles and procedures set forth by law with the objective of ensuring 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. The formation of local administrative bodies into a union with the permission of the Council of Ministers for the purpose of performing specific public services; and the functions, powers, financial and security arrangements of these unions, and their reciprocal ties and relations with the central administration, shall be regulated by law. These administrative bodies shall be allocated financial resources in proportion to their functions<sup>272</sup>.

This Article lists the local administrative bodies and regulates elections and organs of them. This Article also mentions the integral unity of the administration. Therefore, it can be deduced by looking at these two Articles that in the Turkish system of administration, the central government has general responsibility and priority in administrative affairs.

On the other hand, although these two articles are not amended in the time course, the laws regulating the local administrative levels are replaced with more modern laws in 2005.

### **3.3.3 Local Administration Reforms in Turkey**

The first official local government in the Ottoman Empire emerged because of the necessity to facilitate the transfer of centralized administrative system to the provinces, and because of external pressures so that minorities could participate in

---

<sup>272</sup> Türkiye Cumhuriyeti 1982 Anayasası. Article 127. Seçkin Yayıncılık, Ankara, 2006.

politics and could have ethnic rights<sup>273</sup>. However, the first constitutional regulations about local governments emerged in the Constitution of 1876. The regulations were in Article 108 and Article 112. While Article 108 stated, “administration of provinces are based on devolution. Details of this organization are determined in law”<sup>274</sup>, Article 112 stated that “in Istanbul and in provinces, municipality affairs are administered by the municipal councils which come into force by elections. Organizations and functions of the municipal councils, and how their members are elected are determined by special law”<sup>275</sup>. Therefore, although Article 112 gave autonomy to the local authorities, Article 108 tried to increase influence of the central administration on the local administrations.

In 1921, significant development in terms of decentralization can be observed. In the Constitution of 1921, which was ratified on January 1921 and entitled Teşkilat-ı Esasiye, cities and subdistricts became widely autonomous and gained legal personality<sup>276</sup>.

Like the Constitution of 1876, the Constitution of 1924 accepted delegation and division of responsibility. In both of these Constitutions, the aim was to emphasize that central administration and local administration had different duties and responsibilities<sup>277</sup>.

Furthermore, in the Constitution of 1961, local self-governments were regulated by two articles which were Article 112 and Article 116. Article 112 says that “the organization and functions of the administration are based both on the principles of centralization and decentralization. In terms of organization and functions, the administration is a whole, and is regulated by law. Public corporate bodies shall be

---

<sup>273</sup> Keleş, 1992/b.

<sup>274</sup> The Ottoman Constitution: 23 December 1876. Available at: [www.boun.edu.tr](http://www.boun.edu.tr) , accessed in April 2004.

<sup>275</sup> The Ottoman Constitution: 23 December 1876

<sup>276</sup> Keleş, 2006.

<sup>277</sup> Keleş, 1992/b.

created only in virtue of a law or on the authority expressly granted by law under the heading of the indivisibility of the administration and its legal personality”<sup>278</sup>. Article 116 gave the names of local government levels as “local administration bodies are corporate entities created to meet the common local needs of the citizens of provinces, municipal districts, villages, whose policy-making organs are elected by the people”<sup>279</sup>. Also, in the same Article, it was said that “the organization and incorporation of local administrative bodies into unions, their functions, powers, financial and disciplinary matters and their mutual ties and relationships with the central administration shall be regulated by law. Sources of income shall be provided for these administrative bodies in proportion to their functions”<sup>280</sup>.

Finally, as explained previously, the Constitution of 1982 regulates the local self-government in two articles, which are Article 123 and Article 127. Even though, this Constitution has been amended several times, these two articles remained the same. However, the most evident reforms were achieved in 2005, and the laws were specifically enacted to regulate the local government levels.

For instance, the Basic Law of the Provincial Local Administration was ratified in the period of Ottoman Empire, in 1913. After that, in order to replace it with some article of the first law, in 1987, another law numbered 3360 was enacted. However, the fundamental reform was achieved with the law numbered 5302, in 2005<sup>281</sup>. Furthermore, the law numbered 1580 of municipality, which was approved in 1930, was replaced with a new law numbered 5393 and was ratified in 2005<sup>282</sup>. Although the law of the Provincial Local Administration and the municipal law have been developed in the time, the law of village numbered 442, which was ratified on 19

---

<sup>278</sup> 1961 Constitution of Republic of Turkey, Introduction. Başbakanlık Publications, Ankara, 1978, p.54.

<sup>279</sup> 1961 Constitution of Republic of Turkey, Introduction.

<sup>280</sup> 1961 Constitution of Republic of Turkey, Introduction.

<sup>281</sup> Keleş, 2006 and Türkiye Belediyeler Birliği. *Yeni Mahalli İdareler Mevzuatı*. Ümit Publication, Ankara, 2005, p.83.

<sup>282</sup> Keleş, 2006 and Yeni Mahalli İdareler Mevzuatı.

March 1924,<sup>283</sup> was replaced with the law numbered 286 in 1963, and this law is still in application<sup>284</sup>.

### **3.3.4 Local Administration System of Turkey**

As stated in the part of this chapter titled the Local Self-government of the Constitution of the Republic of Turkey “local administrative bodies are public corporate entities established to meet the common local needs of the inhabitants of provinces, municipal districts and villages, whose decision-making organs are elected by the electorate as described in law, and whose principles of structure are also determined by law”<sup>285</sup>. Thus, with this Constitutional Article, villages, Provincial Local Administrations and municipalities are declared as the bodies of local administrations in Turkey.

As mentioned previously, Turkey began carrying out significant reforms related to the local administrations after the year 2000. However, new laws were promulgated in 2005. Thus, today, Turkey has 37366 villages<sup>286</sup>, 3250 municipalities<sup>287</sup> and 81 provincial local administrations. According to the data of 2003, 16 of all the municipalities are the metropolitan municipalities<sup>288</sup>. This kind of division of the local governmental bodies and several divided parts help the Turkish government in order to serve the local citizens. In other words, because the local administrations can better understand necessities of the local citizens, by these several divided parts citizens can be benefited from the local governments and limited sources can be divided among these parts more beneficially.

---

<sup>283</sup> Keleş, 2006.

<sup>284</sup> Sencer, 1986.

<sup>285</sup> Türkiye Cumhuriyeti 1982 Anayasası, Paragraph 1, Article 127.

<sup>286</sup> Keleş, 2006.

<sup>287</sup> Keleş, 2006.

<sup>288</sup> Keleş, 2006.

As Turkey has such a diverse system of local administrations, it would be better to analyze each and every level of the local administration system of Turkey. Therefore, a good starting point can be focusing on the provincial local administrations.

This administrative level is the widest one –in terms of the territorial area that its power can influence and covers the boundaries of the province. Moreover, the provincial local administration has three organs which are the provincial general assembly, the provincial standing committee and the governor (*vali*). The provincial general assembly is the decision making organ of the provincial local administration whose members are elected in every 5 years. Elections are done in accordance with the principles of free equal, secret, and direct, universal suffrage<sup>289</sup>. On the other hand, the provincial standing committee is not only the decision making organ but it is also the advisory organ of the provincial local administration<sup>290</sup>. Five of the members of the provincial standing committee are elected among the members of the provincial general assembly for one year period with the secret ballot. In addition, other five members of the provincial standing committee are selected every year by the governor<sup>291</sup>. Finally, the governor is the head of the provincial local administration and representative of its legal personality<sup>292</sup>. Governor is appointed by the central administration<sup>293</sup>. Actually, the position of the Governor was changed with the replacement of the previous Law of Provincial Local Administration which was numbered 3360 with the law which is numbered 5302. Previously, governor was also acting as the head of the provincial general assembly<sup>294</sup>. However, with the ratification of the new law numbered 5302 in 2005, the provincial general assembly

---

<sup>289</sup> Keleş, 2006.

<sup>290</sup> Keleş, 2006.

<sup>291</sup> Türkiye Belediyeler Birliği. 2005. İl Özel İdareleri Kanunu: No. 5302, Article 25 in *Yeni Mahalli İdareler Mevzuatı*. Umit Publication, Ankara, 2005, pp.93-94.

<sup>292</sup> İl Özel İdareleri Kanunu: No. 5302, Article 29.

<sup>293</sup> Keleş, 2006.

<sup>294</sup> 13 Mart Tarihli İdarei Umumiyei Vilayet Kanunu Muvakkatının Adının ve Bazı Maddelerinin Değiştirilmesine, Bu Kanuna Bazı Maddeler Eklenmesine Dair Kanun. Law No: 3360. 1987. 02.10.2008.

started to select its own head from its elected members<sup>295</sup>. Thus, with this reform, the provincial general assembly became more democratic and also detached from the central administration, in a sense. This development also made the provincial local administration more independent from the central government. However, the governor is still the head of the provincial standing committee<sup>296</sup>.

The responsibilities and the duties of the provincial local administration are limited with the province. These responsibilities and duties are health, agriculture, industry, commerce, youth and sport; public works and settlement; culture, art, tourism, social services and aids, nursery schools, land assurance for primary and secondary schools; building care and repair of the buildings<sup>297</sup>. In the areas which are not a part of any municipality, provincial local administrations are also responsible from reconstruction of roads, water supply and sewerage, environment, emergency aids and savings, and waste collection<sup>298</sup>. In addition to this, if the related ministry approves, investments –which are parts of duties of the central administration- can be realized by the provincial local administration<sup>299</sup>.

As far as the second body of local administrative system of Turkey is concerned, it is possible to see municipalities which are another level that experienced significant developments with the new law, in 2005. According to the law numbered 5393, municipalities are established in order to fulfill common needs of the citizens who live in that municipal area and their decision making organs are generated with elections<sup>300</sup>.

---

<sup>295</sup> İl Özel İdareleri Kanunu: No. 5302, Article 11.

<sup>296</sup> İl Özel İdareleri Kanunu: No. 5302, Article 25.

<sup>297</sup> İl Özel İdareleri Kanunu: No. 5302, Article 6.

<sup>298</sup> İl Özel İdareleri Kanunu: No. 5302, Article 6.

<sup>299</sup> İl Özel İdareleri Kanunu: No. 5302, Article 6.

<sup>300</sup> Belediye Kanunu: No. 5393, Article 3.

The organs of the municipality are the municipal council, the municipal standing committee and the mayor<sup>301</sup>. The municipal council is the decision organ of municipalities, and its members are elected<sup>302</sup>. Members of the council are elected directly by the local citizens for 5 years. However, the number of members may differentiate in accordance with the population of the municipality. For instance, municipalities, in which 10.000 or less than 10.000 people live, have 9 members of the council; while municipalities which have population between 10.000 and 20.000 have 11 council members. This number increases until 55 members for the municipalities which have more than 1.000.000 residents<sup>303</sup>. Secondly, the municipal standing committee is both the decision making organ and advisory organ of the municipality<sup>304</sup>. Actually, the committee has two kinds of membership, like the executive council of Provincial Local Administration has. The first group of members is elected by the council of that municipality among its own members for one year period. The second group of members is selected by the mayor among the officers of that municipality<sup>305</sup>. As mentioned before, the third and the final organ of the municipality is the mayor, who also comes into power by elections for 5 years. In this period, the mayor is the head of both the municipal council and the municipal standing committee<sup>306</sup>.

On the other hand, as far as the duties and responsibilities of the municipality are concerned, there is a long list. Municipalities fulfill their duties within the borders of itself. Duties can be listed as doing urban infrastructure like reconstruction, water supply and sewerage; protecting environment and environmental health, cleaning and waste collection; serving as municipal police, fire brigade, emergency aids, ambulance; local traffic; cemetery and burial; parks and open-space area; residence; culture, art, tourism, youth and sport, social services and aids, weddings, to make

---

<sup>301</sup>Belediye Kanunu: No. 5393, Article 3.

<sup>302</sup>Belediye Kanunu: No. 5393, Article 17.

<sup>303</sup> Keleş, 2006.

<sup>304</sup> Keleş, 2006.

<sup>305</sup> Belediye Kanunu: No. 5393, Article 33.

<sup>306</sup> Belediye Kanunu: No: 5393, Article 38/d, p.29.

people gain occupation and skill<sup>307</sup>. Moreover, municipalities can establish pre-school institutions, build, and care and repair every level school buildings which are owned by the state; open and manage every kind of foundation about health<sup>308</sup>. Additionally, municipalities can collect municipal taxes –which are previously determined by the state-, levies and fees of municipal services; also can take loans and accept grants<sup>309</sup>.

The third and the final body of the local government system in Turkey is the village. According to the law of village, which has been applied since 1963, the village is founded where population of that territory is less than 2000, in order to fulfill the common needs of villagers<sup>310</sup>. The village has three organs. These organs are village headman (*muhtar*), Council of Village Elders, Village Assembly (*köy derneği*). The headman is the head of the village administration and he is also the representative of the legal personality of the village. Thus, head of the village is the executive organ of the village administration. On the other hand, the headman also represents the state in the village. Headman comes into power with elections under the majority system –whose voters are the villagers- for 5 years. Like the head of the village, the Council of Village Elders is also elected for 5 years by the Village Assembly. This council gives executive decisions with the headman, as the head of the Council of Village Elders, and controls affairs which are related with that village. Furthermore, the Village Assembly is composed of all the villagers who have ability to be a voter<sup>311</sup>.

Villages have two kinds of duties which can be divided as obligatory and voluntary duties. The obligatory duties of villages are assuring clean and health water, being sure that each house has toilets which link with sewerage, preventing reproduction of mosquitoes in and around the village, making the jobs about common health of

---

<sup>307</sup> Belediye Kanunu: No: 5393, Article 14/a, p.14.

<sup>308</sup> Belediye Kanunu: No. 5393, Article 14/b, p.15.

<sup>309</sup> Belediye Kanunu: No. 5393 Article 15, p.16.

<sup>310</sup> Sencer, 1986.

<sup>311</sup> Sencer, 1986.

the peoples of village such as informing animal diseases to the related institutions, taking measures in order to protect farmers' properties, fighting with harmful insects, working related with reconstruction and development for the village<sup>312</sup>. The voluntary duties are to separate houses from sheds, to paint with a color wash to the buildings, to buy common tools for agriculture and common entrepreneurs, to care field<sup>313</sup>.

As it can be observed all these three bodies of the local administration system of Turkey have several duties and responsibilities. As a result of this, these 3 bodies need financial resources in order to achieve their duties. Hence, each body has its own financial resources.

The financial resources of the Provincial Local Administration are "taxes, fees of services and levies which are illustrated in the law; portions that are separated from the tax incomes of the general budget; payments that are done from the administrations that have general and special budget; rent and selling of personal estates and real estates; interests and fines; grants; fees that are determined by the general council of city in return with the services, revenues that are come from every kind of entrepreneurs and activities"<sup>314</sup>. In the same way, the revenues of the municipality are similar with the revenues of the Provincial Local Administration<sup>315</sup>.

On the other hand, three kinds of revenues can be observed in villages. The first one is called "collective work obligation" (*imece*) which is done at times when a certain work does not finish in the proper time and if the owner of that work cannot afford to achieve that work by himself/herself. At those times, all villagers help him/her finish that work. The owner of the work does not pay any money to others, but should only feed them<sup>316</sup>. The second financial resource is "household tax" (*salma*)

---

<sup>312</sup> Keleş, 2006.

<sup>313</sup> Keleş, 2006.

<sup>314</sup> İl Özel İdareleri Kanunu: No. 5302, Article 42.

<sup>315</sup> Belediye Kanunu: No. 5393, Article 59.

<sup>316</sup> Keleş, 1992/b.

which is collected when money is necessary for the works that are done within the borders of village. Household tax is collected from each and every house, not from every person<sup>317</sup>. Except household tax and collective work obligation, levies, fees for services, fines, grants and aids, loans are the other revenues of the village<sup>318</sup>.

Apart from the above mentioned points, focusing on the control mechanisms that are applied on the local administrations would explain degree of autonomy of the local governments and; therefore, this part will elaborate on this issue.

Article 127 of the Turkish Constitution states “the procedures dealing with objections to the acquisition by elected organs of local government or their status as an organ, and their loss of such status, shall be resolved by the judiciary. However, as a provisional measure, the Minister of Internal Affairs may remove those organs of local administration or their members from office against whom investigation or prosecution has been initiated on grounds of offences related to their duties, pending judgement”<sup>319</sup>. Hence, a judicial protection on the elected bodies is accepted. However, the power to remove from office of the Ministry of Internal Affairs limits the autonomy of local governments. This situation may be accepted as the intervention of the central administration to the local administration. Furthermore, another paragraph of the same Constitutional Article says “the central administration has the power of administrative trusteeship over the local governments in the framework of principles and procedures set forth by law with the objective of ensuring 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”<sup>320</sup>. Therefore, the central administration can also supervise local administrations’ activities in order to protect the unity of administration and administrative affairs and public interest.

---

<sup>317</sup> Keleş, 1992.

<sup>318</sup> Keleş, 1992

<sup>319</sup> Türkiye Cumhuriyeti 1982 Anayasası, Paragraph 4, Article 127.

<sup>320</sup> Türkiye Cumhuriyeti 1982 Anayasası, Paragraph 5, Article 127.

As a result, it is possible to deduce that administrative tutelage contains the control of expediency and control of legality in Turkish system.

### **3.4 Problems of Local Administration Reforms in Turkey during the European Union Accession Process**

Turkey encounters several problems, while she tries to achieve reforms on decentralization and modernization of the local administrations. In this part, these problems will be examined briefly.

The first problem stems from the administrative culture of Turkey. In other words, the tradition of strong centralized administration leads problems in the face of attempts to make administration more decentralized. However, in Turkish understanding, state has the character that prevents conflicts and assures balance between social groups<sup>321</sup>. Under this perception, local units have a role to help and support to the central administration. Additionally, because of the anxiety to protect the integral unity in administration, local units remain weak<sup>322</sup>. However, with the last administrative reforms, local administrations have gained more autonomy and power since they are tried to be Europeanized in the way of full membership to the European Union. As a result, as far as the situation of local governments in the West is concerned, it is observed that they are perceived as the fundamental part of the democratic system<sup>323</sup>. In this respect, the need of adjustment between these two different perceptions on local administrations leads suspicion and anxiety against the reforms in Turkey.

Consequently, one problem rises from protecting the structure of the unitary character of Turkey. Hence, as the former President of Turkey –A. Necdet Sezer-

---

<sup>321</sup> Uçar, Bülent. *Türkiye’de Yerel Yönetimlerin Oluşum Süreci:Basılmamış Yüksek Lisans Seminer Çalışması*, NUSBE, Nigde, 1995, p.54.

<sup>322</sup> Ibid, p.57.

<sup>323</sup> TÜSİAD. *Yerel Yönetimler-Sorunlar ve Çözümler*. Publication. No: T/95-984, İstanbul, 1995, p.31.

points out that forming the model that intensively emphasizes autonomous local administration may weaken the model of the unitary state and administrative tutelage. Moreover, strong local administration with division of labor, financial and administrative autonomy may damage the integral unity, devolution and administrative supervision of central administration on local governments. As a consequence, according to the former president Ahmet Necdet Sezer, reforms are in conflict with constitution because they damage the principles of unitary state<sup>324</sup>.

This problem of Turkey was also mentioned in the 2005 Progress Report as “the Law on Municipalities was first adopted in 2004 and then vetoed by the President. Subsequently it entered into force in July 2005 with minor amendments. The Law on Special Provincial Administrations was firstly adopted in 2004 and then vetoed by the President. It subsequently entered into force in March 2005 with minor amendments. However, the President applied to the Constitutional Court on the basis of possible conflicts with constitutional provisions related to the unitary character of the State”.<sup>325</sup> Thus, the possible threat of violation the unitary character of the State made the reformation process slower. Moreover, another shortcoming that influences the local administration of Turkish was stated in the same Progress Report, too.

According to the 2005 Progress Report, “the Framework Law on Public Administration adopted in 2004 was vetoed by the President in July 2004 on the grounds that it conflicted with constitutional provisions related to the unitary character of the State. This Law was intended to be the centerpiece of the reform process. In particular, it provided for a new distribution of duties and powers between local and central government, for rationalizing administrative bodies and for an increased responsiveness and transparency vis-à-vis the citizen”.<sup>326</sup> Additionally, the 2007 Progress Report had also stated that there has been no

---

<sup>324</sup> Keleş, 2006 and Çoker, Ziya. *CHP-Yerel Yönetimler Dergisi*. No.10, December 2004, pp.22-24.

<sup>325</sup>European Commission. 2005 Progress Report. Available at: [http://ec.europa.eu/enlargement/candidate-countries/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm), accessed on 03.24.2008, pp.11-12.

<sup>326</sup>European Commission. 2005 Progress Report. Available at: [http://ec.europa.eu/enlargement/candidate-countries/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm), accessed on 03.24.2008, p.11.

progress on adoption a framework law “which reform central administration and devolve power to local administrations”<sup>327</sup>. Consequently, this situation causes some other problems, one of which is the incompatibility between the local administrations position - developed with the laws that were ratified in 2005- and the central administration. In other words, there is no fundamental law that was enacted to organize administrative system while other laws such as the Law on Municipalities and the Law on Special Provincial Administrations were approved by Turkish Grand National Assembly with little changes. Hence, conflicting results have occurred between the responsibilities and duties of local administrations and the central government<sup>328</sup>. Moreover, because there is no framework law on public administration, local administrations cannot behave as autonomous as the European Union requires.

Furthermore, the position of the governor of the provincial local governments has posed another problem. The governor is appointed by the central administration and is treated as a representative of the central administration. However, he/she also serves as the head of provincial general assembly, which is an elected part of the provincial local governments<sup>329</sup>. In addition, as stated previously, with the last reforms the provincial general assembly has started to select its own head from its elected members<sup>330</sup>. With this reform, the position of the governor has become more objective, and the provincial local governments have become more autonomous.

Similarly, the same problem still exists in villages. In other words, the administrative reform of village is omitted. Therefore, the situation of the headman is still a problematic issue. Although the headman is one of the elected bodies of village administration, he/she takes his/her salary from the general budget of the

---

<sup>327</sup>European Commission. 2007 Progress Report. Available at: [http://ec.europa.eu/enlargement/candidate-countries/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm), accessed on 03.24.2008, p.8.

<sup>328</sup> Çoker, 2005.

<sup>329</sup> Polatoğlu, Aykut. *Introduction to Public Administration: The Case of Turkey*. METU Press, Ankara, 2000, p. 146.

<sup>330</sup> Türkiye Belediyeler Birliği, *Yeni Mahalli İdareler Mevzuatı*, “5302 sayılı İl Özel İdareleri Kanunu – Article 11”, Ankara, 2005, p.87.

state. Hence, elections lose their functions since the headman (*muhtar*) works as an official of the state and he/she is influenced by bureaucrats and politicians<sup>331</sup>. Another administrative problem is again related with the villages. This problem rises from the size of them since they are territorially small local administration bodies. As a result of this, serving the villagers efficiently has become more difficult.<sup>332</sup> For instance, less financial sources can be collected from the small amount of population and that makes villages unable to realize their responsibilities. Thus, in order to achieve the optimum, the minimum size becomes highly important for local administrations in order to decrease the cost of services<sup>333</sup>.

In addition to all these problems, the European Commission emphasized many other shortcomings of Turkey. The Commission's first regular report on Turkey, which was presented in 1998, had stated that Turkey had persistent human rights violations and major shortcomings in the treatment of minorities. Although the report stated that there had been improvements in human rights situations and in respect for the identity of minorities, these had not yet reached the level required in a democracy<sup>334</sup>. In the same way, the 2001 Regular Report stated that there were developments and substantial work had been carried out by the parliament. However, according to the 2001 Report, real improvements in the practice of these freedoms depended on the details the legislation being implemented and the practical application of law. Furthermore, the report also reminded that Turkey did not sign the Council of Europe Framework Convention for the Protection of National Minorities<sup>335</sup>, and the

---

<sup>331</sup> Ertan, Metin. *Nasıl Bir Yerel Yönetim?*. Anahtar Press, İstanbul, 1999, p.142.

<sup>332</sup> Polatoğlu, Aykut. *Kamu Yönetimi: Genel İlkeler ve Türkiye Uygulaması*. METU Press, Ankara, 2003, p.169.

<sup>333</sup> Polatoğlu, 2000.

<sup>334</sup> European Commission. 1998 Regular Report from the Commission on Turkey's Progress Towards Accession. Available at: [www.europe.eu.int/comm/enlargement/report\\_11\\_98/pdf/en/turkey\\_en.pdf](http://www.europe.eu.int/comm/enlargement/report_11_98/pdf/en/turkey_en.pdf), accessed on 01.03.2008.

<sup>335</sup> European Commission. 2001 Regular Report from the Commission on Turkey's Progress Towards Accession. Brussels. Available at: [www.europe.eu.int/comm/enlargement/report2001/tu\\_en.pdf](http://www.europe.eu.int/comm/enlargement/report2001/tu_en.pdf), accessed on 03.01.2008.

Convention is still not signed today<sup>336</sup>. The 2006 Progress Report had still mentioned that Turkey's treatments towards minority rights did not change<sup>337</sup>. This situation of Turkey was stated in the 2007 Progress Report as remaining unchanged. Although in every Progress Report the conditions of minorities and Kurds are mentioned, 2007 Progress Report stated that

“According to the Turkish authorities, under the 1923 Treaty of Lausanne minorities in Turkey consist exclusively of non-Muslim religious communities... The Turkish authorities consider Turkish citizens as individuals having equal rights before the law. This approach should not prevent Turkey from granting specific rights to the certain Turkish citizens on the grounds of their ethnic origin, religion or language, so that they can preserve their identity”<sup>338</sup>.

Thus, as it can be observed, the condition of the minorities is accepted as an important problem in the Turkish case by the European Commission. However, as it can be observed from the European Union documents, for Brussels, “to consolidate and broaden political reform also applies to the normalization and development of the situation in the Southeast ... and to allow for full enjoyment of rights and freedoms by the Kurds”<sup>339</sup> is another main shortcoming on the way of accession to the European Union. This problem is again related with the anxiety of violation of the unitary character of Turkey since PKK, which is a terrorist organization, tries to found federal structure on the Southeastern part of Turkey in the name of Kurds.

### 3.5 Summary

Historically, the Turkish state has a highly centralized administrative tradition. In the history of Turkey, she experienced three military interventions; two of which were military coups. After each military coup, Turkey had a new Constitution. Today, Turkey uses the Constitution of 1982, although some articles of the

---

<sup>336</sup>European Commission. 2007 Progress Report. Available at: [http://ec.europa.eu/enlargement/candidate-countries/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm), accessed on 03.24.2008, p.21.

<sup>337</sup>European Commission. 2006 Progress Report. Available at: [http://ec.europa.eu/enlargement/candidate-countries/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm), accessed on 03.24.2008, p.61.

<sup>338</sup> European Commission. 2007 Progress Report.

<sup>339</sup>European Commission. 2004 Progress Report. Available at: [http://ec.europa.eu/enlargement/candidate-countries/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm), accessed on 03.24.2008, p.6.

Constitution were amended several times. The amendments of 1995 and amendments of 2001 were the most significant and widest ones. These two amendments were done with the aim of membership to the European Union.

Nonetheless, the relations between Turkey and the European Union have a fluctuating character, especially because of the military interventions that blocked and froze these relations. On the other hand, oil crisis and problems among European Union members were the external reasons of the fluctuation of this relationship. In spite of these problems, accession negotiations were opened in October 2005. However, the fluctuating character can still be observed.

During the accession process to the European Union, Turkey achieved reforms in the local administration system in 2005. Through these reforms, local administrations have gained additional power and autonomy vis-à-vis the central administration. Also, through these reforms, the European Charter of Local Self-Government has been taken as the guidance for Turkey, even though Turkey put reservations into some articles of the Charter. Although Turkey carried out a reform process to regulate the local administration system in 2005, she did not amend the Articles on local administrations in her Constitution, causing the limitation of constitutional guarantee of the local administrations. In other words, only two articles -which are Article 123 and Article 127- directly regulate the local governments at the constitutional level. Thus, it can be concluded that reform process does not proceed smoothly and several problems are experienced in Turkey. Actually, these problems can be classified under three main titles, which are the anxiety of the unitary character of Turkey, the incompatibility between responsibilities of the local administrations and the central administration because there is no framework law on public administration that regulates relations between local and central administration, and the position of the governor and the headman of village towards both the local government and the central government.

#### **4. A COMPARATIVE ANALYSIS OF TURKEY AND POLAND WITHIN THE FRAMEWORK OF THE EUROPEAN UNION ENLARGEMENT**

Poland and Turkey are the two countries which have both similarities and differences. Hence, this chapter is basically about all the differences and similarities between these two states, in order to understand to what extent Turkey can fulfill the requirements of the European Union as a candidate country in the path of membership to the European Union. In this chapter, first of all similarities between Poland and Turkey will be stated. Then, differences are going to be listed.

##### **4.1 Similarities between Poland and Turkey**

The first similarity is as regards the population of these two countries. As stated in the chapter of Poland, on May 1st, 2004, ten candidate countries became member states of the European Union. When the populations of other nine countries with the population of Poland is compared, it is deduced that Poland is more populous than other nine countries with her population of 38,2 million<sup>340</sup>. Although Poland's population is almost half of the population of Turkey -since Turkish population is 70,586 million<sup>341</sup>, her territory is also half of the territory of Turkey, as well. Thus, the population intensity of Poland is similar with the population intensity of Turkey. It should have been a negative point for Poland because the fact that Turkey has a bigger number of population poses a problem against membership.

The second similarity can be observed in the historical background of these two countries. Like Turkey, Poland has a rooted history. Polish history goes back to the 10<sup>th</sup> Century, while the history of Turks goes back to the centuries BC (Before

---

<sup>340</sup> European Commission. Key Facts and Figures about Europe and the Europeans. Directorate-General for Press and Communication, Luxembourg, 2007. Available at: [europa.eu.int/comm/publications](http://europa.eu.int/comm/publications), accessed on 03.09.2008.

<sup>341</sup> Türkiye İstatistik Kurumu. Nüfus ve Demografik Yapı. 2007. Available at: [http://www.tuik.gov.tr/PreTablo.do?tb\\_id=39&ust\\_id=11](http://www.tuik.gov.tr/PreTablo.do?tb_id=39&ust_id=11), accessed on 03.08.2008.

Christ). Thus, these two countries have a deep state culture and state tradition which has been gradually generated in a very long period.

Thirdly, Poland had a strong state understanding before the transition process, like Turkey has. As a result of this strong state understanding, both Poland and Turkey experienced military coups that interrupted democratic developments and empowered the military during times of political and social instability.

Another important similarity in Polish and Turkish histories is the perception of these two countries about the West. Both Poland and Turkey perceived the West as the savior, when these two states were in trouble. Perceiving the West as the savior began during the times of the Ottoman Empire. For instance, with “the Tanzimat Imperial Edict”, Europeanization in civil bureaucracy, law and education was initiated<sup>342</sup>. In other words, in order to solve her problems in those areas, Ottoman State took the West as an example. Like the Ottoman Empire, when the economy of Poland got worse after the military rule and martial law was abolished in 1983, Poland started to wait aids from the Western countries. Moreover, in order to take these aids, Poland took steps towards market economy.

The fifth similarity is observed in the local administrative systems of Poland and Turkey. In both states the local administration is responsible to meet the local needs of the citizens. Furthermore, Poland and Turkey have three executive bodies in their local administration representing the local citizens at different levels in the local administrative system. One of these administrative bodies is the municipality in both countries. However, the other two administrative bodies represent different levels in these two countries. Additionally, in both of these countries, each local administrative body has three executive organs which are the council, the standing committee and the head of that organ.

The sixth similarity can be found in the problems that Poland and Turkey experienced in the local administration reform process. As stated, both countries

---

<sup>342</sup>Heper, 2006.

have a strong state understanding. This strong state understanding is the reason of the sixth similarity. For the administrative transformation to be achieved in Poland, the central administration delegated some of its responsibilities. Naturally, this responsibility delegation provided the delegation of power in a sense. As a result, the administrative transformation could be achieved despite the strong state understanding. Like Poland, in Turkey local administration reforms were tried to be carried out despite the tradition of strong central administration and this led to several debates in Turkey during the reformation process.

#### **4.2 Differences between Poland and Turkey**

At the very beginning, the first difference between Poland and Turkey can be observed in the geographical location of these countries. As stated at the beginning of the chapters on Poland and on Turkey, these countries have different geographical characteristics. As a country of Eastern Europe, Poland had an advantage in the way of becoming a part of the European Union, whereas Turkey is located between Asia and Europe. Actually, a part of Turkey's territory is in Asia and the other part of the country is in Europe. Therefore, the situation of Turkey is not as advantageous as Poland in the eyes of the members of the European Union. In other words, Poland has an important advantage because of being accepted as a natural part of Europe at all, but Turkey does not.

The second difference stems from the several invasions in the Polish history. As it is stated in the chapter of "the European Union accession of Poland and local administration reforms", the independent Republic of Poland was founded in 1918. However, it also experienced another invasion, which was the German invasion, during the Second World War<sup>343</sup>. Thus, because of all these invasions and divisions, the state tradition did not have a continuing character. However, the history of Turkey had a continuing character because, before the foundation of Turkey in 1923, the predecessor of Turkey; the Ottoman State had sovereignty in Turkey for around

---

<sup>343</sup>Çinar, 2004.

600 years<sup>344</sup>. Thus, the strong state tradition has a continuing and rooted character in Turkey, while the strong state understanding was inherited from the Communist Regime in Poland. As a result, abandoning the strong state tradition is naturally more difficult for Turkey.

In pre-application period to the European Union, Poland also experienced two military coups. At that point, the third and one of the most important differences between Poland and Turkey is that Turkey applied to the European Economic Community before experiencing any military intervention, while Poland experienced military coups before applying to the European Economic Community. As a result of these military interventions, Turkey's relations with the Union deteriorated, while Polish military interventions did not influence the membership process of her at all.

The fourth difference is about the democratization processes of Poland and Turkey. Transition to multi-party model took place in Turkey in 1946<sup>345</sup>, whereas it took place in 1989 in Poland<sup>346</sup>. In other words, Turkey met with democracy 43 years before Poland. Nonetheless, right after 1989, Poland started to achieve significant reforms and to develop intense relationship with the European Union, which was not interrupted because of internal or external crisis. As a consequence, another difference between these two countries emerged.

Furthermore, Poland was able to become a full member to the European Union in 15 years, although Turkey still could not come to the end of this process yet. As a result, it can be claimed that Poland fulfilled most of requirements of the European Union in a relatively short period.

---

<sup>344</sup> Ozankaya, 1996.

<sup>345</sup> Heper, 2006.

<sup>346</sup> Çinar, 2004.

At that point, another difference should be stated here. Incentive for membership status has never been as explicit and predetermined as has been the case in the Polish situation. As stated previously, the negotiation process has been accepted to be “open ended”, which meant the process may not end with full membership in the European Union for the case of Turkey. However, in the Polish case, it was clear that Poland would become one of the members of the European Union in May 2004.

Apart from these, other differences can be observed in the reforms on local government systems and the current system of local administrations of Poland and Turkey. As a result, the seventh difference between these two countries towards the understanding of local administration reforms can be observed by looking at the attitude towards the European Charter of Local Self-Government. Poland accepts the Charter without reservations, while Turkey puts reservations on some Articles and some paragraphs of those Articles<sup>347</sup>, which are explicitly stated in the part of “Turkey and the European Charter of Local Self-Government” of this thesis.

Moreover, the eighth difference is that Poland ratified the Charter in November 1993 and she started to apply it in March 1994<sup>348</sup>. However, unlike Poland, Turkey hesitated to make the Charter operative and signed the European Charter of Local Self-Government in November 1988 although it became operative in May 1991<sup>349</sup>. Thus, although Poland applied the Charter in almost four months period, it took more than two years in Turkey. Indeed, the reaction towards the Charter stemmed from the feeling of being under threat of regions for further political autonomy.

Furthermore, Poland not only accepts the whole Charter without reservations but also takes the Articles of the European Charter of Local Self-Government under guarantee of the Constitution of the Republic of Poland. Indeed, the Constitution of the Republic of Poland includes a chapter which is the Chapter 7 entitled “Local

---

<sup>347</sup> Avrupa Yerel Yönetimler Özerklik Şartına İlişkin Yasa. 1991. Available at: <http://www.belgenet.com/yasa/k3723.html>, accessed on 08.01.2007.

<sup>348</sup> Kathryn Smith and Miljenko Doric. *Report on Local and Regional Democracy in Poland*. Committee of Ministers. 2002.

<sup>349</sup> Avrupa Yerel Yönetimler Özerklik Şartına İlişkin Yasa. 1991. Available at: <http://www.belgenet.com/yasa/k3723.html>, accessed on 08.01.2007.

Self-Government”<sup>350</sup>. This chapter contains 10 Articles<sup>351</sup>. Additionally, Poland also regulates local administrations in some other chapters in her Constitution, such as Article 15, Article 16, Article 184 and Article 191<sup>352</sup>. Hence, it can be asserted that Poland attaches high importance to the decentralization of powers and territorial authorities under the title of local self-government.

However, the Constitution of the Republic of Turkey has only two Articles which are about local administration. Moreover, both of these two Articles, which take under constitutional guarantee of the local administration, mention the principle of the integral unity of administration and administrative tutelage<sup>353</sup> in order not to lose the dominant position of the central administration on the local administration units.

The tenth difference can be seen in the reformation process. Two different types of reformation processes can be observed between Poland and Turkey. For instance, reforms have a continuing character in Poland, while Turkey sharply achieves reforms after a long period of *statuesquo* since the laws specifically enacted to regulate the local governments were modernized in 2005, while the previous laws were in application at least for 20 years<sup>354</sup>. Actually, the previous law on the Provincial Local Administration was ratified in 1987<sup>355</sup>, and the previous municipal law was approved in 1930<sup>356</sup>. Nonetheless, the new laws on Provincial Local Administration and municipality were reformed and were developed in 2005. However, in Poland, laws on local administration were reformed and modernized

---

<sup>350</sup> The Constitution of the Republic of Poland. 1997. Available at: [http://www.poland.pl/info/information\\_about\\_poland/constitution.htm](http://www.poland.pl/info/information_about_poland/constitution.htm), accessed on 02.23.2007.

<sup>351</sup> The Constitution of the Republic of Poland.

<sup>352</sup> The Constitution of the Republic of Poland. (These four Articles are about the decentralization of powers and territorial authorities.)

<sup>353</sup> Türkiye Cumhuriyeti 1982 Anayasası.

<sup>354</sup> 5302 Sayılı İl Özel İdaresi Kanunu.

<sup>355</sup> Keleş, 2006.

<sup>356</sup> Keleş, 2006.

almost in every 10 years; although local administrations had lost their functions for a long time, between 1950 and mid-1970s, in the State<sup>357</sup>.

As stated previously, the current constitutions of Poland and Turkey divided their local administration system into three bodies. According to the local administration system of Poland, three administrative levels are (*voivodes*) regions, (*powiats*) counties and (*gminas*) municipalities<sup>358</sup> and three administrative levels of local administration system of Turkish Constitution are Provincial Local Administrations, municipalities and villages<sup>359</sup>. Hence, it can be deduced that constitutionally local administrative bodies in Turkey are smaller than the ones in Poland since the smallest administrative body of Polish local administration is municipality, while in the Turkish system municipalities are also divided into villages.

Moreover, (*gminas*) municipalities are accepted as “the basic unit of local self-government”<sup>360</sup> in the Constitution of the Republic of Poland, but the Constitution of Turkey does not declare that one level of the local administration has priority. On the contrary, the Constitution of the Republic of Turkey addresses to the three levels of local administrations in equal manner<sup>361</sup>. This different point of views naturally leads to different applications.

As it was pointed out above, municipalities have fundamental position in the Polish model. Thus, they have more responsibilities, duties and power than not only municipalities of Turkey but also the regions and counties of Poland. For example, municipalities can set the rates of some taxes, such as agricultural tax, tax of real estate and tax on means of transportation<sup>362</sup>. However, in Turkey, all kinds of taxes are determined by the Turkish Grand National Assembly, but not by any level of the

---

<sup>357</sup> Burok, 2000.

<sup>358</sup> Çınar, 2004.

<sup>359</sup> Türkiye Cumhuriyeti 1982 Anayasası.

<sup>360</sup> The Constitution of the Republic of Poland, Article 164.

<sup>361</sup> Türkiye Cumhuriyeti 1982 Anayasası. Article 127.

<sup>362</sup> Bindebir, 2004.

local administration<sup>363</sup>. Therefore, this main difference between municipalities of two states may illustrate how much importance is given to decentralization and local self-government by Poland, too.

Additionally, another main difference between the local administration systems of Poland and Turkey is the regional organization of the Polish administrative model. In Poland, local administrations are also functioned at regional basis with the help of regions, which is the elected administrative level of local administration<sup>364</sup>. However, Turkey does not have any regional administrative level of local governments that is elected by the citizens. On the contrary, Turkish regional administrative structure is functioned as the branch of the central government in local areas.

Shortly, when all these differences between two perceptions of Poland and Turkey are analyzed, it is possible to observe that Poland gives high significance and power to the local administrations. However, Turkey hesitates to give that much autonomy to the local administration bodies because she felt the threat of violation of the unitary characteristics of the State. Nonetheless, thanks to the reforms of 2005, local administrative bodies, which are the Provincial Local Administration and municipalities, have gained much more autonomy. Especially, the responsibilities and autonomy of the municipalities have widened since 2005 by transferring responsibilities of the Provincial Local Administration<sup>365</sup>. However, Turkey still needs further reforms towards decentralization by giving additional autonomy to the local self-government.

Finally, as regards the problems and shortcomings of Poland and Turkey, it can be seen that Turkey focuses on different points and lives different problems, while Poland meets different problems. To illustrate, a group of people are anxious about

---

<sup>363</sup> Türkiye Büyük Millet Meclisi. *Kamu Mali Yönetimi ve Kontrol Kanunu No: 5018*, 2003. Available at: <http://www.tbmm.gov.tr/kanunlar/k5018.html>, accessed on 12.10.2007.

<sup>364</sup> Çınar, 2004.

<sup>365</sup> Keleş, 2006.

protecting unitary character of Turkey –as it is stated before-, and accept this as the initial problem. Actually, the anxiety rises from the thought that high amount of decentralization in administrative system of Turkey may lead divisions –in other words, may violate the indivisible unity of the state. Moreover, this situation naturally deteriorates the power of the central administration<sup>366</sup>. For instance, Ahmet Necdet Sezer, who was the president of Turkey between 2000 and 2007, said that the most significant drawback of delegation of power to the local administrations is the possibility of the division of the State<sup>367</sup>. However, another group of people claim that decentralization leads to efficiency and effectiveness in Turkish administration<sup>368</sup>. On the other hand in the Polish case, it can be observed that Poland did not have any anxiety of losing her unitary state system, although -like Turkish administrative culture- Poland also had strong state control on all areas of state affairs. On the contrary, the main problems had risen when the State started to transform the authoritarian social regime to the system that characterized by the principles of political democracy and market economy. In short, one of the most significant differences towards the local administrations stems from the fact that the internal threat to the unitary characteristics of the state has not been the same in Poland and Turkey. In the Turkish case, this was felt more than the Polish internal fragments.

As it was stated in the chapter which is related with Poland of this thesis, the new system that was founded after 1989 contains political pluralism, democracy and global capitalist economy. This new system is also a more complex system than the Communist Regime<sup>369</sup>. Thus, to represent different thoughts in reforming projects makes the transformation process more difficult. Nonetheless, as stated above, Poland has no problem with the principle of unitarism. For instance, even though, Poland effectively reformed her local administration system, fulfilled the requirements of the European Union about decentralization and reflected in all

---

<sup>366</sup> Çoker, Ziya. Cumhuriyet Halk Partisi. *Yerel Yönetimler Dergisi*. No.10, 2004, pp.22-24.

<sup>367</sup> Çoker, 2004.

<sup>368</sup> Çoker, Ziya. Cumhuriyet Halk Partisi. *Yerel Yönetimler Dergisi*. No.9, 2003, p.8.

<sup>369</sup> Jablonski, 1998.

articles of the European Charter of Local Self-Government to her laws, in the Constitution of the Republic of Poland clearly states that “the Republic of Poland shall be a unitary State”<sup>370</sup>. Consequently, Poland does not perceive local self-government as a tool that violates state power.

---

<sup>370</sup> The Constitution of the Republic of Poland. Article 3.

## CONCLUSION

Turkey's accession to the European Union would be different from previous enlargements because of the combined impact of Turkey's population, size, geographical location, religious, economic, security and military potential. As a result, the accession process of Turkey is not only related with reforms on local administrations but many other reasons also gain importance like political, cultural and social conditions of the state. However, since local administration reforms are one component of the accession process, this thesis has elaborated on the reformation processes of two different countries, Poland and Turkey.

In this comparison, many differences can be observed between Poland and Turkey. Therefore, the different features of each state influence the accession processes of each state.

After 1985, the European Charter of Local Self-Government became a framework for local governments of members of the European Commission and it composed the essence of reformation projects of local administration. In the light of the Charter, Turkey and Poland achieved their reforms. With these laws modern public management concepts were introduced to the administrative systems of these states in order to create efficient, result oriented and transparent local government.

However, the reformation process of Turkey is not the same with the process of Poland. For instance, Polish transformation is more detailed than Turkish transformation since Poland denied the Soviet model administration and turned her face to the West and capitalist countries. After that choice Polish administrative system had dramatically changed. As a result of that, Poland could perceive reforms as a way of Europeanization but not a fact of violation the existing system.

Additionally, on the one hand, Poland had experienced no problem about the minority rights with the European Union. On the other hand, there was no ethnic

group in Poland that tried to gain independence or autonomy. Hence, Poland did not feel the threat of division of her unitary state character. As a result of that, more autonomous local administration created no anxiety in the state.

The geographical location of Poland also created an additional advantage in the accession process to the European Union. For the western European democracies, Poland functions as a bridge that goes to the eastern European countries. Poland is a part of Europe, as well. In other words, she is a natural member of Europe and because of that, the Union could accept Poland as a member of the European Union easily.

Another important feature of Polish accession process is the incentives that were given by the Union in the accession process in order to make Poland as a member of it. For instance, the membership status had been explicitly given to Poland by the Union. As a consequence, Poland could see the possible result of her efforts, and achieved reforms more eagerly than Turkey as the incentive for membership status has never been as explicit and predetermined as has been the case in the Polish situation. As stated previously, the negotiation process is accepted to be “open ended” -which meant the process may not end with full membership in the European Union- for Turkey.

In Turkish case, the reformation process is not aimed to make dramatic transformations in the administrative system. Actually, the aim of reforms on local administrations is having more autonomous and democratic local administrations in the existing administrative system. As a result, these reforms have caused anxiety in the country as regards whether the existing system and the unitary character of the state may be violated or not.

Also, the threat of the violation of Turkish unitary character is pumped with the terrorist actions of PKK. Moreover, the European Commission Progress Reports states that in the East and Southeast regions of Turkey several problems can be observed and the normalization of conditions of those regions is important. In addition to these problematic situation, the Reports also mention the minority rights

in Turkey. According to the Commission, Turkey should give more rights and freedoms both to minorities and citizens –especially to the Kurds. Because of all these issues, Turkey feels the anxiety of division of her unitary character of the state.

Moreover, Turkey is not totally located in the European continent. Therefore, it is difficult to accept Turkey as a part of Europe for European countries and the European Union. As a consequence, Turkey does not have a chance to benefit from the geographical location as much as Poland does.

Because of all these differences between Polish and Turkish cases, the pace of Turkish reformation process is slower. As a result, the accession process is slower than Polish accession, too. Thus, it can be understood that this long and slow process discourage Turkey's reformation process, as well, and that makes the process longer and longer. At the end, accession to the European Union becomes a vicious circle. Also, the Turkish anxiety about division of her unitary character can be understood.

In short, on the one hand, Turkey still carries out her reforms; on the other hand, she continues to debate about these reforms. Actually, debates can be perceived as a natural reflection of the reform projects in the transformation process of Turkey. Moreover, reforms on the administrative system of the state, which make the local governments more autonomous, are required by the European Union and ease the membership process of Turkey. For instance, it would be good to ratify a fundamental law for public administration, as soon as possible, for Turkey. Furthermore, Turkey may also give more Constitutional guarantees to the local governments, in order to realize requirements of the European Union about democratizing the local governments in the near future. As a result, the constitutional guarantee makes the application of the laws regulating the local administrative system more stable. Thus, continuing reforms on local administrations make the administrative system of Turkey more democratic, dynamic, efficient and modern.

## BIBLIOGRAPHY

Activities of the European Union. *Summaries of Legislation, Enlargement 2004*. Available at: <http://europa.eu/scadplus/leg/en/s40016.htm>, accessed on 11.02.2007.

Agh, Atilla. "Public Administration in Central and Eastern Europe", *Handbook of Public Administration*. Sage, London, 2003.

Avrupa Birliđi Genel Sekreterliđi. *Türkiye Avrupa Birliđi İlişkileri Kronolojisi*. Available at: <http://www.abgs.gov.tr/index.php?p=112&l=1>, accessed on 08.01.2007.

Avrupa Yerel Yönetimler Özerklik Şartına İlişkin Yasa. 1991. Available at: <http://www.belgenet.com/yasa/k3723.html>, accessed on 08.01.2007.

Ayman Güler, Birgül. *Yeni Sağ ve Devletin Deđişimi: Yapısal Uyarlama Politikaları*. İmge Publication, Ankara, 2005.

Ayman Güler, Birgül. "Yönetişim: Tüm İktidar Sermayeye", *Praksis*, Vol.9, 2003, pp.93-116.

Ayman Güler, Birgül. *Yeni Sağ ve Devletin Deđişimi: Yapısal Uyarlama Politikaları 1980-1995*. İmge Publication, Ankara, 2005.

Bindebir, Serap. *Intergovernmental Finance and Local Government System in Turkey: Experiences and Lessons to be Learned from Poland*. 2004. Available at: [http://www.ecomod.net/conferences/ecomod2004/ecomod2004\\_papers/165.pdf](http://www.ecomod.net/conferences/ecomod2004/ecomod2004_papers/165.pdf), accessed on 12.14.2006.

Burok, Ryszard. *Poland: An Encyclopedic Guide*. Polish Scientific Publishers PWN, Warsaw, 2000.

Çayhan, Esra. *Türkiye-Avrupa Birliđi İlişkileri*. Boyut Publications, Istanbul, 1997.

Çınar, Tayfun. "Polonya" in Ayman Güler, Birgül, Onur Karahanođulları, Koray Karasu, Ahmet A. Dikmen, Özden Akın, Erel Tellal, Nuray E. Keskin, Selin Esen, M. Necati Kutlu, and Tayfun Çınar Eds. *Kamu Yönetimi Ülke İncelemeleri*. Ankara Üniversitesi Siyasal Bilgiler Fakültesi Kamu Yönetimi Araştırma ve Uygulama Merkezi, Ankara, 2004.

Çoker, Ziya. “Cumhurbaşkanımızın Kamu Yönetiminin Temel İlkeleri ve Yeniden Yapılandırılması Hakkındaki Kanuna Bakış Açısı”, *CHP Yerel Yönetimler Dergisi*, No:10, December 2004, pp.20-24.

Çoker, Ziya. “Kamu Yönetimi Temel Kanun Tasarısına İlişkin Düşünce ve Eleştiriler”, *CHP Yerel Yönetimler Dergisi*, No:9, 2003, pp.3-13.

Çoker, Ziya. “Kamu Yönetimi ve Yerel Yönetimlerle İlgili Tasarı ve Kanunlara İlişkin Son Durum”, *CHP Yerel Yönetimler Dergisi*, No:11, December 2005, pp.8-13.

Erten, Metin. *Nasıl Bir Yerel Yönetim?*. Anahtar Press, İstanbul, 1999.

European Commission. *Activities of the European Union: Summaries of Legislation, Enlargement*. 2004. Available at: <http://europa.eu/scadplus/leg/en/s40016.htm>, accessed on 11.02.2007.

European Commission. *Enlargement Process: Understanding Enlargement*. Available at [http://ec.europa.eu/enlargement/enlargement\\_process/index\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/index_en.htm), accessed on 11.02.2007.

European Commission. *Euro: Our Currency*. Available at: [http://ec.europa.eu/economy\\_finance/euro/our\\_currency\\_en.htm](http://ec.europa.eu/economy_finance/euro/our_currency_en.htm), accessed on 03.30.2007.

European Commission. *European Charter of Local Self-Government*. 1985. Available at: <http://conventions.coe.int/treaty/en/Treaties/Word/122.doc>, accessed on 03.20.2007.

European Commission. *Key Facts and Figures about Europe and the Europeans*. Directorate-General for Press and Communication, Luxembourg, 2007. Available at: [europa.eu.int/comm/publications](http://europa.eu.int/comm/publications), accessed on 03.08.2008.

European Commission. *Regular Report from the Commission on Poland's Progress Towards Accession*. Commission Staf Working Document, Brussels, 1998.

*EU – Turkey Relations*. Available at: <http://www.euractiv.com/en/enlargement/eu-turkey-relations/article-129678>, accessed on 08.01.2007.

European Commission. *1999 Regular Report from the Commission on Poland's Progress Towards Accession*. Commission Staf Working Document, Brussels, 1999.

European Commission. *2000 Regular Report from the Commission on Poland's Progress Towards Accession*. Commission Staff Working Document, Brussels, 2000.

European Commission. *2001 Regular Report from the Commission on Poland's Progress Towards Accession*. Commission Staff Working Document, Brussels, 2001.

European Commission. *2004 Progress Report*. Available at: [http://ec.europa.eu/enlargement/candidate-countries/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm), accessed on 03.24.2008.

European Commission. *2005 Progress Report*. Available at: [http://ec.europa.eu/enlargement/candidate-countries/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm), accessed on 03.24.2008.

European Commission. *2006 Progress Report*. Available at: [http://ec.europa.eu/enlargement/candidate-countries/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm), accessed on 03.24.2008.

European Commission. *2007 Progress Report*. Available at: [http://ec.europa.eu/enlargement/candidate-countries/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm), accessed on 03.24.2008.

European Commission. *1998 Regular Report from the Commission on Turkey's Progress Towards Accession*. Available at: [www.europe.eu.int/comm/enlargement/report\\_11\\_98/pdf/en/turkey\\_en.pdf](http://www.europe.eu.int/comm/enlargement/report_11_98/pdf/en/turkey_en.pdf), accessed on 01.03.2008.

European Commission. *2001 Regular Report from the Commission on Turkey's Progress Towards Accession*. Brussels. Available at: [www.europe.eu.int/comm/enlargement/report2001/tu\\_en.pdf](http://www.europe.eu.int/comm/enlargement/report2001/tu_en.pdf), accessed on 03.01.2008.

European Council. *The Accession Criteria: Copenhagen Criteria*. 1993. Available at: [http://europa.eu/scadplus/glossary/accession\\_criteria\\_copenhagen\\_en.html](http://europa.eu/scadplus/glossary/accession_criteria_copenhagen_en.html), accessed on 04.08.2008.

Flanz, Gisbert. *Constitutions of the Countries of the World: Turkey*. Oceana Publications, New York, 2003.

Heper, Metin. *Türkiye Sözlüğü: Siyaset, Toplum ve Kültür*. Doğu Batı Publications, Ankara, 2006.

Institute for East-West Security Studies. *Special Report on Eastern Europe and Democracy: The Case of Poland*. Westview Press, New York, 1990.

Jablonski, Andrzej W. "Europeanization of Public Administration", *Central Europe: Poland in Comparative Perspective*. 1998. Available at: <http://www.nato.int/acad/fellow/95-97/jablonsk.pdf>, accessed on 05.16.2007.

Kathryn Smith and Miljenko Doric. *Report on Local and Regional Democracy in Poland*. Committee of Ministers, 2002.

Keleş, Ruşen. (a) "Yerel Yönetimlerde Avrupa'lı Olmak", *Metropol*, No:1, 1992, pp.50-62.

Keleş, Ruşen. (b) *Yerinden Yönetim ve Siyaset*. Cem Publication, Istanbul, 1992.

Keleş, Ruşen. "Yerel Yönetim Özerklik Şartı Karşısında Avrupa ve Türkiye", *Çağdaş Yerel Yönetimler Dergisi*, Vol:4, No.6, November 1995, pp.14-23.

Keleş, Rusen. *Yerinden Yönetim ve Siyaset*. İstanbul: Cem Yayınevi, 2006.

Keleş, Ruşen. "Belediyeciliğimizde Son Gelişmeler ve Yerel Özerklik", *Çağdaş Yerel Yönetimler Dergisi*, Vol:1, No.2, March 1992, pp.9-14.

Kernen, Beat. "Out from the Cold: Peacefull Democratization in Hungary, Poland and the Czch Republic" in Marco Rimanelli Eds. *Comparative Democratization and Peaceful Change in Single-Party-Dominant Countries*. Macmillan Press, London, 2000.

Law number: 85. Teşkilat-ı Esasiye Kanunu. 1921. Available at: [www.anayasa.gov.tr](http://www.anayasa.gov.tr), accessed on 08.20.2007.

Law number: 85. Teşkilat-ı Esasiye Kanunu. 1923. Available at: [www.anayasa.gov.tr](http://www.anayasa.gov.tr), accessed on 08.20.2007.

Law number: 334. Constitution of Republic of Turkey. 1961. Available at: [www.anayasa.gov.tr](http://www.anayasa.gov.tr), accessed on 05.20.2007.

Law number: 491. Constitution of Republic of Turkey. 1924. Available at: [www.anayasa.gov.tr](http://www.anayasa.gov.tr), accessed on 05.20.2007.

Law Number: 3360. 13 Mart Tarihli İdarei Umumiyei Vilayet Kanunu Muvakkatının Adının ve Bazı Maddelerinin Değiştirilmesine, Bu Kanuna Bazı Maddeler Eklenmesine Dair Kanun, 1987.

Law Number: 5227. *Kamu Yönetiminin Temel İlkeleri ve Yeniden Yapılandırılması Hakkında Kanun*. Available at: [www.tbmm.gov.tr/kanunlar/k5227.html](http://www.tbmm.gov.tr/kanunlar/k5227.html), accessed on 05.11.2007.

Moran, M. "From Command State to Regulatory State", *Public Policy and Administration*, Volume: 15, No.4, 2000, pp.1-13.

Moran, M. *Politics and Governance in the UK*. Palgrave Macmillan, Basingstoke, 2005.

Moran, M. "Review Article: Understanding the Regularity State", *British Journal of Political Science*, Vol.32, 2002, pp.391-413.

Müftüler Bac, Meltem. *Turkey's Relations with a Changing Europe*. Manchester University Press, Manchester, 1997.

Nugent, Neill. *The Government and Politics of the European Community*. Macmillan, London, 1989.

Osborne, David and Peter Plastrik. *Banishing Bureaucracy: The Five Strategies for Reinventing Government* Addison-Wesley, Massachusetts, 1997.

Osborne, David and Ted Gaebler. *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector*. Plume Press, New York, 1992.

Oudenaren, John Van. "European Integration", *Europe Today: National Politics, European Integration and European Security*, Rowman and Littlefield, USA, 1999.

Ozankaya, Özer. *Cumhuriyet Çınarı*. İmge Publications, Ankara, 1996.

Öniş, Ziya. "Diverse but Converging Paths to European Union Membership: Poland and Turkey in Comparative Perspective", *East European Politics and Societies*, Vol. 18, No. 3, 2004, pp.481-512.

Peters, B. Guy. "The Public Service, the Changing State, and Governance", Guy Peters and Donald Savoie Eds. *Governance in a Changing Environment*, Canadian Center for Management Development, Canada, 1995.

Polatoğlu, Aykut. *Introduction to Public Administration: The Case of Turkey*. METU Press, Ankara, 2000.

Polatođlu, Aykut. *Kamu Yönetimi: Genel İlkeler ve Türkiye Uygulaması*. METU Press, Ankara, 2003.

*Polonya: Pazar ile İlgili Bilgiler*. Available at: <http://www.birebiriletisim.com/?module=dunya&submodule=ulkedetay&id=0000000040&bolum=pib>, accessed on 10.31.2007.

Preston, Chrisopher. *Enlargement and Integration in the European Union*. Routledge, London, 1997.

Przeworski, A. “Democracy as a Contingent Outcome of Conflicts” in J. Elster and R. Slagstad Eds. *Constitutionalism and Democracy*. Cambridge University Pres, Cambridge, 1988.

Representation of the European Comission to Turkey. 2007. *EU-Turkey Relations: Enlargement*. Available at: <http://www.deltur.cec.eu.int/genisleme-01.html>, accessed on 03.23.2007.

Sencer, Muzaffer. *Türkiye'nin Yönetim Yapısı*. Alan Yayıncılık, İstanbul, 1986.

Sharpe, L.J. “Theories and Values of Local Government”, *Political Studies*, Vol:18, No.2, June 1970, pp.153-174.

Smith, Kathryn and Doric, Miljenko. *Report on Local and Regional Democracy in Poland*. Committee of Ministers, Warsaw, 2002.

Swianiewicz, Pawel and Herbs, Mikolaj. “Economies and Diseconomies of Scale in Polish Local Governments” in Pawel Swianiewicz Eds. *Consolidation or Fragmentation: The Size of Local Governments in Central and Eastern Europe*. Open Society Institute, Warsaw, 2002.

Swianiewicz, Pawel. *Reforming Local Government in Poland: Top-Down and Bottom-Up Processes*. Warsaw University Presss, Warsaw, 2003.

Tanör, Bülent. *İki Anayasa: 1961 ve 1982*. Beta Publications, İstanbul, 1986.

Terry, Larry. Administrative Leadership, “Noe-Managerialism and the Public Managment Movement”, *Public Administration Review*. Vol.58, 1998, pp.194-201.

T.C. Başbakanlık Dış Ticaret Müsteşarlığı. *Avrupa Birliği ve Türkiye*. October 1999.

T.C. Danışma Meclisi Anayasa Komisyonu, Basis No; 1/463, Decision No: 434, 07.30.1982.

The Committee for European Integration. *National Strategy for Integration*. Warsaw, 1997. Available at: <http://msz.gov.pl/english/indexang.html>, accessed on 11.02.2007.

The Constitution of the Republic of Poland. 1997. Available at: [http://www.poland.pl/info/information\\_about\\_poland/constitution.htm](http://www.poland.pl/info/information_about_poland/constitution.htm), accessed on 02.23.2007.

The North Atlantic Treaty Organization. *The North Atlantic Treaty*. 1949. Available at: <http://www.nato.int/docu/basic/txt/treaty.htm>, accessed on 03.30.2007.

The Ottoman Constitution: 23 December 1876, Available at: [www.boun.edu.tr](http://www.boun.edu.tr) , accessed on April 2004.

*The Turkish Constitution of 1961: As Ammended*. Başbakanlık Basımevi, 1978, Ankara.

Toonen, T.A.J. “European of the Administrations: The Challenges of 1992”, *Public Administration Review*, Vol.52, No:2, 1992, pp.225-236.

Tortop, Nuri. “Demokratik Mahalli İdare Anlayışının İlkeleri”, *Çağdaş Yerel Yönetimler Dergisi* Vol.1, No:3, 1992, pp.3-6.

Türkiye Avrupa Komisyonu Temsilciliği. *Katılım Ortaklığı Belgesi*. Available at: <http://www.deltur.cec.eu.int/default.asp?lang=0&pId=4&fId=4&prnId=3&hnd=1&docId=349&ord=2&fop=0>, accessed on 03.20.2007.

Türkiye-Avrupa Birliği Karma Parlamento Komisyonu. *Türkiye Avrupa Birliği İlişkilerinde Önemli Tarihler Kronolojisi*, Available at [www.tbmm.gov.tr/ul\\_kom/kpk/trabils.html](http://www.tbmm.gov.tr/ul_kom/kpk/trabils.html), accessed on 01.07.2008.

Türkiye Belediyeler Birliği. *Yeni Mahalli İdareler Mevzuatı*. Ümit Publication, Ankara, 2005.

Türkiye Büyük Millet Meclisi İnsan Hakları İnceleme Komisyonu. “Kopenhag Kriterleri”. Available at: <http://www.tbmm.gov.tr/komisyon/insanhak/pdf01/437-438.pdf>, accessed on 20.03.2007.

Türkiye Büyük Millet Meclisi. *Kamu Mali Yönetimi ve Kontrol Kanunu No: 5018*. 2003. Available at: <http://www.tbmm.gov.tr/kanunlar/k5018.html>, accessed on 12.10.2007.

Türkiye Cumhuriyeti 1982 Anayasası. Seçkin Yayıncılık, Ankara, 2007.

Türkiye İstatistik Kurumu. *Nüfus ve Demografik Yapı*. 2007. Available at: [http://www.tuik.gov.tr/PreTablo.do?tb\\_id=39&ust\\_id=11](http://www.tuik.gov.tr/PreTablo.do?tb_id=39&ust_id=11), accessed on 03.08.2008.

TÜSİAD. *Yerel Yönetimler-Sorunlar ve Çözümler*. TÜSİAD, İstanbul, 1995.

Uçar, Bülent. *Türkiye’de Yerel Yönetimlerin Oluşum Süreci:Basılmamış Yüksek Lisans Seminer Çalışması*, Niğde Üniversitesi Siyasal Bilgiler Enstitüsü, Niğde, 1995.

Üstüner, Yılmaz. “Kamu Yönetimi Disiplininde Kimlik Sorunsalı”, *Kamu Yönetimi Sempozyumu Bildirileri*. Vol.1, TODAİE, Ankara, 1995.

Üstüner, Yılmaz. “Kamu Yönetimi Kuramı ve Kamu İşletmeciliği Okulu”, *Amme İdaresi Dergisi*. Vol.33, No:3, 2000, pp.20-38.

Vali, Ferenc A. “Bridge Across the Bosphorus: The Foreign Policy of Turkey” in Meltem Müftüler Bac. *Turkey’s Relations with a Changing Europe*. Manchester University Press, Manchester, 1997.

Van Oudenaren, John. *European Integration in Europe Today: National Politics, European Integration and European Security*. Rowman and Littlefield, New York, 1999.

Yalçındağ, Selçuk. “Saydam ve Dürüst Belediyecilik”, *Çağdaş Yerel Yönetimler Dergisi* Vol. 4, No:1, 1995, pp.15-29.

Yeter, Enis. “Avrupa Yerel Yönetimler Özerklik Şartı Karşısında Türkiye: Anayasa ile İlgili Yasalarda Durum”, *Çağdaş Yerel Yönetimler Dergisi*, Vol:5, No.1, January 1996, pp.3-13.