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**A COMPARATIVE STUDY OF THE INTER-GOVERMENTAL RELATIONS
BETWEEN CENTRAL AND LOCAL GOVERNMENTS: THE CASE OF
TURKEY AND YEMEN**

**IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE
OF MASTER IN SOCIAL SCIENCES, DEPARTMENT OF POLITICAL
SCIENCES AND PUBLIC ADMINISTRATION**

By

MARWA ALTOWAITEE

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DECLARATION FORM

I hereby declare that, this thesis has been prepared in accordance with the Thesis Writing Manual of Graduate School of Social Sciences. All data, information and documents are obtained in the framework of academic and ethical rules. The information, documents and assessments are presented in accordance with scientific ethics and morals. Materials that have been utilized are fully cited and referenced. Also all the works presented are original, and in any contrary case of above statements, I accept to renounce all my legal rights.

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ABSTRACT

A COMPARATIVE STUDY OF THE INTER-GOVERMENTAL RELATIONS BETWEEN CENTRAL AND LOCAL GOVERNMENTS: THE CASE OF TURKEY AND YEMEN

Marwa Jamal Altowaitee

MA, Department of Political Science and Public Administration

Supervisor: Prof. Dr. Murat Önder

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Examining the nature of intergovernmental relations between central and local governments has been an important pillar in the field of public administration in both practice and academia. This study has critically analyzed the nature and patterns of central and local government's relations in Turkey and Yemen. Besides, identifying the main challenges affecting the discourse of intergovernmental relations prevent the cooperative effort from implementing decentralization, achieving an efficient local government, transparency, fairness, and effective services delivery in Yemen. This is made through a historical comparative public administration development in both countries that dates back to Ottman Empire. In addition, to compering phenomena relating to intergovernmental relations, using a comparative case study method and rigorous review of government documents and academic materials related to the subject under consideration. The findings of this study indicates that Turkey has a strong and well-structured public administration system that can be traced, while Yemen has not only a weak system but also one that is on the brink of collapse due to the civil war. Hence, it is possible to suggest that the practice of local democracy in Turkey can be taken as a benchmark to strengthen local governments in Yemen.

KeyWords:Comparative Public Administration, Local Governments, Central Governments, Decentralization, Intergovernmental relations, Administrative tutelage, Turkey, Yemen

ÖZET

MERKEZİ VE YEREL YÖNETİMLER ARASINDAKİ YÖNETİMLER-ARASI İLİŞKİLERİN KARŞILAŞTIRMALI ANALİZİ: TÜRKİYE VE YEMEN ÖRNEĞİ

Marwa Jamal Altowaitee

Sosyal Bilimler Yüksek Lisans, Siyaset Bilimi ve Kamu Yönetimi Bölümü

Danışman: Prof. Dr. Murat Önder

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Merkezi ve yerel yönetimler arasındaki yönetimler-arası ilişkinin mahiyetinin incelenmesi, daha iyi kamu hizmeti sunmak ve etkin koordinasyon sağlamak için kamu yönetimi alanında hem uygulama sahasında hem de akademik olarak önemli bir konu olagelmıştır. Bu çalışma, Türkiye ve Yemen'deki merkezi ve yerel yönetimlerin ilişkilerinin doğasını ve yaklaşımlarını sorgulayıcı bir şekilde tahlil etmiştir. Yemen'de yönetimler-arası ilişkilerin söylemini/akışını etkileyen; adem-i merkeziyetçi bir yapı kurmak, etkin bir yerel yönetim oluşturmak, şeffaflık, hakkaniyet ve etkin hizmet sunumu tesis etmek üzere ortak çaba sarf etmeyi engelleyen temel sorunlar tespit edilmiştir. Karşılaştırmalı kamu yönetiminin tarihsel gelişimi her iki ülkede Osmanlı İmparatorluğu'na uzanacak şekilde ele alınmıştır. Yönetimler-arası ilişkilerin karşılaştırılması, karşılaştırmalı vaka/örnek çalışması tekniği uygulanarak ve konu ile ilgili kamu belgelerinin ve akademik materyallerin titizlikle incelenerek yapılmıştır. Bu çalışmanın bulguları göstermektedir ki, Yemen zayıf bir yönetim sistemine sahip olmakla kalmayıp iç savaş sebebiyle yıkımın eşiğinde bir ülke iken; Türkiye daha güçlü ve daha iyi yapılandırılmış model olacak bir kamu yönetim sistemine sahiptir. Bu cihetle, Türkiye'deki yerel demokrasi uygulamasının Yemen'de yerel yönetimlerin güçlendirilmesi için bir ölçüt/rol model olarak kullanılabileceğini önermek mümkündür.

Anahtar Kelimeler: Karşılaştırmalı Kamu Yönetimi, Yerel Yönetimler, Merkezi Hükümetler, Adem-i Merkeziyetçilik, Yönetimler-arası İlişkiler, İdari vesayet, Türkiye, Yemen

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List of Abbreviation:

AKP: Justice and Development Party

CHP: Republican People's Party

CIMER: Presidential Communication Center

CPA: Comparative Public Administration

DMK: Civil Servants Law

GPCP: General People's Congress Party

HSK: Board of Judges and Prosecutors

IGR: Inter-governmental Relations

KPSS: Public Personnel Selection Exam

MEC: Municipal Executive Committee

MHP: Nationalist Movement Party

NDC: National Dialogue Conference

NGO: Non-governmental organization

PDRY: People's Democratic Republic of Yemen

SPA: Special Provincial Administration

TBB: Union of Municipalities of Turkey

TCA: Turkish Armed Forces

TGNA: Turkish Grand National Assembly

TSK: Turkish Armed Forces

TUBITAK: Scientific and Technological Research Council of Turkey

UN: United Nations

UNDP: United Nations Development Programme

WB: World Bank

YAR: Yemen Arab Republic

CHAPTER ONE

INTRODUCTION

1.1. Problem Statement

Existing literature in intergovernmental relations provides both a framework and practice of relationship between the central, local government particularly in the way decision-making takes place, and resources are shared between the two levels of government. In this regard, it is possible to argue that understanding the patterns, degrees, and forms of relationship between central and local government aids in understanding the operational and institutional linkages between the two layers of the government. The main problem statement of this comparative study is the clarity and nature of the relation between the central and local government.

Besides, the main challenges affecting the discourse of intergovernmental relations prevent the cooperative effort from implementing decentralization, achieving an efficient local government, transparency, fairness, effective public participation and services delivery. This made Yemen to be considered as a less successful actor. These challenges range from ideological differences, desire to maintain the status quo, legal and administrative aspects, jurisdiction, financing, and management of public personnel as well as the level of autonomy. The relationship between the central and local government can be unique from one country to the other.

Moreover, it has been argued that adopting the two-level government structures in the form of decentralization has many advantages. It enables the wise use of scarce resources, enhancing local capacities to design long-term development plans, and guaranty larger

public participation to ensure better access to public needs and demands, building and empowering social capacity, maintain flexible and quick response to local problems, efficient delivery of services, to prevent the centralization of power and achieve accountability, transparency, and fairness). Contrary to this scenario the centralized systems that are more efficient merely for smaller states. Hence, adding that devolution of power could lead to consequences such as (duplication of roles because of poor organization-weak follow-up and supervision cause weak accountability mechanisms-complicated and branched local structure is costly and could result in the complexity of the relation, functions and income shares).

This study has critically examined the institutional differences of the quality of intergovernmental relations in Turkey and Yemen pertaining to the interlock between central and local governments. The study is intended to identify the structural and legal differences in the case studies underconsideration. Turkey's government system is far much older than the one in Yemen, yet over the years, it has been able to adjust and adopt new emerging trends through several reform initiatives.

Yemen on the other hand, despite having experienced government by the Ottoman Empire seems not to have done adequate reforms in the public sector. Identifying the reason behind this reality remains to be the biggest question to address. Moreover, whether postwar Yemen will be able to overcome previous obstacles and conduct sufficient changes in the public sector would be another vital question waiting for the right answer. Addressing these questions may call upon the attention of potential researchers interested in the area. Therefore, this study examines and identifies the strengths and weaknesses of the approaches adopted by the two countries pertaining to

the forms and patterns of intergovernmental relations between central and local government. Similarities and differences have been identified and analyzed.

1.2. Study Questions

Main question:

1. What is the nature of the relationships between central and local government in Turkey and Yemen, and challenges faced in the conduct of intergovernmental relations between central and local governments mainly in Yemen?

Sub-questions:

1. What are the strategies and reforms required to improve the local government performance in Yemen?
2. What is the impact of war on the performance of local government in Yemen?

1.3 Significance of the Study

There are many studies have been made on local government and its roles in Yemen, but very few recent studies that focused on the intergovernmental relationships between central and local government within the principals of central and local government relation. This comparative study will examine the public administrative structure in Turkey and Yemen, through analyzing the relationship between the central and local government separately and between the two models to provide an integrated picture of the function and performance of the local government. This will also, develop a kind of new knowledge, policy suggestions, recommendations and conclusions for decision makers to benefit from. In addition to that, local and international NGOs can benefit from these study findings in determining the priorities and needs of the sociality to implement

their plans and projects based on that. Finally, yet importantly, the findings of this study can form a starting point for further related studies.

1.4. Background to the Study

Under the influence of globalization together with the strong demand rising from the public towards actual democracy, more freedom, participation in decision-making, economic welfare and responsiveness to the needs of people, the government power is dispersed between different levels of the government. Hence, this has brought up the need for reconstructing the public administration. This also, explains why both developed and developing countries have put effort to create a substantial change and transformation in their political, economic, social and administrative sectors. As a result, most states have adopted a system of two levels of government, one being the central government and the other local government.

These two levels appear independent from each other, while they both complement the role of each other. The modern government of Yemen has been established by merging (integrating) the two portentously independent entities. These were the North and Southern Yemen, which were merged to form and set the structure of a new government system in an effort to overcome all forms of the political, economic, social and administrative obstacles inherited from the Imamate Regime in North Yemen. Over the last 30 years, many studies have been conducted on local government and its roles in Yemen, but there are very few recent studies that focused on the relationship between central and local government within the principles of central and local government relation.

This comparative study is confined to study the government structure in Turkey and Yemen, then analyzes and assesses the relationship between the central and local governments separately to provide an integrated picture of the function and performance of the local government. Ultimately, this study compares the central and local governments of both countries from power structure, constitutional, legal, political, administrative and financial aspects, in accordance with the principles of central and local government relation. Besides, it is vital to mention as well that these two case studies have been selected because of their unique features in the relationship between local and central governments, alongside the relevant historical commonalities.

Although the new government in Yemen after 1990 has made many reforms, the relationship between the central and local governments is still unclear. Hence, there is deviation between the provisions stipulated in the constitution and the actual practice on the ground. These gaps between text and application created many challenges like; the strong financial and administrative centrality, the incompatibility, interference, and lack of clarity of some laws that regulate the relationship between central and local governments and deficiencies in the administrative structure and division.

These challenges among others prevent from having an efficient local government, and the Yemeni Government seems less successful in this regard. On the other hand, Turkey has a rich history of local government that dates back to the Ottoman Empire. This long history of practices has been evidenced by structured relationship between the central and local governments with clearly put legal frameworks. In addition, it allowed Turkey to achieve significant developments, and overcome several political, economic and administrative challenges, which are yet to be addressed by a number of developing

countries. Therefore, this study explores the similarities and differences of the patterns, degrees, and forms of the relationship between Central and Local Governments in Turkey and Yemen in comparative terms and thereby identifies good practices to be extrapolated (pragmatism) to each country under consideration.

1.5. Purpose of the Study

The main aim of this comparative study was to analyze and assess the nature and patterns of intergovernmental relationships between the central and local government in Turkey and Yemen. It also intended to provide an integrated picture of the function and performance of the local government and compare both models in terms of power, constitutional, legal, political, administrative and financial aspects, in accordance with the principles of central and local government relations. Based on the findings of the research, suggestions are made in order to overcome the existing challenges related to the discourses of central and local governments and their relationships in Turkey and Yemen. Besides, this study aims at identifying how the aspirations and needs of individuals for efficient services can be made available for the public. In order to complement the aforementioned major aims of the study, the following specific objectives were designed:

To highlight the important role played by local units at all levels in a State in Turkey and Yemen.

1. To identify the obstacles and difficulties facing the local government in Yemen, and then develop alternatives reforms to overcome them.
2. To develop a kind of new knowledge, policy suggestions, recommendations and conclusions for decision makers to benefit from.
3. To form a starting point for further related studies.

1.6. Methodology of the study

In accordance with the nature of the subject studied and the objectives specified in the study, some scientific methods were deployed. This made a balance and integration among chapters and contents of the study. This study was aimed at investigating the nature and patterns of relationship between central and local governments in Turkey and Yemen in comparative terms. To this end, a comparative case study approach has been chosen,

Comparative case study has been selected as involves or helps the analysis and synthesis of the similarities, differences and patterns across two or more cases that share a common focus or goal in a way that produces knowledge that is easier to generalize about causal realities and questions.

In addition, comparative case study is preferred as it usually allows the utilization of both qualitative and quantitative methods and is particularly useful for understanding how the context influences the success of an intervention and how better to tailor the intervention to the specific context to achieve the intended outcomes. Hence, after thoroughly identifying the similarities and differences of the nature and patterns of relationship between the central and local governments in Turkey and Yemen, good practices to be taken as a benchmark have been suggested.

Moreover, a comparative case study is considered as it allows the in-depth investigation of the issue or subject under consideration. In fact, the discourses of local and central government relationship are not experimental by its nature. To this effect, the researcher opted for a comparative case study in order to investigate the subject at hand in detail.

Furthermore, a comparative case study is preferred as it allows the use of multiple research methods, techniques and tools. This attributes of it, makes a comparative case study accommodative and comprehensive.

Due to the compatible nature of the comparative case studies, the descriptive method was used to indicate the theoretical and conceptual framework of administrative decentralization, especially their constituents, perceptions, and objectives, to be distinguished from administrative decentralization. It is also possible through the descriptive method to describe the regulations and laws applied in both Turkey and Yemen.

Therefore, in this study, the comparative method was deployed to compare different legal, political, administrative, and financial phenomena relating to intergovernmental relations in Turkey and Yemen to identify the similarities and differences therein. This method was chosen as it helps using the scientific interpretation to discover the relationship between variables such as (administrative history, bureaucratic culture, central and local government structures, central and local elections, relation between powers, public participation, Audit and oversight, financial relations and revenue shares, public recruitment, relation between central and local bodies) . In addition to the analysis of the content associated with the descriptive method, this was to detect the imbalances between the text and the application, especially in the case of Yemen and to propose alternatives or solutions if possible.

In order to meet the objectives of this study, entirely the secondary sources of data were accessed. The secondary sources of data used include; books, journals, articles, reports,

symposia, and newspapers from international organizations such as UN, World Bank, European Union and Local, Regional and International NGOs.

The collected data were analyzed through a desktop review of the systematically chosen literature as well as the use of theoretical tools to put the data into perspective. The analysis covered the legal framework of both countries, their administrative and financial relations as well as some reforms in public administration in their respective jurisdictions

1.7. Contribution of the study

This comparative study of the intergovernmental relations provides both a framework and practice of relationship between the central-local government particularly in the way decision-making takes place, and resources are shared between the two levels of government. It is possible to argue that understanding the patterns, degrees, and forms of relationship between central and local government aids in understanding the operational and institutional linkages between the two layers of the government. The main problem statement of this comparative study is the clarity and nature of the relation between the central and local government. Besides, the main challenges affecting the discourse of intergovernmental relations prevent the cooperative effort from implementing decentralization, achieving an efficient local government, transparency, fairness, effective public participation and services delivery. This made Yemen to be considered as a less successful actor. These challenges range from ideological differences, desire to maintain the status quo, legal and administrative aspects, jurisdiction, financing, and management of public personnel as well as the level of autonomy. In Yemen over the last 30 years, many studies have been conducted on local government and its roles, Reforms needed to

improve the local government structure, mechanisms needed to combat administrative corruption in Yemen. However, very few recent studies focused on the intergovernmental relationships between central and local government within the principals of central and local government relation in a comparative framework. In this section, we would refer to some relevant studies made by other scholars:

- (Tarbush.Q, 1994) entitled “Local administration in the Constitution and the law in force in the Republic of Yemen”. The study discussed the local administration in the Constitution before and after the establishment of the Yemeni Unity May 22, 1990.
- (Harby.M,2000) entitled “Local administration and local development in Yemen”. In this study, the author shed light on the role of the local administration in achieving local development.
- (Qadimi.H,2003) entitled “The obstacles to the application of local government and the mechanism of treatment in the Republic of Yemen”. The study focuses on the most important legislative and legal challenges that prevent the implementation of a broad-based local government system.
- (Almaghraby.M, 2014) entitled “Local Administration in Yemen”. In this study, the author studies the local government structure after 2001 in Yemen compared to the local government structure within the proposed federal system in the outcomes of the National Dialogue Conference in Yemen.

After the establishment of the Yemeni Unity in 1990, scholars and study ers were interested in studying the local administration structure and the challenges facing the implementation of the local administration system on the ground. As for the studies

that dealt with the relationship between the central government and the local government, they focused more on the relation from a legal side.

Whereas for this comparative study focused more on understanding the nature of the relation between the central and local government both in Turkey and Yemen. Besides, pointing out the main challenges affecting the discourse of intergovernmental relations prevents the cooperative effort from implementing decentralization, achieving an efficient local government, transparency, fairness, effective public participation and services delivery. These challenges made Yemen to be considered as a less successful actor. In addition, what adds to significant of this study is taking the Turkish public administration experience as a model for Yemen to benefit from.

This study will also, develop a kind of new knowledge, policy suggestions, recommendations and conclusions for decision makers to benefit from. In addition to that, local and international NGOs can benefit from these study findings in determining the priorities and needs of the sociality to implement their plans and projects based on that. Finally yet importantly, the findings of this study can form a starting point for further related studies.

1.8. Limitations of the Study

The government structures both in Turkey and Yemen is covered through a historical public administration development dating back to the Ottoman Era in Turkey and North of Yemen and the British colony in the South of Yemen. That has to provide a clear picture of the establishment and progress of the government structures and operational

aspects in line with the intergovernmental relations. However, this study focuses on government system and structures of Turkey after the formation of the Republic. This was a turning point in Turkey's contemporary political and government history, until the 2017 constitutional amendments and the referral of the political system in Turkey from parliamentary to presidential system. For the Yemeni case, this study was limited to examine the government system since May 22, 1990. This is the date of the unification between Northern and Southern Yemen, until the outbreak of war in 2015.

1.9. Organization of Chapters

Structurally, this thesis is divided into five chapters. Chapter one dealt with the general Introduction, background to the study, study problem, aims and objectives of the study, significance of the study, delimitation of the study, study methodology and study outline. Chapter Two covers the literature review and general framework of the study, where the main terms and keywords are defined. Starting by displaying the definitions of centralization and decentralization and their theory's and arguments. In addition, to other concepts such as delegation, devolution, privatization, local government, and its characteristics.

Chapter Three intrudes the public administration in Turkey starting from the administrative historical background, focusing on the Ottoman and Republican Era until 1982. This chapter reviews as well the structure and branches of both the central and local government and the legal, financial, relationship between them. In addition to the audit and oversight and public recruitment system.

Chapter Four focuses on Yemen's public administration. Historical background, converging the Yemeni administrative system under the Ottoman Empire. The administrative system in both Imamate regime in the North of Yemen and the British colonialism in the South of Yemen, to the Unity of both North and south of Yemen in 1990. Within this chapter, as well the structure of both central and local government and the legal and financial relation between them are considered. legal, financial, relationship

between them. In addition to the audit and oversight and public recruitment system. The final section of this chapter discusses the impact of war on the local government.

Chapter Five is a comparative analysis that conducts the relationship between the central and local government both in Turkey and Yemen in terms of variation and differences, weaknesses, deficiencies. Based on the constitutional framework, formation structure, function, finance, participation, reforms, and intergovernmental relation in accordance with the principals of central and local government relation. Finally, the conclusion and recommendations based on findings from the analysis and comparison of both models.



CHAPTER TWO

CONCEPTUAL FRAMEWORK: DECENTRALIZATION AND LOCAL GOVERNMENT

Many countries around the world have adopted two main levels of government, which are the central, and the local government. One of the main concerns in countries, which adopt such a model, is the relationship between central and local government. This relation is very critical where it is always argued whether centralization of power negatively affects the duties and enthusiasm of local government. In addition, some argue that decentralization and devolution of government are not the best ways to achieve the stability and development of a state as it makes decision making more difficult and longer. This chapter provides an explanation of concepts such as centralization, decentralization and local government. The forms and indicators of these concepts are considered as well to determine their conformity with the practical and cases addressed in this study.

2.1 Centralization

The emergence of the term centralization dates to 1780s during the French Revolution period. Initially the word "centralize" was commonly used to refer to; the gathering of administrative units in the capital or in one center and not being distributed to different centers. Centralization as a concept has been widely defined by scholars in many ways. However, one of the consistent descriptions is that a centralized organization is an organization where the decisions are made from the top whereas a decentralized organization is characterized by decision-making lower in the organization (Siggelkow & Levinthal, 2003: 21-44).

Eryilmaz (2013:11-15), states that centralization is the process of making policies, decisions and taking actions by the central government and its hierarchical organizations. That's to ensure unity and integrity of both the political and administrative authorities.

Centralization is the concentration of power at the head of an administrative structure. A centralized government has its lower units or offices spread through the country. However, these units cannot make their own decisions or actions without getting

approval from the center. Therefore, these entities are considered implementing bodies, except in one case if they are given the permission by the center to make a decision on particular matters (Marume, 2016).

Under the centralized system, the central government exercises all administrative functions in the capital and the central region through the central institutions and branches in the regions. The representatives of the central government include the president of the state, prime minister, and governors who are their representatives in the provinces. This uniformity leads to the unity of the administrative system style in the state. The structure of the administrative system is built based on a pyramid, consisting of a large group of symmetrical classes. (Lwaisat, 2003: 12-33)

Ökmen ve Parlak (2013) offered the following general characteristics of centralized system administration;

The state is organized in the form of ministries, public services and duties are divided on ministries according to the specialization.

- Central assembly decides the sources of income and expenditure for the implementation of public services.
- The public services offered to citizens are organized at a center, and any related decision, government, and responsibility belong to the power in the capital.
- The provincial organization and authorities within the extensions of the central government are bound by the orders and instructions of the center.

The above characteristics bring out two main features of centralized government namely: the inventory and concentration of administrative authorities and decision-making process in the center. The second is the hierarchy and broad powers granted to the legitimate head of the administration. Such as the President, Prime Minister and so on. Where all branches must comply with and obey orders and directives issued by the head of the pyramid. This leaves us with a question as to the extent to which such orders and directives are obligatory, especially when they are contrary to the law?

2.2 Decentralization:

The interest and necessity of administrative decentralization have been closely related to the cause of development since the end of the second world war. The authoritative regimes have not been so much inclusive as they depend on centralized systems that had been adopted by states in order to maximize the authoritative capacity. It has become difficult if not impossible for the central government to function as an administrator in all parts of the country alone. It was necessary to use other bodies to fulfill public needs by exercising part of the administrative activity independently of the central government. On this basis, the administrative function is divided between the central government and other bodies whether local or private. This system of administrative organization is known as administrative decentralization. (Agnew,1999)

It is almost impossible to discuss the concept and elements of the local government, without going through the subject of decentralization as a concept and practice passed by most of the developed and developing countries. First, it must be emphasized that decentralization is a method of organization based on the distribution of powers and competencies, between the central government and other legally independent entities. Decentralization in this sense may be political decentralization or administrative decentralization. In general, political decentralization means the distribution of various legislative, executive and judicial functions between the central government and local governments. While decentralization from an administrative perspective is when the government transfers its government in planning and resource management to local units in the field (Rodinelli, 1986) Countries differed in the division of powers and competencies between the central government and the local government.

The difference is based on the historical, social, political and economic conditions and omissions of each State. Some of them followed the centralization method, and some followed the method of decentralization, others adopted a mixture of both. For a better understanding of decentralization, this section highlights decentralization definitions, function, forms, and indicators. Many scholars agreed on some definitions of decentralization as they contrasted on some others.

Agrawal and Ribot (1999) define decentralization as the “transfer of powers from the central government to lower levels in a political-administrative and territorial hierarchy.” The official power transfer can take two main forms namely. Administrative decentralization, also known as decentralization and refers to a transfer to lower-level central government authorities or to other local authorities who are upwardly accountable to the central government (Ribot, 2002: 1- 23). Both definitions focus on the transfer of power from the central to local government.

UNDP (1997:4) regards decentralization as “the restructuring or reorganization of government so that there are a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiarity, thus increasing the overall quality and effectiveness of the system of governance, while increasing the government and capacities of sub-national levels. Decentralization could also be expected to contribute to key elements of good governance, such as increasing people's opportunities for participation in economic, social and political decisions; assisting in developing people's capacities; and enhancing government responsiveness, transparency, and accountability.” This definition focuses on the role of power transformation and participation of the public.

Another definition of decentralization by Rababa (1995: 2-8), states that decentralization is a method of administrative organization of the state that is based on the idea of distributing activities and duties between the central and local authorities. This is for the central government to draw the general policy of the state. Local authorities are managing public facilities to achieve efficiency in performance. What distinguishes this definition is the importance of the role of decentralized government in the government of public affairs.

Günday (2004) provides a definition that focuses more on decentralization authorities by stating that, decentralization is opposite to centralization and it works in reducing it. This process takes place by transmitting the duties and responsibilities of decision-making and application of different matters without getting back to the center.

Decentralization is the process of transforming authorities and responsibilities from the central government bodies to the local government ones and private agencies as well.

This is to get close to the public needs and to ensure the efficiency of services provided to them. This power transformation could be through both territories and functions to engage the public in the decision-making process (Sikande, 2015).

By reviewing the definitions of decentralization that refer to the transformation of power, public participation, and central-local cooperation does this mean that decentralization is an alternative to centralization. For the UNDP (1998:1) decentralization is not an alternative to centralization. The corresponding roles of both the central and local performers must be determined by performing effective tools to achieve the planned goals. In other words, both components are needed. For instance, the state road system should be considered by the contribution of the local government and the coordination of the central government.

2.2.1 Decentralization dimensions:

Considering the above definition, decentralization can be distinguished in three dimensions or indicators

2.2.1.1 Administrative decentralization

Administrative decentralization refers to the deviation of responsibility in the assessment of functions, competencies, and activities between different levels of government. Even in countries, which adopt administrative decentralization, the government used to build and operate infrastructure projects. While the role of the local bodies was limited to the performance of some municipal services and the maintenance of local facilities. With the development of this dimension and the expansion of the scope of decentralization more. The local government became responsible for most of the services, if not all the infrastructure and social services, such as education, health and so on (Cohen & Aeterson, 1997:31).

2.2.1.2 Financial decentralization

Financial decentralization refers to the free access to and use of resources means the degree of fiscal decentralization varies from country to another. In countries with administrative centrality, local authorities have limited powers to charge small fees for

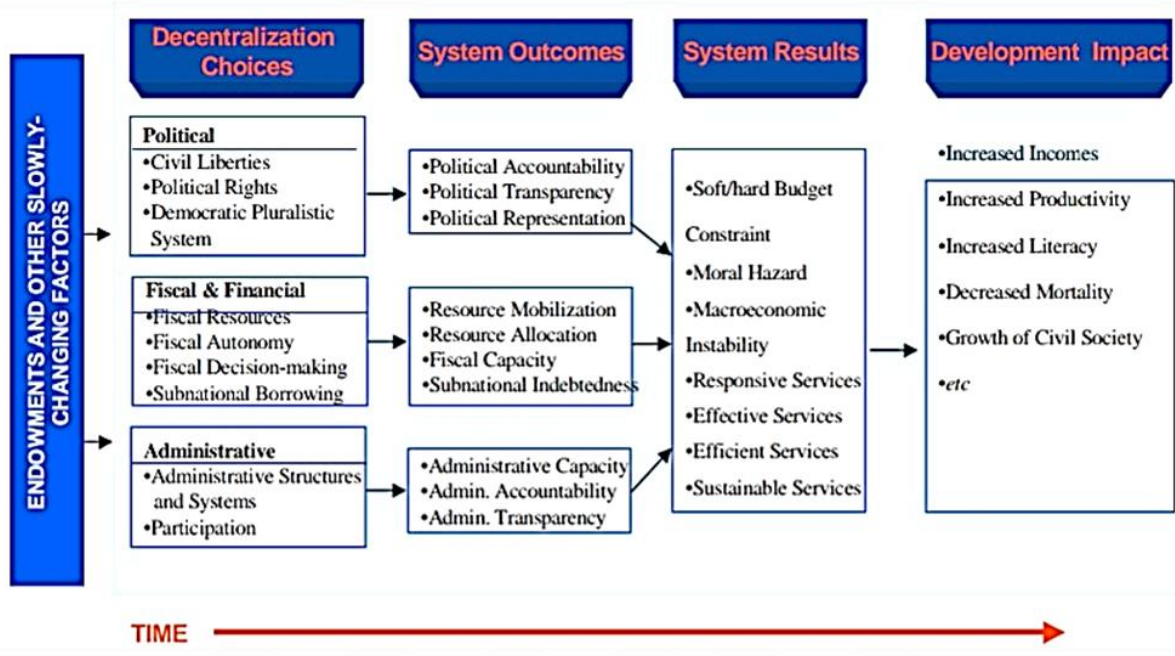
services. They do not have the power to impose taxes, and if they were authorized to collect tax that would be under full control of the local government. On the other hand, countries that adopt the decentralization model, local government institutes are limited in financial matters. However, special arrangements are being devised to divide resources shared between the central and local governments. The local government has a relative government to determine its resources and it may grant the opportunity to impose and collect taxes and fees. All these tasks and more are within the framework of the limits established by law. Therefore, financial decentralization permits decentralized units represented in local government bodies to manage their own income sources. This process lead to the strengthening of the autonomy of decentralized bodies. This also decreases the need for financial support from the central government's institutes (Guess, 2005).

2.2.1.3 Political Decentralization

This dimension is known as democratic decentralization referring to the degree of political independence and the nature of accountability. The transfer of decision-making power from central to local units, such as councils elected by the people. In highly centralized states, the central authorities carry out the task of selecting and appointing local staff. Local bodies are therefore accountable to the central government units such as ministries and various central agencies. In contrast, to countries that practice administrative decentralization, local people elect all local bodies including the executive. Their salaries are paid from local resources. That means, that these bodies are accountable to society not to the central government (Yusoff, Sarjoon, Awang & Efendi, 2016)

To understand decentralization and achieve a responsive local government from its usage. Indicators such as political, financial, and administrative are to be considered. Every one of these dimensions must supplement each other to create an effective local government and deliver efficient services to the public. This has been raised to as a Souffle Theory (see figure below).

Figure 1: Indicators of Decentralization the Souffle Theory:



Source: Parker. A, N 1995. The World Bank

This figure shows how decentralization dimensions lead to a development and good service delivery in a particular country. In addition, that it shows also how administrative, financial and political bodies and policies would affect political and administrative accountability and ability both in the central and local level.

2.2.2 Forms of decentralization

Decentralization is a method of administrative organization that supports citizens' participation in administrative processes. At the same time, decentralization is an effective way to achieve rapid communication channels between the citizens on the one hand and the institutions of policy development and implementation on the other. The main forms of decentralization are:

2.2.2.1 Devolution

UNICEF (2011) defines devolution to be the most common and powerful form of decentralization. It is the process of transferring administrative, financial, and decision-

making authorities from the central to the local government bodies such as municipalities and councils. In other words, devolution means the full legal transformation of decision-making responsibility to elected local bodies. With a legal personality, that has a degree of independence from the central government.

2.2.2.2 Delegation

A delegation of government is the process of transferring authorities and responsibilities from higher levels to lower ones. These units could be local government units or semi-autonomous units. Without fully intervening in how work was accomplished, or decisions were issued. Some of the advantages of this form of decentralization include; speed in making decisions, achieving government democratization where more than one person is part of decision-making, achieving convergence between higher and lower administrative levels. This form of decentralization guarantees a large space of autonomy for local government units (Yusoff, Sarjoon, Awang & Efendi, and 2016: 698)

2.2.2.3 Privatization

Privatization as a form of decentralization emerged as a strong approach among several countries mostly the English-speaking ones such as the USA, Australia, New Zealand, and South Africa Privatization mainly aimed at stimulating performance and productivity in the various economic sectors and achieving economic progress. In this form, the government transfers some of its responsibilities to non-profit voluntary institutions, private associations and non-government foundations or profit-making private sectors. The other objective of this privatization is to reduce the focus of decision-making and move to local levels (Mason, 2013). For instance, the central government may hand over some of its duties like producing products or delivering services. In addition, give a permit to what is called "parallel associations" like the national business, trade and manufacturing factories, or civil society associations, political groups, and local unions, to manage and regulate their individuals in performing capacities. The central government (UNCDF, 1999:168) formerly did that.

2.2.3 Decentralization levels of government transfer

In the context of deeper understanding of the forms of decentralization and determine its unit and level of government transferred. UNDP (1997:128) ranked decentralization in the light of the project of decentralized governance into four levels:

2.2.3.1 Autonomous lower- level units

In this level of decentralization, the central government relinquishes some of its allocations to lower local units such as the state and grants them legal status as separate decentralized units, municipal and other local authorities. The pattern of independent decentralization is characterized by the following

- ✓ Local institutes practice independence and legal personality aside from the immediate control of the central government;
- ✓ In order to deliver public services efficiently, the law defines the local institute with clear geographical boundaries;
- ✓ In addition to the legal personality earned by these institutes, all the necessary financial resources are provided;
- ✓ Cooperation and reciprocal relationship link the central government with the local institutes.

2.2.3.2 Semi-autonomous lower-level units

In this level, local institutions are semi-independent where the central government delegated or transferred many of its powers to local institutions. Through legislation or contracts between them. This is done under the indirect supervision of the central government.

2.2.3.3 Sub-ordinate lower level units

In this level, power is not transferred to lower levels. Some scholars argue that this form is meant to be a kind of centralization rather than as a form of decentralization. As it does not include independent local institutes elected by the public. It even includes branches of the central government in regions and cities. That preserves the administrative hierarchy and its right to control and the return of those authorities when invalid. In other words,

the decision is made directly from the center to its branches, while economic resources are allotted or distributed to the particular uses again directly by the center. With the aim to improve the efficiency of general services. Therefore, although the power is transformed from the central government to its local branches, this form does not guaranty a total or large transfer of the power and administrative authorities.

2.2.3.4 External or non-governmental units at any level

This form of decentralization is not considered part of the government structure. Civil society association, private sectors and non-governmental could be a good example of divestment form of decentralization. To achieve efficient local service the central government transfers some of its planning, public service, and some products manufacturing responsibilities, to above-mentioned divestment unites through contracting. This transformation process is called privatization.

Table 1 sum up the forms of decentralization and the level of power transferred either in government and service delivery or in policy and decisionmaking or in economic and financial resource management.

Table 1: Aspect of Governance transferred.

Types of Unit to which government is transferred	Political: Policy or decision making	Economic or financial resource management	Government and service delivery	Generic name
Autonomous lower-level units	Devolution	Devolution	Devolution	Devolution
Semi-autonomous lower-level units	Delegation	Delegation	Delegation	Delegation
Sub-ordinate lower level units or sub unite	Directing	Allocating	Tasking	Concentration
External (non-governmental) units at any level	Deregulation	Privatization	Contracting	Divestment

Source: UNDP, Decentralized Governance Programme, (September 1997:33)

To sum up as widely agreed decentralization simply refers the transfer of power from the center to the local level in different ways and degrees. Democracy is practiced in many countries around the world and one of the ways to measure democracy is the strength of the local government in a particular country. Therefore, decentralization could be considered as the process and local governments as tools. In this section, the local government will be discussed in terms of the concept, its origin, local government objective, elements and so on.

2.3 Local Government:

This section discuss local government as a concept, its origin and philosophy

2.3.1 Origin of local government

Referring back to history the origin of local governments dates back to the Ancient Greek sites and the Roman Empire for Europe. However, today's local government is almost different from what it was in that period, especially when comes to government and finance. The modern sense of local government started by the second half of the 19th century after the French Revolution (Önder, 2018).

The local units in England after 1835 grew up naturally; the central government at any time did not have all the administrative competences to fulfill all the needs and demands of the public. However, the local units for centuries were running their own affairs independently of the central government (Wilson & Game, 1994). As the local units in England grew up naturally by the first half of 19th century, these units have enjoyed their freedom and independence in managing their affairs without the existence of a text that determines their right to that independence or freedom.

For some time, the central government has been involved in the affairs of local government only in exceptional cases (Kjellberg, 1995). The formation of such a local self-government in provinces and cities reflected the freedom practiced by the public and the strong local government system that took place in most of the European countries. By the first half of the 19th century, the most significant functions of the local government in Britain were administrative and judicial functions. The performance of the government at

the time was good and satisfactory, due to the nature of basic and specific needs and demands of the public.

By the mid of the 19th century, industrial and product development began with a new historical phase of the English system. This phase was accompanied by its achievements and challenges because of the industrial revolution. For instance, moving away from the dependence on agricultural output to experiencing a big industrial revolution. However, the movement of people from rural to urban areas result in some difficulties in providing health services, organizing challenges (Sikander, 2015).

As a natural consequence of these growing challenges and requirements, the prevailing system at that time appeared weak and unable to meet the needs and contain new urban areas. Although they formed new legal bodies or councils, they were not as efficient as required. Among the formed bodies was the improvement commissioners. Their roles were limited to improving and looking after roads and streets in terms of cleanliness and appearance.

As well as providing more security by assigning guard (Stoker, 1988:3). By looking at the case in the United States, we find that local government bodies developed in response to the pressure caused by the combination of three main groups, which are citizens, state government compliance and interest groups (Sikander, 2015:173). At the same part of the history, the story was different in the Ottoman Empire. The state (monarch) was the major power in the urban system, which share its power with some public groups such as Foundations (vakıflar), guilds, and high bureaucracy. The cities of the Ottoman Empire were combined settlement extents formed to fulfill the public needs and demands, through the (kadı) which is the person who is in charge of the judicial, municipal and civil tasks before the Tanzimat period 1839.

As an influence of the French Revolution ethnic minorities within the Ottoman Empire stated calling for separation and the formation of their own nation-state. The collapse was a big threat facing the Empire; therefore, they directed all their policies towards rescuing the Empire and strengthening the power of the center. In Europe, the local government appeared within a long history, while in the Ottoman Empire it appeared because of reform edict. In other words, the need for local governments was established from the

above without being required by the below. The centralization policy continued after the collapse of the Ottoman Empire and Republican period as well. The central government of the Republic looked at the local governments as institutes that support and assist the central government policy. Moreover, administrative and financial autonomy was not given to the local government to protect the unity of the state (Önder, 2018:19-42)

2.3.2 Defining Local government:

Local governments' institutions have not only come to play an important role in the democratization of societies, but their contribution to development is also equally significant. There is a controversy among scholars and study ers about the terms local government and local government, some of which believe that there is a significant difference between the two terms, where the first refers to administrative decentralization, while the second denotes political decentralization mostly in federal systems.

Several definitions of local government have emerged from different schools of thought. They include:

Robson (1937: 574) discusses local government from the standpoint of legality as:

“In broad categorization, a local government may engage the formation of a protective, community that is non-sovereign and contains the legal rights and essential institution to articulate its internal associations. The prevalence of authorities at the local level with government to perform without external involvement and control along with the local community's participation in the government of its own affairs are assumed in turn of those regulations”

Stoker (1990:215) looks at local government from a hierarchy dimension, describing local government institutes having not the total government over the country, but over specific parts of it. In other words, the authorities of decision-making are displaced from the top of the administrative pyramid downwards.

Tumini (2011:83) define local government as:

“Local units that function under the control of the state or central government, within a democratic system of a country to deliver specific local services and to develop, control and regulate the geographic, social and economic environment”.

Referring to Kyenge (2013:70), local government as a concept has been widely defined by scholars; some focused on legality others on function and so on. However, no matter how diverse the definitions get, they mainly emphasizes on the transfer of power from central to the local level by engaging the public in pointing out the needs and be part of the whole process.

The World Bank (1989: 88) has acknowledged the successful relationship between both the central and local government based on the several conditions specified by Heymans & Totemeyer (1988: 6) as follows:

1. The strong obligation for an organized and powerful local government system in a democratic environment.
2. The local government both in the regional and national progress plays a major and significant role.
3. Fair distribution of the financial and human resources between the central and local government.
4. Checking and balances among central and local government take place in an official and effective way.
5. Information is shared between all the levels in an accurate and regular manner.
6. Coordination takes place in different aspects such as social and political ones.
7. The essential principles of government are trust, honesty, and the ability to implement improvements.
8. The spreading out democracy in all dimensions of government, such as the civil participation at the different levels of administration, away from any type of racism.
9. Clearly stated affairs between several levels of government and the possibility of pressure effort at the local level so that central government modifies legislation.

2.3.3 Philosophy and objectives of local government establishment:

As mentioned above, the system of local government as a legal phenomenon started in the first half of the 19th century. The philosophy of local government stems from the motives and objectives that local government systems were originally created for. Through internal and external environmental factors, that local government adapts to ensure the sustainability of these systems. In other words, the philosophy of local government tries to answer the main question: why the central government does not provide all services without the participation of local bodies and communities.

To answer the question we need to examine the approach and philosophy of local government in the government of public and local affairs. This explains the States' desire to strengthen cooperation and partnership between the central and local efforts to provide efficient local services that directly affect the lives of citizens. This may be the main motivation for the distribution of functions and responsibilities between the center and the local authorities. We can assume then that this cooperation results from the confidence of the central government in its people, and the need of people participation in achieving the objectives of economic and social development. As Laski states in his book "We cannot realize the full benefit of democratic government, unless we begin by the admission that all problems are not central problems and that the result of problems in their incidence requires decision at the place, and by the persons, where and by whom the incidence is most deeply felt" (Laski, 1978:411). From this point comes the need for decentralization, where people are given the opportunity to participate in administrating their affair and decision-making. Some significant motives for the adoption of decentralization and the establishment of local governments can be summarized in the following points: (Samara, 1984:19)

- The division of labor and activities between the central government and for example municipalities as local bodies, to take responsibility for providing efficient and effective services to citizens. Dealing with all local tasks and details cannot be done only by central government but by both.
- Ensure equitable distribution of services to different regions and work on equal financial burdens with services received by citizens.

- The importance of supervising citizens in administrating their affairs and ensuring the raising of political awareness, and good participation of citizens to take responsibility for the government of services and all other local affairs.
- Eliminate the monotony and bureaucracy of government systems, and ensure access to responsive, effective and efficient local services.
- Strengthening the social, political and economic structure of the state by distributing positive forces instead of concentrating them in the capital.
- Training and qualifying local leaders on methods of governance.

2.4 Inter-governmental relations

Intergovernmental Relationships (IGR) between different levels of government can be studied through different approaches including democratic, constitutional, financial and normative-operational (Sokhela, 2007: 51 -56). The basis for studying IGR from a democratic standpoint is based on taking the different governing bodies within a system as independent and autonomous entities, whereas the the constitution approach takes the established laws in a state's constitution as the basis for analysing IGR (Hattingh, 1998: 10-12). The financial study of IGR takes into account fiscal matters including expenditure assignment, revenue assignment, intergovernmental transfers and overall financial planning and budgeting. Lastly, the normative-operational approach considers the relevant norms and values held by the individuals and entities, which in return greatly influence how those individuals and entities operate (Hattingh, 1998: 14).

2.5 Administrative Tutelage

Administrative Tutelage can be defined as the supervision exercised by central governments on local governments, institutions and entities to ensure that their activities are in accordance with state laws and norms. The supervision is exercised through dedicated central government representatives and/or dedicated supervisory unites that reside within the central government (Vedinaş, 2015: 507). The degree of interference of the central government with the affairs of entities lower in the hierarchy greatly depends on the form of government and is higher for unitary systems. Despite the importance of oversight of central governing body for higher order matters, enough autonomy is needed

by local governments to operate efficiently and to reflect local concerns (Turan, 2016: 13).

2.6 Autonomy

The concept of autonomy in a general sense can be understood as the capacity of an entity or group of entities that fall under a central government in a hierarchy, to make decisions and take actions that reflect the local needs but are that rooted in the established laws and norms. Autonomy has been favored as an approach to governance because of the advantages it brings in terms of increased efficiency in decision making and a higher degree of attention to local needs (Sayan & Baris Ovgun, 2014: 445). Administrative autonomy in particular is defined as an institution's ability to independently plan for and provide services based on the responsibilities it holds and in line with defined budgetary constraints of the financial resources, it creates and manages (Nalbant, 1997: 38).

2.7 Accountability

Accountability is the requirement on individuals and entities to be responsible or provide ample justification for their actions, which are linked to certain expectations and can be measured through set standards (Sikhakane & Reddy, 2011: 86). Accountability can take many forms based on the type of relationships and the degree of involvement of the different stakeholders. For example, political accountability, which can be defined as the responsibility assumed by elected or appointed public officials in front of the public, is key to the level performance and/or corruption of a government (Adsera, Boix & Payne, 2003: 478).

2.8 Transparency

Transparency has been defined as the ability of citizens to understand the inner workings of their governments through multiple channels such as open meetings, wide access to information and official records and the protection for whistleblowers (Piotrowski & Van Ryzin, 2007: 305 - 308). High degrees of transparency are believed to increase the level of engagement of citizens and their overall participation in public affairs (Pina & Avellaneda, 2017: 2). In addition, a high degree of transparency leads to greater levels of public awareness on public affairs. This awareness is believed to be one of the key

enablers of citizens to hold their public officials accountable and ensure higher levels of government performance (Adsera, Boix & Payne, and 2003: 455).

This chapter highlighted the main concepts will be used through all the study. The following two chapters will focus on details on the administrative system in both Turkey and Yemen.



CHAPTER THREE

CENTRAL AND LOCAL GOVERNMENTS IN TURKEY

Since the last quarter of the twentieth century and as a natural result of globalization, the world has witnessed rapid changes in political, economic and administrative aspects. One of the significant changes is the shift towards respecting citizens' privacy and the urgent need to get closer to them and understand their needs and demands. With the development and expansion of states, new issues and challenges are constantly emerging at the national level. This necessitates the need to find solutions that are deeper than those provided by the central government. A group of scholars argues that the concept of local development has gone beyond its dependence on the classical central administration. Accordingly, the central government can no longer be maintained alone indefinitely. Especially after many states who adopt this approach failed to achieve effective local development.

However, others argue that local development cannot occur independently of the contributions of the central government in achieving it. Decentralization advocates argue that the possibility to achieve local development, economic welfare and social stability is higher through the convergence and integration between the centralized and decentralized system. That is under the conditions that political, social and even cultural changes are made in the countries. Therefore, the adaptation of an administrative decentralization strategy has become necessary and important. It has gained its importance from its ability to respond to the needs and requirements of citizens at the local level.

Turkey has a rich history of local government that dates to the Ottoman Empire. This long history of practices structured the relationship between the central and local government in different forms. In addition, it allowed Turkey to achieve significant developments, and overcome several political, economic and administrative challenges still faced by developing countries. Again, under the global influence and Turkey's aspirations for the EU membership and total adaptation of the EU acquis, we still cannot state that there is a total harmony of public administration with the context of European Charter on self-government, specifically when it comes to the financial autonomy, establishment, and decision-making. In this, we will shed light on the historical

development of local government in Turkey. The structure and duties of both central and local government will be examined as well as reviewing the relationship between these two structures from a legal, constitutional, political, economic and administrative aspect. Finally, we will address the most important challenges facing this relation internally or externally.

3.1 Historical development of public administration in Turkey:

Turkey is one of the countries with a long history and a deep administrative culture. The roots of this administrative culture date back to the Sultante of Rum or as also known as Anatioian Seljuk Sultanate or Great Seljuk Empire in 1077. Seljuk Empire reached the height of its power starting from the late 12th century until the early 13th century. The last vassal sultans of Seljuk was killed in 1308, which lead to the disbanding of the Seljuk state. This dissolution resulted in division of the empire to small Turkish principatites which was reunited under the Ottoman Empaire later (Cengiz, 1999). In the Ottoman era, the Turks conquered and settled in the Anatolian region. The Turkish government has over the years established and developed various administrative systems. This section will highlight the evolution of public administration in Turkey in two important eras, which are the Ottoman Era and the Republican Era.

3.1.1 Ottoman Era

In the nineteenth century, the Ottoman Empire was facing the danger of disintegration and division. Under the pretext of preventing this division from happening, some European countries such as Britain and France pushed the Ottoman Empire to carry out some internal reforms by citing the European integration and achieving harmony with the empire. At that time, the Ottoman Empire realized that the reforms could ease the external pressures, thus the interfering in its internal affairs. In the late 1830s, an era of reforms known as the *Tanzimat* (Re-organization) period took place (Kawtharani, 2013). *The tanzimat* period coincides with the emergence of the public administration system in Turkey. During this period, many administrative reforms were carried out. The structure of the Ottoman government experienced some changes by the *Tanizimat Fermani*, which stands for (Imperial edict of re-organization of *Gülhane*). Some of the most important changes were the role of religion in the face of the military bureaucracy. In addition,

there was a restructuring of the civil bureaucracy role where some of the tasks and powers of the public order were handed over to civil institutions and associations. Another important change was the achievement of equality for all citizens including non-Muslim (Dursun, 1992).

Some of the institutions which were formed during the re-organization period more specifically institutions appointed by the central government known as (*Kadılık*). *Kadılık* were given the municipal functions and had total administrative government within the city while other institutions that played important administrative roles were (*Vakıf*) foundations. There were two types of them the patrimonial and non- patrimonial, they oversaw operations of the public and technical services set-up in the city. After ending the Janissary corps all the municipal functions and duties given to the *Kadılık* were taken from them and handed over to the *İhtisap Nezarti*, it was the name given to the institution responsible for municipal affairs in the cities of Osmanlı. After some time *Kadılıks* and *Vakıfs* were replaced by municipalities.

By the 1857 municipality was formed in Istanbul, headed by the *Şehremini*, which means the mayor. This mayor was selected by the cabinet and formally appointed by the *Sultan*. However, due to the failure in delivering good performance, the mayor was in position just for one year. Two years later Istanbul was divided into 14 municipals bodies. The Central government had the right to appoint the directors of these bodies. Not all of them were activated at once, but the primary in the most modern districts like Galata and Beyoglu.

Moreover, by 1869 the central government had their plane ready to increase the municipals covering all of Istanbul. This time each municipal organization had a mayor and council. Mayors were assigned by the central government and councils were nominated for two years directly by people (Ortaylı, 1978: 20-23). As a practical follow-up of the declaration and progress of the first constitution *Kanun-I Esasi*” that came to power by 1876. The National Assembly was formed to fulfill this purpose. This constitution effectively approved two draft laws. The first was for Istanbul and the second for provinces. This constitution was considered more like an administrative script than a constitutional one. The document specified that the administrators and public servants

must abide by the provisions of the law and never violate it. In addition, the constitution states that the legislative and executive powers were completely under the Sultans control. However, one of the strengths of the constitution at the time was reflected in article 108 of the constitution. The article states that provinces are to be governed based on the principles of decentralization and distribution of tasks. After several radical amendments were made on the first constitution, the second constitution was announced in 1909 which many described as being more democratic than the first on particularly on its description of administrative institutions. In the second constitution the Sultans, authorities and power were reduced to become more symbolic and less practical (Yayla, 1985). By analyzing the relationship between the central and local government after the amendments and reduction of the sultan's powers, the central government continued to have more government over the local government. This shows that there was a gap between the text and application perhaps one of the reasons that explain the collapse of the Ottoman Empire.

3.1.2 The Republican Era until 1982

By the end of the nineteenth century and the beginning of the twentieth century, the Ottoman Empire was experiencing a deep deterioration and division. There was widespread resistance in various parts of the country against the Sevres Treaty and the Westernization of the Ottoman Empire. Under such circumstances, a nationalist liberation movement led by Mustafa Kemal Atatürk was formed. In 1920, a parliament was established in Ankara apart from the official parliament in Istanbul. Under the war circumstances and the foundation of the Turkish Republic by 1921, a new constitution was formed. In contrast to the 1876 constitution, in this constitution, local governments are administered independently. The Constitution stated that provincial councils, *Vilayet Şuraları*, are to be formed instead of general provincial councils, *İl Genel Meclisleri*. The Council had the government to elect a president who has the executive powers of the government (Gözübüyük, 1967).

After the formation of the Republic and the announcement of Ankara as its capital, 1924 saw a similar system to that of Istanbul adopted in Ankara. The responsibilities of city development and the municipality were given to Ankara by the law. *The* central

government had the government to appoint the mayors and council members. Some duties such as budgeting, hiring staff and specifying their salaries given to the Ministry of Interior Affairs. In addition, Ankara Urban Development Directorate was formed and given specific mandates. The members of this directorate were appointed by the central government and accountable to it as well. Being more specific it was accountable to the Ministry of Interior Affairs (Tutum, 1994) it is observed in the early years, the Republic experienced a centralized administrative structure. However, like many states around the world that faced wars and divisions. The centralized government structure could be explained as a need or a condition at that time to achieve national unity.

At the single-party regime period starting from 1930 to 1944. It was difficult if not impossible to talk about local government autonomy. In the Municipalities Act of 1930, the law states equality to all municipalities. However, the municipalities, mayors, and governors of Istanbul and Ankara were subjected to the comprehensive and strict control of the central government over its organs and decisions issued (Tekeli, 1978) After the Second World War multi-party system took over.

This period ended the privileged status against Ankara and Istanbul however; it did not come up with other significant change. Interventions of the central government and the Ministry of Interior Affairs continued. For instance, direct governor's appointment or the approval of elected city council's chair were totally controlled by them. Municipalities in this period were considered as provincial institutes of the central government (Keleş, 1988) important developments and changes occurred after the coup of 1960 and were reflected in the 1961 Constitution where many articles related to the law of municipalities have been edited. For example, the election of mayors was through the single-stage majority system, and the mayors obtained their government from the public. However, to avoid the misuse of this is, the city councils were strengthened more. This has led to important steps towards democratization and freedom. Also, within this period, the control of central government over the local government was diminished (Tekeli, 1978)

Between the Constitution and application, the relationship between the central and local government was progressing at some stage and deterioration in others. The specifics of the relationship were further clarified in the 1982 constitution. The constitution enshrines

the independence of the central government in accordance with the principles of administrative decentralization. At that time, the local government gained to a certain limit an autonomy that allowed it to make decisions independently of the central government.

The central government was structured to provinces and these provinces were divided into subdivisions. Nevertheless, it no longer had the absolute government over the local government to enable it to intervene directly in decision-making and to make appointments that contrast with the law. The central government was supposed to be limited to supervision and control local bodies by approving, rejecting or delaying application of the decisions made by the local government. Moreover, during 1983 the so-called liberal government with the powerful democratic local government overlooked the rules and regulations of the 1982 Constitution. That was not free of defects and contained wide boundaries on the democratic rights) Ersoy, 1992)

To characterize the nature of the relationship between the local and central government. The 1982 constitutional framework will be reviewed particularly the related articles, and the edits of some articles after the 2017 referendum.

3.2 Constitutional framework

In this section to provide a full understanding of the administrative, structure of the Republic of Turkey. The most related articles are highlighted. Based on the first, second and third articles of the constitutions, Turkey is a unitary, democratic, secular, and social state governed by the principle of rule of law and respect for human rights. The state capital is Ankara; the official language of the country is Turkish. The state flag is composed of a red background with a white crescent and a star in the middle. Turkish regime also consists of three main powers as defined in Articles 7, 8 and 9 of the Constitution. The legislative, executive and judicial powers. In addition, article 7 states the Grand National Assembly of Turkey represents the legislative power of Turkey (Constitution, 1982:3-4).

Article 8 was the first article that mentioned the executive power where it states that *'Executive power and function shall be exercised and carried out by the President of the*

Republic and the Council of Ministers in conformity with the Constitution and laws.' The fundamentals of the administrative structure of Turkey is considered under the articles 123 – 127.

Article 123 states that *'The organization and functions of the government are based on the principles of centralization and decentralization'* In other words, the administrative structure main authorities are based at the central level and the distribution or delivery of power is at the local level. Law regulates this processing. Article 125 considers the judicial power it states that *'judicial review shall be available against all actions and acts of administration.'* Nevertheless, this article was not applicable to the president and Supreme Military Council of the state. The article declares *'The acts of the President of the Republic in his/her own competence, and the decisions of the Supreme Military Council are outside the scope of judicial review.'* One of the main changes in the constitutional referendum of 2017 in Turkey is applied to this article. As stated in the constitution, starting from 2019 judicial review will be applicable to all administrative organs including the President.

Articles 126 and 127 of the constitution are articles that describe the structure and mechanism of the administrative system both for the central and local government. First in terms of the central government article 126 states that *'Turkey is divided into provinces on the basis of geographical situation, economic conditions, and public service requirements; provinces are further divided into lower levels of administrative districts. The government of the provinces is based on the principle of devolution of powers.'* This article is a very significant one, where it highly encourages the formation of cooperative central government bodies. These bodies are formed based on needs and regulated by the law, to guaranty the harmony and efficiency of provinces.

Some of the capital organization units such as Presidency, Prime Ministry, Court of Appeals and few other ministries do not have provincial bodies. On the other hand, a large number of ministries have regional or city bodies. They have duties and authorities forwarded to them from related ministries. Its also important to mention that, provincial bodies are proposed of different regional, city, district and subdistrict administrations. Although subdistricts are mentioned in the act of urban government no. 5442 as

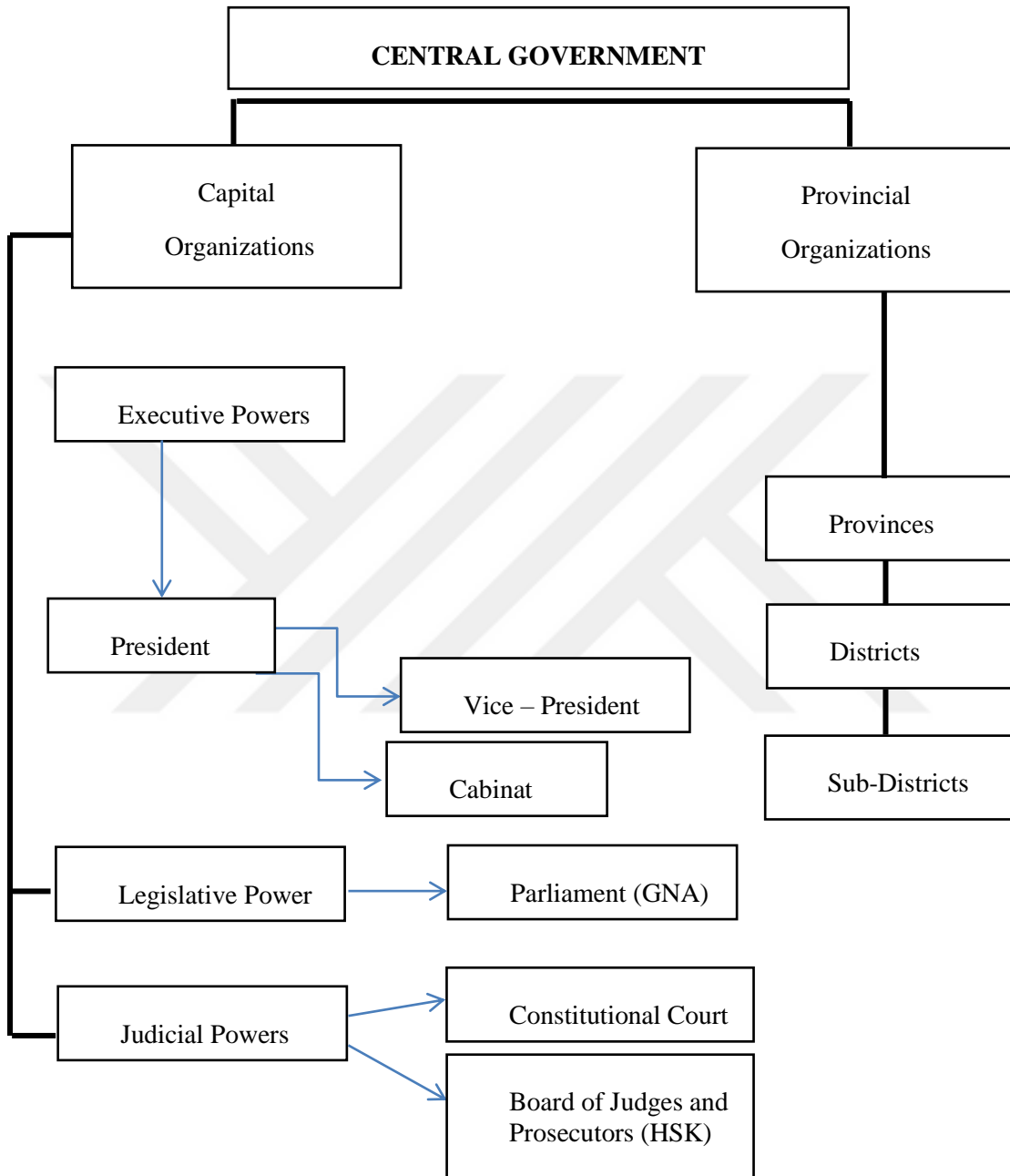
administrative units which differ from provinces and districts. However, subdistrict administrations are removed in practice from the administrative structure of Turkey (Kartal, Tuncel, Göktolga, 2015). Article 127 considers widely everything related to local government structure. The article states that '*Local administrations are public corporate bodies established to meet the common local needs of the inhabitants of provinces, municipal districts, and villages, whose principles of constitution and decision-making organs elected by the electorate are determined by law.*' This article also explains in details the formation, responsibilities, and authorities of the local government. A significant point to add is that permission of the Council of Ministers is an obligation for performing specific public services. Nonetheless, under the 2017 constitution changes, this government will be transferred to the president.

The above article and the changes took place within and the administrative structure of Turkey will be discussed in detail in this chapter, reflecting the relationship between the central and local governments.

3.3 CENTRAL GOVERNMENT STRUCTURE:

The Turkish system is a unitary system. Composed of three powers legislative, executive and judicial. Turkey's public administration consists of two levels of government, the central and local government. However, in this system, there is a sort of a link or connection between central and local units. They contain hierarchy and administrative institutes (Eryılmaz, 2016). As stated in the Turkish constitution and shown in figure 2, the central government is mainly divided into two levels of government. The first is capital organizations that represent the President of the Republic, Vice President, Ministries, and Subsidiary Organizations. The second part of the central government is the Provincial Organizations, structured as Province, District, and Sub-District. This second part of the central government is meant to handle general and local services in the country. It is also important to mention that there are the third group of organizations that assist the central government in fulfilling its duties. Mainly these third level organizations afford to counsel to the main central government bodies as shown below.

Figure2: Central Government Structure in Turkey



Source: Türkiye Belediyeler Birliği (TBB), Central Government Structure , June 2, 2017 https://www.turkheritage.org/Uploads/715d3c66acf453a7198370af74888b33_Cd5e8NGc.pdf DS-centre for policy studies

3.3.1 Capital organization

Before the constitutional changes in 2017, Turkey had a parliamentary system. As mentioned in the constitution the central government is made of the capital organization

and province organization. The executive structure of the Turkish government was made of the president with a ceremonial role, Council of Ministers with more active political responsibilities and Prime Minister and related organization such as Council of State, National Security Council, and Court of Account. Both the prime minister and the council of the minister had all the executive power under their control and supervision. This is almost totally changed in the 2017 constitution, which will be applicable by 2019. The new structure of the central government is president, vice president, ministries and related organization. The executive power is to be considered in detail and the influence of the capital organization on the provincial one within this subchapter, with respect to the current constitution and the new one.

1.3.1.1 Executive Power

This section discusses the executive power structure in Turkey, and highlights the major changes in the structure after 2017 referendum.

3.3.2.1 President

Everything related to the qualification, election, and duties of the president and the presidency is covered in articles 101 to 106 of the constitution. As mentioned before according to the current constitution before the 2017 changes. The president had a ceremonial role as the head of state. However, after the changes applied to the constitution most of the council of ministers and prime minister are moved to the president.

Articles 101 and 102 discusses the qualification and election of the president and duration of the presidency. Where the Turkish Grand National Assembly (TGNA) elects the president for the period of five years for two terms. As amended on October 21, 2007; Act No. 5678 *'The President of the Republic shall be elected by the public from among the members of the Grand National Assembly of Turkey who are over forty years of age and has completed higher education, or from among Turkish citizens who fulfill these requirements and are eligible to be deputies'*.

Article 104 is another article exposed to several changes after the 2017 referendum. This article states the duties of the president. Based on the current constitution the president is

the head of state, he/she represents the republic and the unity of the Turkish nation locally and internationally. The president appoints the prime minister and accepts his or her resignation. The president ties to his or her party is cutoff with the termination of parliament membership and does not have judicial responsibility. However, the main changes in article 104 were that, the President of the Republic is the head of the state. The president shall exercise the executive power. He/she appoints vice presidents and ministers and dismisses them, appoints senior public executives, dismisses them, and regulates the procedures and principles of their appointment by presidential decree, designates the national security policy and takes the necessary measures. If the Grand National Assembly issues a law on the same topic, the presidential decree becomes obsolete. The president can issue bylaws to ensure application of laws and with the condition of non-contradiction with laws.

3.3.2.2 Prime Minister

Prime minister was a significant side of the central government besides the Council of Ministers. Article 104 of the current constitution states that the prime minister represents the executive power as the head of government. He selects the cabinet members then they are proved the by the president before passing through the vote of confidence held by the Parliament. Prime minster position is one of the positions abolished in reforms made in 2017. According to the new reforms, the president is the chief executive and he/she has the government to appoint or dismiss the vice presidents and ministers. In case of the post of the presidential, the presidential election is held in forty-five days. In the event of a temporary absence of the President of the Republic because of illness, travel abroad or similar circumstances the vice president shall serve as Acting President of the Republic and exercise powers of the President of the Republic. The president from among the ones who are eligible to be deputies appoints vice presidents and ministers. Members of the Grand National Assembly cease to be members in case they are appointed as vice presidents or ministers. Vice presidents and ministers are responsible to the president.

3.3.2.3 Council of Ministers

Council of Ministers represents the supreme executive power of the central government. Article 110 states that *'The complete list of the Council of Ministers shall be submitted to the Grand National Assembly of Turkey. If the Grand National Assembly of Turkey is in recess, it shall be summoned'* It consists of the minister of the cabinet. As mention above and state in article 104, the ministers are picked by the prime minister and approved by the president. Under the conditional principal Law No. 3046 dated 1984 states, everything related to ministries establishment, abolishment, authorities, and responsibilities. These ministries do not have their own legal personality; they are bound to the legal entity of the state. Referring to April 2017 constitution reforms, the president will appoint ministers and vice president(s), therefor no longer council of ministers.

Based on the Prime Ministry data (2017), the government is consisted of 21 as following (Ministry of National Defense, Ministry of Forest and Water Affairs, Ministry of Health, and Ministry of Transport Maritime and Communication, Ministry of Energy and Natural Resources, Ministry of Youth and Sports, Ministry of Food Agriculture and Livestock, Ministry of Customs and Trade, Ministry of Interior Affairs, Ministry of Development, Ministry of Culture and Tourism, Ministry of Finance, Ministry of National Education, Ministry of Justice, Ministry of Family and Social Policy, Ministry of the European Union, Ministry of Science Industry and Technology, Ministry of Labor and Social Security, Ministry of Environment and Urbanization, Ministry of Foreign Affairs, Ministry of Economy). However, the number of ministries is changed from 21 to 16 ministry after April 2017 constitution reforms. According to the 2017 constitution, changes as well the president practices wider authorities He represents the head of state, government and ruling political party. The Council of Ministers is terminated, and its duties are moved to the president. The president has the government to appoint or dismiss the vice president and minister and specify their duties with a presidential decree. The president also has the government to appoint high-ranking public officials and none of these appointments requires the approval of the TGNA (Bag, 2017).

1.3.2 *Legislative power*

This section will discuss the structure and role of Turkish parliament and the main related changes made in the 2017 constitution.

3.3.3.1 *Turkish Grand National Assembly -TGNA (Türkiye Büyük Millet Meclisi -TBMM)*

Referring to article 7 of the current constitution 'Legislative power is vested in the Grand National Assembly of Turkey on behalf of Turkish Nation. This power shall not be delegated' Moreover, article 75, 76 and 77 discussed the election, duties and members qualifications. It is important to mention that these articles as we were exposed to some changes in the 2017 referendum. The TGNA consists of 550 deputies elected by the public every four years. The parliament members should be at the age of 25, with any criminal record, and only for male candidates, they are required to be done with their military service. Also based on article 87 of the constitution the main duties and power of the parliament are enact, amend, and repeal laws, monitoring the cabinet and its ministers, It guarantees the required power for the cabinet to subject decrees if necessary, monitoring the draft budget.

In addition, the TGNA has the power to oversee and question the cabinet '*The Grand National Assembly of Turkey shall exercise its supervisory power by means of the question, parliamentary inquiry, general debate, censure, and parliamentary investigations. A question is a request for information addressed to the Prime Minister or ministers to be answered orally or in writing on behalf of the Council of Ministers.*' The main changes applied to the above articles within the 2017 referendum are the number of deputies is increased from 550 to 600 to be elected for five years instead of four similar to the presidential period. The age of eligibility is decreased from 25 to 18 and the same article states that a person who serves in the parliament will be exempt from military service. Regarding the parliament power and duties, it still owns the government of enacting, amending, and repealing of laws. However, after the 2017 referendum of the constitution, the parliament will not be able to supervise the executive branch of the government. In addition, the President will have the government to appoint ministers without getting the TGNA approval. Finally, as mention before the parliament had the power to call for votes of non-confidence against the executive branch if need, however

in the new constitution the parliament no more has that power. In the case of corruption or other issues, the parliament will just be able to start a parliamentary investigation and direct written questions to the executive branch but not voting of non-confidence (Karagöz, 2017).

3.3.4 Judiciary

Referring to the current constitution Judicial system is a free and independent system. Both executive and legislative power have to obey and follow the judicial power decisions represented by courts. No individual, association or any bodies have the right to interfere with or disturb the court's duties. Article 9 states that '*Judicial power shall be exercised by independent courts on behalf of the Turkish Nation*' Regarding the Judicial power of Turkey is structured in form of the bodies that have different nature, are independent of each other to a large extent but have close relationships as well. This system includes a wide range of institutions from prisons to the Ministry of Justice, from enforcement directorates to the courts and from justice commissions to the supreme boards.

Regarding the Judicial power of Turkey, it is structured in form of the bodies that have diverse nature and duties, these bodies as mentioned above are independent to a certain level but have close relationships with each other. This structure contains an extensive range of bodies such as the Ministry of Justice, courts, supreme board, enforcement directorates, justice, and prisons. Regarding the Constitutional Court (Anayasa Mahkemesi) article 146 (As amended on September 12, 2010; Act No. 5982) states that '*the Constitutional Court shall be composed of seventeen members*' 3 of the 17 members are elected by the Grand National Assembly. The president appoints 13 other members from different courts and councils and the last 2 members are elected by the Military Court. According to the constitution as well the Supreme Board of Judges and Prosecutors (Hâkimler ve Savcılar Yüksek Kurulu - HSYK) is responsible for granting judicial honor and controls judges acceptance and court assignments. Article 159 (As amended on September 12, 2010; Act No. 598)'*The High Council of Judges and Prosecutors shall be established and shall exercise its functions in accordance with the principles of the independence of the courts and the security of the tenure of judges. It*

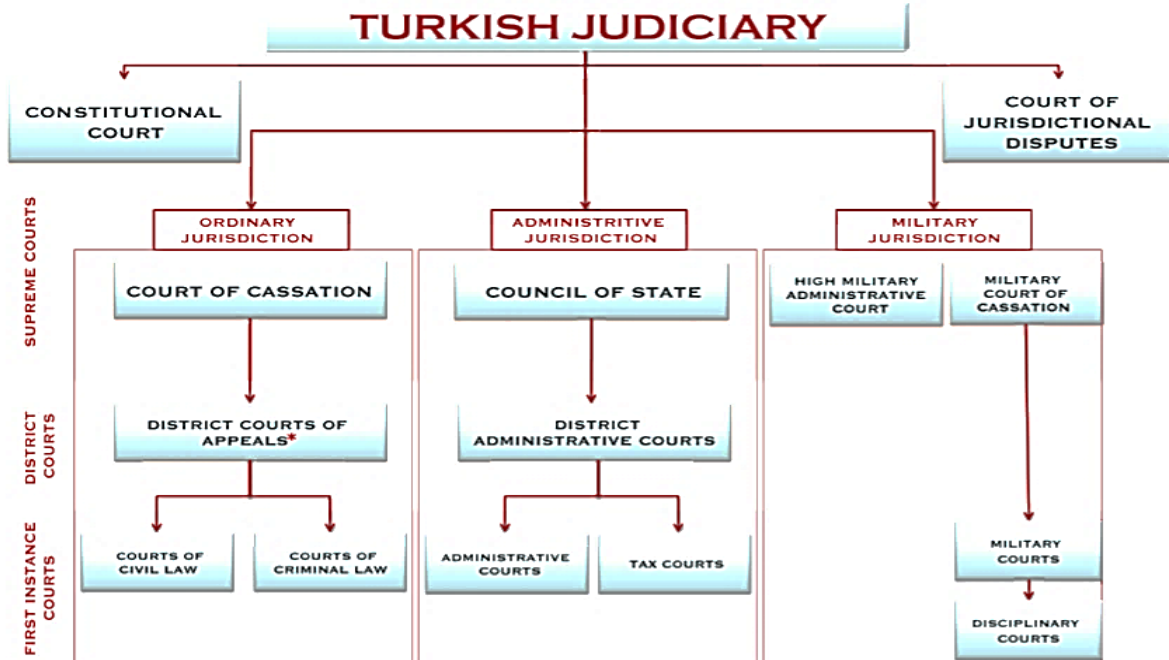
shall be composed of twenty-two regular and twelve substitute members; shall comprise three chambers' There are other supreme courts as well as (Aksal, 2013)

Supreme Court of Judiciary Tribunals (Yargıtay): this court is responsible for criminal and civil justice. Highest of Administrative Courts (Danıştay). The Council of State is considered the main government to inspect the decisions and requirements of the administrative court. Where it is the body of consultation in the state. Moreover, the council is responsible to evaluate the administrative matters and response to law drafts submitted by the Prime Minister. *Article 155 states that 'The Council of State is the last instance for reviewing decisions and judgments given by administrative courts and not referred by law to other administrative courts. It shall also be the first and last instance for dealing with specific cases prescribed by law'*. Also based on the law the members of the council are chosen by the president from the judges and prosecutors of the first-class administrative judiciary, the Supreme Council of Judges and Prosecutors, and officials that have the necessary qualifications indicated in the law.

Court of Accounts (Sayıştay): this court deals with everything related to the central government budget, such as the income, expenses, and and properties of the public administration. (Law No. 6085, 2010) states that the main purpose of the Court of Accounts is to examine the accounts, financial transactions and activities of the public administrations and internal control systems, to deliver feedback to the TGNA and the public concerning the budgets of the public administrations. The law also refers that the members of the Court of State they are elected by the TGNA, among public officials who graduated from one of the social sciences, law or administrative sciences. They also should have an experience of at least 6 years working for the public administration sectors.

Military Court of Cassation (Askeri Yargıtay and the Supreme Military Administrative Court(Askeri Yüksek İdare Mahkemesi): these courts deals with the military demands and decisions.

Figure 3: Turkish Judiciary



Source: Aksel,İ, (2013) file:///C:/Users/Asus/Desktop/Turkish_judicial_system_en.pdf

The Judicial power similar to the executive and legislative powers was exposed to some changes in the 2017 referendum. For instance, the Constitutional Court members are to be elected by the same election method, except by decreasing the number of members from 17 to 15 because of the removal of the Military Court right to elect two members of the 17. In addition, another change was applied to the article 159 where the new name of the board is to be The Board of Judges and Prosecutors. It will contain 13 members instead of 22 as mentioned in the current constitution. The number of chambers is reduced to 2 instead of 3. The president is responsible to elect five members of the board and 6 of them are to be elected by the parliament (DS center, 2017: 24-25)

3.3.5 Local extension units of Central government:

As mentioned before the Central government in Turkey is divided into organizations. First, the capital organizations covering the three levels of power (executive, legislative and judicial powers). Second, comes the provincial organizations, as shown in figure 2 these organizations are divided into provinces, districts, and sub-Districts.

3.3.5.1 Provinces

Based on article 126 of the current constitution *'In terms of central administrative structure, Turkey is divided into provinces on the basis of geographical situation, economic conditions, and public service requirements; provinces are further divided into lower levels of administrative districts'* the same article also states that the government and management of provinces is based on the principals of devolution. In other words, some executive power or government is transferred from the main central organizations to civil lower levels of administration, still within the central government. The general government of the province is responsible for this transfer of authorities (Güler, 2009). According to Act No. 5442, Turkey's administrative structure in urban areas are provinces, districts, and sub-districts.

There are 81 Provinces in Turkey considered as a micro phenomenon of the state. The main highest administrative personnel in the provinces is the governor (vali), this position is both political and administrative. This position is nominated by Ministry of Interior and appointed by the president of the Republic. Almost all ministries in Turkey got their own provincial offices (Eryılmaz, 2016). Referring to law No. 5442 provincial administrative board consists of the legal director, general manager, director of national education, directors of public works, health and social assistance, and agriculture managers under the supervision of the governor.

3.3.5.2 Districts

A lower level of provincial government is the district. The district governor is the head of the government of district he/she is the representative of the state in the district. The district governor is under the hierarchical management and supervision of the governor. However, the district governor, like the governor, works with the ministry organizations, except judicial and military organizations. He or she is appointed by the President of Republic after with a joint resolution of the committee of the interior affairs with the approval of the minister of Interior Affairs. Nevertheless, the district governor is in the class of professional officers, which is a career employee and does not have a political personality, unlike the governor. Again, unlike the governor, the processes of selection,

training, assignment, and relocation of district governors are bound to some certain rules determined by law.

As it is in the province, there are government boards in districts, which are in charge of the provincial governors. According to the Provincial Government Law, the governing board of district is composed of the property manager, head doctor, the director of national education, and the director of agriculture and village affairs under the chair of the district governor.

3.3.5.3 Sub-District

According to the Law No. 5442 on Provincial Administration, there is a department of government that takes place from towns and villages that are related to each other in terms of sub-district, geography, economy, security, and local service. The district governor is the largest government official and representative in the sub-district. However, sub-districts and the administrative government has been abolished in 2014.

3.3.5.4 Autonomous bodies

These bodies are again related to the executive power however, regulatory bodies autonomous from the government funded by private sector with determined structure. Such agencies, the influences of liberalization and privatization in Turkey started following the 1980 coup. In addition to the conditionalities enacted by the EU and the economic crises happened in 1990s. that lead to necessity to establish such autonomous bodies. Some examples of these autonomous bodies are (Telecommunication Government, Energy Market Regulatory Government, Board to regulate tobacco and alcoholic beverages, Board to regulate sugar markets, Banking Regulation and Supervision Agency Capital Markets Board of Turkey, Competition Government, Public Tender Government and Radio Television Supreme Council (Öztürk,2003).

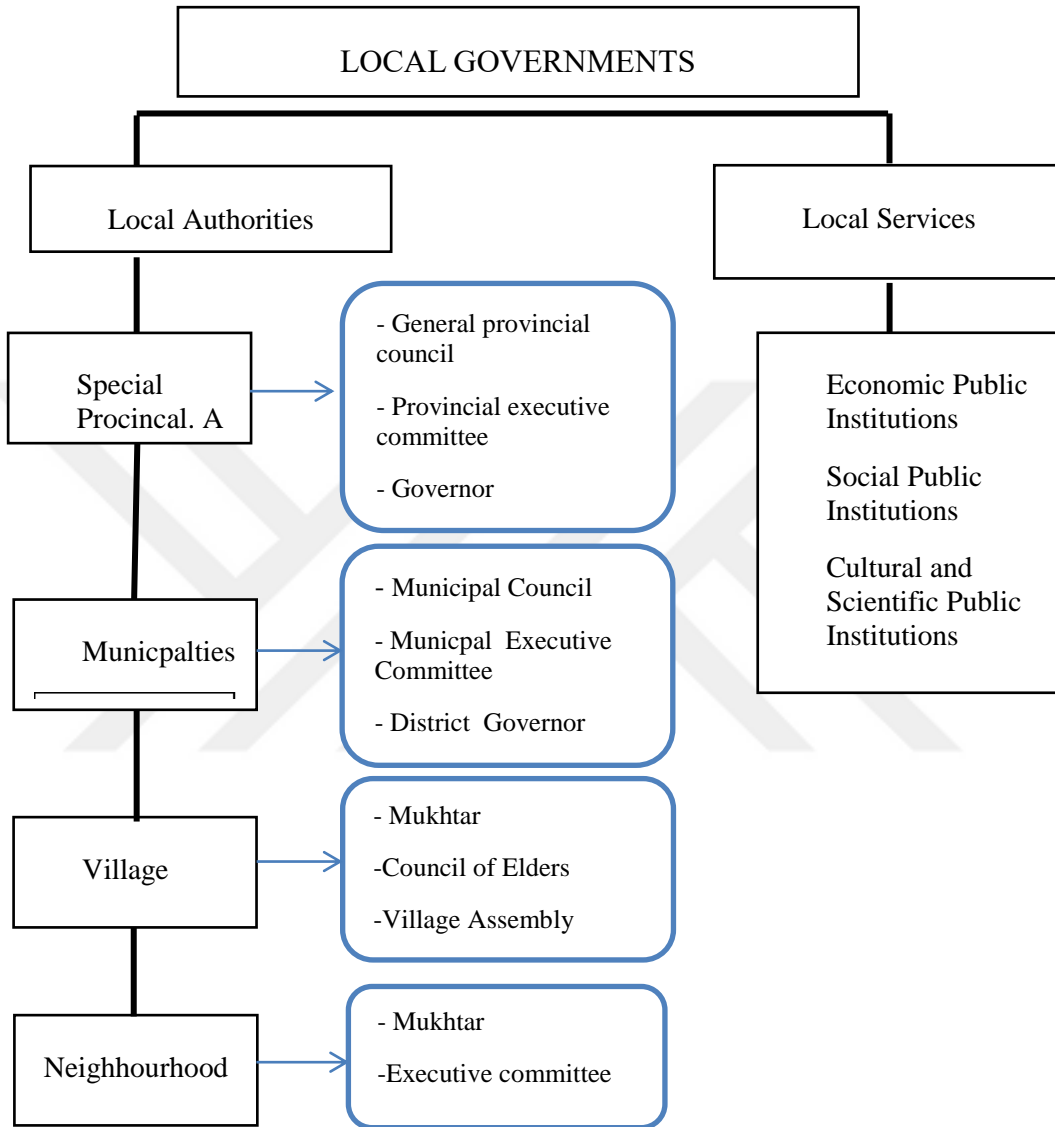
The Turkish system is a unitary system one. Composed of three powers legislative, executive and judicial. Turkey's public administration consists of two levels of government, the central and local government. However, in this system, there is a sort of a link or connection between central and local units. After looking at the structure and mechanism of the local government, the following section will focus on the structure and

mechanism of the central government. This will lead to the understanding of the relation between the two levels of government.

3.4 LOCAL GOVERNMENT:

Currently, Turkey has a unity type of government-this means power is derived from the central to the local government. Local government is declared in article 127 of the current constitution. It states that '*Local administrations are public corporate bodies established to meet the common local needs of the inhabitants of provinces, municipal districts, and villages whose principles of constitution and decision-making organs elected by the electorate are determined by law*'. There is also an important point stated in the same article regarding the formation and duties of local government, where it is mentioned that duties are to be regulated by the law and the principle of "subsidiary". The word subsidiary makes clear then that the local government is to be democratic, autonomous with a legal personality. This also means that local government duties are not to conflict or hinder with central government duties and responsibilities (Kartal, Tuncel, Göktolga, 2015:10)

Figure 4: Local Government Structure in Turkey



Source: Türkiye Belediyeler Birliği (TBB), Local Governments Structure, June 2, 2017
<http://www.tbb.gov.tr/en/local-authorities/types-of-local-governments/>

Article 123 of the constitution states that ‘...The *organization and functions of the government are based on the principles of centralization and decentralization*’ another point to highlight within this matter is the power of central government over local government. This topic is mentioned in article 127 of the current constitution as well, ‘*The central government has the power of administrative tutelage over the local administrations in the framework of principles and procedures set forth by law...*’

Several reasons were provided in the law to justify the administrative tutelage such as, the ensuring that local services are carried efficiently, providing unity in public affairs, protecting the interest of the public and fulfilling their needs. Regarding general or by-elections of local administrative bodies. According to the constitution, local elections are made each 5years. However, for instance, if there is an election to take place before or after the local elections. In such a case, both elections should be held together. As stated in the law generally the judiciary is responsible to decide on the loss of status and objections relevant to gaining the status of elected structures of local administration.

3.4.1 Local government in terms of authorities:

Local government terms of authorities in Turkey is structured to three main branches the Special Provincial Administrations, Municipalities and Villages. Going more specifically to Neighbourhoods and so on.

3.4.1.1 Special Provincial Administrations

Special provincial administrations (SPA) existed within both the Ottoman and Republic Eras. They were settled within the framework of Cities by 1864 as local parliaments, they kept on developing by several legal arrangements and laws. By the 1913, Special provincial administrations gained their legal personality. This resulted in an efficient use of them mainly in rural areas in both the Ottoman and Republic Eras. Nevertheless, the effective use of this unit did not change the reality of graduating their authorities systematically to the central government. By the 2000s, SPA and central government units were nearly dysfunctional unites (Kartal, 2012: 80)

By 2005 new changes were applied to the structure of Special provincial government according to Act 5302, Art 6 '*...means a public entity having administrative and financial autonomy which is established to meet the common local needs of the people in the province and whose decision-making body is elected by voters.*' It also mentioned that the SPAs are composed of the general provincial council, provincial executive committee, and the governor. Regarding Special duties, power and responsibilities. Based on article 6 of the law, they are authorized to provide services related to youth and sports, health, agriculture, industry and trade; except for those metropolitan municipalities whose

boundaries are the boundaries of the province, provincial environmental plan, public works and settlement, conservation of soil, prevention of erosion, culture, arts, tourism, social services and aids, provision of micro-credits to the poor, day care centers and orphanages; provision of land lots to primary and secondary education institutions, construction, maintenance, and repair work of the buildings, as well as services to respond to other needs within the boundaries of the province.

In addition, to other services related to land development planning and control, road, water, sewer, solid waste, environment, emergency aid, and rescue. Such as supporting the forest villages, forestation, the establishment of parks and gardens outside the municipal boundaries. However, there is a Supplementary paragraph in the law 5793/42 states that ministries and other central government agencies may realize the investments relating to services such as construction, maintenance and repair works, state and provincial roads, potable water, sewer, power transmission lines, health, education, culture, tourism, environment, land development planning and control, public works, settlement, youth and sports, and other investments within the purview of ministries and other central government agencies, by transferring the appropriations in their budgets earmarked for such services to the special provincial administrations.

It's argued that although such arrangements are stated in the law to avoid the confusion between SPAs and Municipalities duties, this confusion exists especially when it comes to the role of SPAs. On one side, they are authorities to accomplish duties under the responsibility of central government as if they part of its agents. On the other side, SPAs are also authorities to accomplish local services and duties away from municipals ones. Which means that they still play the role of the municipality of extents, which do not have municipalities. This raises the following question, is SPAs location between central and local government leaders to decrease their efficiency?

In 2014, SPAs were abolished in 30 provinces when metropolitan municipality was established and some duties were transferred to them. Currently, there are 51 provinces that cover 23%, which makes 17,727,408 of the whole population. These provinces contain 18.247 villages with 7% which makes 5,190,797 of the population (TBB, 2017). Regarding SPAs, finance and budgeting are handled in detail within articles 42 50 of the

No. 5302 law. SPAs have financial autonomy. There are different sources of revenues stated in the law however, these revenues minimally low some sources are the core incomes such as taxes, income through transfers and borrows between administrations, revenues from interest and fines, service fee, donations and so on.

3.4.1.2 Provincial executive committee

This committee is a mixed one just like the municipal executive committee. Regarding its structure is composed of 6 members 3 of them are elected by the general provincial council and the other 3 are appointed by the governor. For the executive power of the special provincial administration is joint between both the provincial executive committee and the governor. In addition to the committee's functions it also acts as a decision making body on matters like sale and lease of the property maintained by the special provincial administration (TBB, 2017).

3.4.1.3 Governor

A governor is the head and executive organ of the special provincial administration, which represent the central government in the province. The president on recommendation of Interior ministry appoints 81 governor. Until 2005, the governor was considered as the speaker of the general provincial council, however in the same year the legislative amendment permitted the councils to electe a speaker from among himself or herself. Currently governors are the chairpersons of the provincial executive committee (TBB, 2017:13).

3.4.2 Municipalities

In Turkey, municipalities are recognized as the primary and actives agency of the local government. Where the public points to it when they discuss urban administration. Also due to the historical role of municipalities since the Ottoman Empire. The public understanding of municipalities refers to the responsible agency for needs and demands related to cities and communities (Şengül, 2010:69)

Municipalities are mentioned in article 3 of Municipal Law No. 5393, 2005 a 'A corporation established in the statute of public legal entity having powers of self-

government (autonomous) both administratively and financially, to meet the local and common requirements of the county inhabitants and the decision maker of which is elected by the electors. ' the same article also states that municipalities main branches are Municipal Assembly, Municipal Council, and Mayor.

As stated above municipalities has administrative and financial autonomous, therefore they create their own revenue, by collecting taxes of properties and fire insurance, collecting services fees such as electric, gas, water and consumption and so on, Moreover, within their limited government municipalities are allowed to do their own expenditures (Bayrakci, 2012)

Article 4 of the law discuss the regulation of municipality's establishment. Where it states that municipalities can be established with the approval of the Minister of Interior Affairs and the determination of the Minister of Finance for a population over 5000. Establishing municipalities in both provinces and districts is obligatory. However, it is not in areas under environmental protection. Under a systematic standpoint municipality in Turkey can be divided into the types shown in Table 2:

Table 2: Municipalities and population distribution

Type of municipality	Number	Population
Metropolitan municipality	30	59,968,496
Metropolitan district municipality	519	
Provincial municipality	51	6,502,018
District municipality	400	4,815,668
Town municipality	396	1,218,925
TOTAL	1,396	72,505,107

Source: Türkiye Belediyeler Birliği (TBB), Types of Local Governments, June 2, 2017

Duties and power of municipalities as stated in article 14 and 15 of the law. According to the law the main responsibilities are: carrying out all kinds of activities and venture in order to meet the common requirements of the inhabitants of their municipal boundaries; conferring upon the municipality by the laws, publishing regulations, giving orders, implementing restrictive measures, imposing the punishments defined in the laws within their limits of government; granting the permissions and to issue the licenses deemed necessary in the laws for the real persons and legal entities; imposing, assessing and collecting the taxes, levies, support and participation shares indicated in special laws; without prejudice of the vested rights, supplying utility and industrial water and creating opportunities for the disposal of wastewater and rainwater; establishing and operating all kinds of public transport facilities including procurement of bus, sea and water carriers and construction of tunnels and railway systems within their boundaries; carrying out all kinds of services related to collection, transportation, decomposition, recirculation, removal and storage of solid wastes. determining all kinds of vehicles and mass transportation vehicles operated on land, sea, water, and rail as well as the number of cabs, ticket prices and tariffs, schedule and route; to determine, operate, rent out wayside stations and parking places for vehicles on highway, land, road, street, square and similar places.

3.4.2.1 Municipal Council

Municipal council is the first branch of municipality's article 17 of the law states that *'The municipal council shall be the municipality's decision-making body and comprise members* elected according to the principles and procedures provided for by the relevant law. Members of the council are elected by proportional representation. The council main duties as stated in article 18 of the law are: serving as an executive and advisory entity of municipality, the ability to review the budget, final account, strategic plan, investment, and work programs and performance criteria for municipal activities and staff, the approve the municipality's land development plans, metropolitan municipalities, provincial municipalities and adopt the provincial environmental plan.

3.4.2.2 Mayor

Based on article 37 this is the head and representative of municipality he or she are elected for a period of five years. It's also stated that within these five years he or she are not allowed to supervise bodies of political parties, neither serving as chiefs or directors of professional sports clubs. Article 38 of the same law spots light of duties and responsibilities of the Mayor, the main ones are protecting welfares and rights of the municipality, governing the municipality according to the strategic plan and budget, forming institutional strategies of municipal administration, monitoring and evaluating municipal activities and submit reports regarding them.

3.4.2.3 Municipal Executive Committee (*Belediye Yonetem Kurulu*)

If Municipal council is the first branch of municipality and the decision making body, then the municipal executive committee (MEC) is the third branch responsible for implementing the determinations of the council. According to the law, the main duties of the municipal MEC is to discuss and approve strategic plan investment and work program, accepting the budget, final account and approving municipal developing plan and so on. The number of MEC's representatives differs according to the population of municipal areas. For instance, a population up to 10,000 has nine members and the population above 1,000,000 has 55 members (TBB, 2017). The municipal council makes another point to mention regarding the decision of formation; elimination and consolidation of these unite. Regarding staff appointment as mentioned before it is one of the major responsibilities. However, this appointment takes place by the mayor after the meeting the Municipal Executive.

It's important to discuss more the Metropolitan Municipalities (*Büyükşehir Belediyeleri*) Besides the classic local government bodies between 1982 and 1984, a new system was for large cities was created in Turkey. This system includes Metropolitan Municipalities they are recognized as a type of municipality, Metropolitan District Municipalities, and Affiliated Entities of Metropolitan Municipalities. However, metropolitan municipalities' deference is that it has more than one district with municipality borders. As of the widespread of metropolitan cities, there is a clear difference in their financial and social aspects from other cities (Eryilmaz, 2013:203-204). By 1984, based on the law No.

3030, three large cities (Ankara, Istanbul, and Izmir) were established as metropolitan municipalities. By the time, other cities were recognized as well and the number of metropolitan municipalities reached sixteen. These metropolitan municipalities were established as following, by 1986 Adana, 1987 Bursa, Konya and Gaziantep, by 1988 Kayseri, 1993 Antalya, Eskisehir, Diyarbakir, Erzurum, Mersin, and Izmit, by 2000 Sakarya (Gokmen and Keser, 2012:25).

In 2012 significant regulations within law, No. 6360 were applied to the metropolitan municipalities. The law states that *'The boundaries of a metropolitan municipality are the provincial borders, so they provide services within the provincial boundaries in a coordination between the district municipalities'* therefore, boundaries of metropolitan municipalities were expended to provincial ones with wider responsibilities and tasks. The main branches of the metropolitan municipality are municipal assembly, metropolitan municipal council, and mayor. Provincial municipalities change to the metropolitan municipality if its population is over 750.000. Therefore, the number of metropolitan raised from 16 to 30. Some of the most significant changes include structural administrative rearrangements such as; special provincial government in each and every metropolitan were eliminated, Towns were changed to a neighborhood, government sub districts inside metropolitan municipalities were eliminated as well (Eryilmaz, 2013). As stated by Act No.5216 article 7 to 9 of law, the main duties of metropolitan municipalities are strategic plan preparation, preparation of urban zoning plans. Besides, Metropolitan Municipalities are in charge of planning for services such as water, public transportation, sewerage, environment, street construction, central heating, permitting social and cultural services, building parking, parks zoos, libraries, museums, sport and entertainment places, and the preparation of natural and cultural properties and so on.

3.4.1.4 Villages

The village is part of the local government, which is recognized as the smallest local body. based on the law No. 442 villages are *'the smallest units whose population is less than 2000'* Also according to the law the major branches of the village is Village Assembly, Council of Elders and the head or master (Muhktar) of the village. The main

duties of the village are divided into two obligatory and optional duties. The first one mainly includes health, agriculture, education, and cleaning service. While the second one is more related to economic and social development. Both the mukhtar and elder council are responsible to prepare the budget and the district governor to approve it.

Based on the law, village assembly is consisted of each village's voters and the selected elder council members. Nevertheless, decision-making and supervision are elders' council responsibilities; it also decides village duties and priority tasks to be done. As mentioned above the master (Muhktar) is the head of the village he or she are elected locally for 5 years, under the supervision of district governor. Political parties are not allowed to recommend candidates for the muhktar position (Güler, 2009: 14-23).

3.4.1.5 Neighborhoods

Neighborhood is the smallest structure in the Turkish government system. Referring to the Municipal Law No, 5393 article 9 *'a neighborhood shall be governed by a master and an executive committee. Neighborhoods located within the boundaries of a municipality shall be established, abolished, combined, divided, and their names and boundaries shall be determined and altered by a resolution of the municipal council and the approval of the provincial governor after consulting the opinion of the district governor'* the head of a neighborhood is also called (Muhktar). His or her main duties are identifying common needs, improving the neighborhood's quality of life, conduct relations with the municipality and other public entities, delivering view and suggestions on matters of interest for the neighborhood, cooperating with other institutions and perform other duties as prescribed by law. The Municipal is supposed to provide all kinds of support with the available budget, to the muhktar make his or her duties to improve the neighborhood easier.

3.4.3 Local government Institutions and Services

The Turkish governmental system is composed of two levels of government central and local based on decentralization and devolution of power. From this point, there are third group institutes not part of the central or the local structure. However, due to the public service type of these institutes, they are categorized under the local government. These

institutes are related to different and local authorities such as economic, administrative, social, and scientific and culture public authorities. Some of these institutes are mentioned directly in the constitution and laws. To provide brief information and examples of these institutes, we will categorize them based on field as following:

3.4.3.1 Economic institutions

Public institutes that are controlled by the central government either in a direct or indirect way practice the Economical public administration. They are also legal units that gain their government to handle economical activities like industrial, agricultural, trade, and banking based on the legal provisions. Referring to the article 165 of the constitution, ‘*public entities and partnerships which are directly or indirectly owned by the State in excess of half of its capital*’ are called ‘state economic enterprises’. These enterprises are mostly related to the states or the government owns 50% of them. One of such enterprises is economic institution that provides services to the public at large. Examples of public institutions are Capital Markets. In addition to, other economic establishments that are related to another economic enterprise such as institutions and affiliations (Onis, 199: 163-164).

3.4.3.2 Administrative institutions

The Turkish government under the main purpose forms the administrative public administration-based institutes. This purpose is to provide support to the traditional public services bodies in different areas to deliver efficient public services. Some examples of these institutes are General Directorate of Child Protection, General Directorate of Foundations, General Directorate of Physical Therapy and sports, and General Directorate of Forestry.

3.4.3.3 Social Institutions

The Social establishment and operation of social institution is manifested by the existence and operation of social civil institutes. Their main aim is to fulfill the social needs of the citizens, such as work, health, retirement, employment and so on. These services are provided through institutes such as social security institutes, institutes related to health and other types of insurance

3.4.3.4 Cultural and Scientific public institutions

The Cultural and scientific institutions are established to serve areas related to culture, science, technology, higher education, study, and arts. Some examples of these institutes could be, the Turkish Radio and Television Association (Türkiye Radyo Televizyon TRT), General Direction of State Theaters (Devlet Tiyatroları Genel Müdürlüğü DT), Technological Study Council of Turkey (Türkiye Bilimsel ve Teknolojik Araştırma Kurumu TUBITAK).

3.5 Elections systems and Public participation

According to the Turkish consultation, Turkey has three main elections:

- General elections: which stands for the Turkish Parliament election of 600 member using D'Hondt method last held in June 2018. Based on Article No.77 Parliamentary elections are held every four years, which is changed to five years in 2017. Participation is open to the public with legibility criteria stated in law like being at least at the age of 25 years which is decreased to 18 years old, in addition to other criteria like certain level of education, free of criminal record and military serves for male candidates
- Local elections: the public in a national wide local election directly elects Turkish constitution metropolitan and district mayors, municipal and provincial councilors, village and neighborhood Muktar (village master). These elections takes place under a judiciary supervision to ensure that it is done equally and freely with a secret, direct voting and open counting. Regarding the election processing, proportional representation is the base of municipal councils and general provincial council election and each district is considered an electoral district. The electoral bar is 10% therefore, 10% of correct votes are firstly withdrew from the total votes received by each party or independent candidate. After that, the winner is announced based on the rest votes. In addition to the electoral bar, there is the "Quota Seats" which stand for a number of seats in the council given to parties with highest votes. Parties candidates are selected for quota seats by central nomination (DScenter, 2015:9).
- Presidential election: before 2017 changes of the constitution referring to article No.101 the president was elected among the parliament members. However, after

2017 president is directly elected by the public candidate can be any individual meets the eligibility. Based on article No.77 of the constitution the Parliamentary and presidential elections are simultaneously held every five years. If no presidential candidate receives the majority of votes on Election Day, a second round of voting will take place to determine the winner.

- Referendums: Turkey had several constitutional referendums through its history starting from 1961-1982-1987-1988-2007-2010 and recently on 16 April 2017 looking for for public approval for 18 suggested modifications to the constitution. Justice and Development party (AKP) Nationalist movement Party (MHP) (DScenter, 2017) proposed these amendments. The 18 amendment were approved after the referendum results with a percentage of 51.41%.

Regarding participation and accessing public information is of major significance in democratic systems, where they improves central and local government officials' accountability, increase the public participation and keep the public informed of the public information of their interest. The right of access to public information allows people to access to the information held by governmental bodies (UNESCO, 2016). Some examples of public participation in turkey are the participation in municipal governance. The significance of such participation is raising awareness of both people and public bodies about theirs and the city's rights and responsibility, implement the values of decentralization, accountability, achieving transparency and sustainable development. For instance, Municipal council meeting are open for the public to freely attend and observe. There is also, what has called citizen's assemblies, it is an assembly involve professional originations such as civil society accusation, universities, trade and specialized unions. Reports received from citizen assemblies are discussed municipal council meetings (TBB, 2015:20).

Another important example of participation, channels is the Cumhurbaşkanlığı İletişim Merkezi (CIMER) that was established in 2006 to form a communication channel between citizens and the Presidency. It aims is to follow up and control duties and transaction from the center to the public .This application is prepared to receive complains, opinions, suggestions and information from citizens, through different ways such as online letters, fax, telephone or in person (CIMER, 2018).

3.6 Audit and oversight

As defined in chapter two Administrative tutelage is the supervision exercised by central governments on local governments, institutions and entities to ensure that their activities are in accordance with state laws and norms. The Central government in Turkey practices administrative tutelage on the local government to ensure integrity between them, as well as the effectiveness of the local bodies. The local extension units of the central government functions as an extension of the capital organization with no difference of legal entity. In other words, we can state the relation between the central and provincial organizations is a hierarchical one. On the other hand, comes the local government bodies, which are the second level of administration in the Turkish public administration system. Local governments are directly made and approved by the public (Güler, 2009). Audit system in Turkey is divided into three main phenomena, internal audit, which is also called hierarchical audit, administrative tutelage, and audit by Court of Accounts. Internal audit stands for the audit that takes place in a superior subordinate relationship among units or persons within the same entity. There are many examples for this type of audit for instance the ministry of interior has the government to inhibit indecisions made by the governor and the same right is granted to governor towards district governor. Another example municipal council acts as an oversight entity of municipality, municipal councilors have the right to pose questions to mayors regarding activities or decisions related to municipality. Audit commission is responsible to audit revenues, expenses and financials of each year to the municipal council (TBB, 2015:56). Scholars who evaluated the administrative tutelage through the perspective of Governors and Mayors suspension from duty and the process of reinstatement within local government institutions during the 2009 and 2013, argued that Turkey owns a strong and effective administrative tutelage (Turan, 2016).

The second audit type considered in Turkey is administrative tutelage, which refers to the tutelage or control of central government over local government. Central and local governments have political and economic relations made central government supervise and control local government performance. Through this tutelage central government aims to ensure that local government bodies are not involved in any acts against the unity,

interest and integration of the country as well as effective delivery of services (Feyullah,2013). Referring to the TBB Union of Municipalities (2015), the main areas of central tutelage over local government specifically municipalities are:

- Ministry of Interior: Organizational structure and job positions of municipalities, appointment of Secretaries-general, metropolitan municipalities and directors-general of affiliated entities, approval of some resolutions of municipal councils, inspection of transactions of municipalities, permission for launching an investigation on municipal officials, suspension of mayors or councilor under investigation, in cases of failure performance council of state is requested to dissolve the failure municipal council, and if municipality borrowing rate for infrastructure investments exceeds the revenue of a year .
- Ministry of Finance: Definition of the format and content of annual report, remunerative rights of municipality's employee and workers.
- Ministry of Development: Definition of the content of strategic plans.
- Ministry of Environment and Urbanization : Monitoring and preparation of needed regulation for the formation of land development plans, definition of environmental responsibilities, controlling public resources established by municipalities to improve the environment .

The Turkish Court of Account (TCA) does the third type of auditing. Based on the Law No.6085 November 2010, TCA is an independent body that audits on the behalf of the TGNA. President of the Court is elected for five years of services maxim for two rounds. Article No.1 of the law states all the functions and responsibilities of the court to words central and local bodies. It is important to mention the TCA financially independent without any need to follow other general budgeting processing as for other public administrations. As stated in article No.62 of the law *“the Presidency of the TCA shall submit its budget directly to the Turkish Grand Assembly and forward one copy to the ministry of finance”*. According to Union of Municipalities (2015:58), TCA is responsible to frequently audit if the municipal revenues and expenditures obey the law as well as ensuring that municipal assets are protected. In cases, the court realized that

there is a loss in the public resources, recovery decision is made and this decision is not subjected to appeal.

3.7 Legal relations

Although the centralist system of government was dominant until the mid -19th and 20th centuries, it was becoming unsustainable to function efficiently especially given the rapid growth in population and demand for better services in most societies. Therefore, most governments began to adopt localized systems of government which although were similar in name, differed in character and principle among different states. One key source of difference was the resultant relationship between the local and central government. Turkey and other many countries with a history of strong centralist state also adopted the local government practice although amid strong reservation from the bureaucracy, which valued a centralized system of government. To say the least, although the local government was adopted, the central government was and perhaps is still dominant to date. Nonetheless, after the adoption of several legal frameworks, the country's local government is now enjoying significant autonomy from the central government. This has resulted in better and efficient service delivery by the local government.

In 2004, the government made its intention to fully decentralize some of its functions and roles to the local government with the adoption of the Metropolitan Municipalities Law No. 5216. This law is important in defining the parameters within which the local government and the central government operate in. In addition, Article 6 of this law regulates the limits to which Metropolitan Municipalities can reach, in short, the boundaries between the central government and the Metropolitan Municipalities. Citizens are also given an important role to play through elections within the municipalities. The functions of the Metropolitan Municipalities are spelled out in Article 7 of Metropolitan Municipalities Law no. 5216 some of which include the responsibility to develop relative budgets, programs and strategic plans for their regions. Article 13, requires that the public must be informed of the time and place that local council meetings are to be held. This helps to advance accountability and transparency of the metropolitan municipalities.

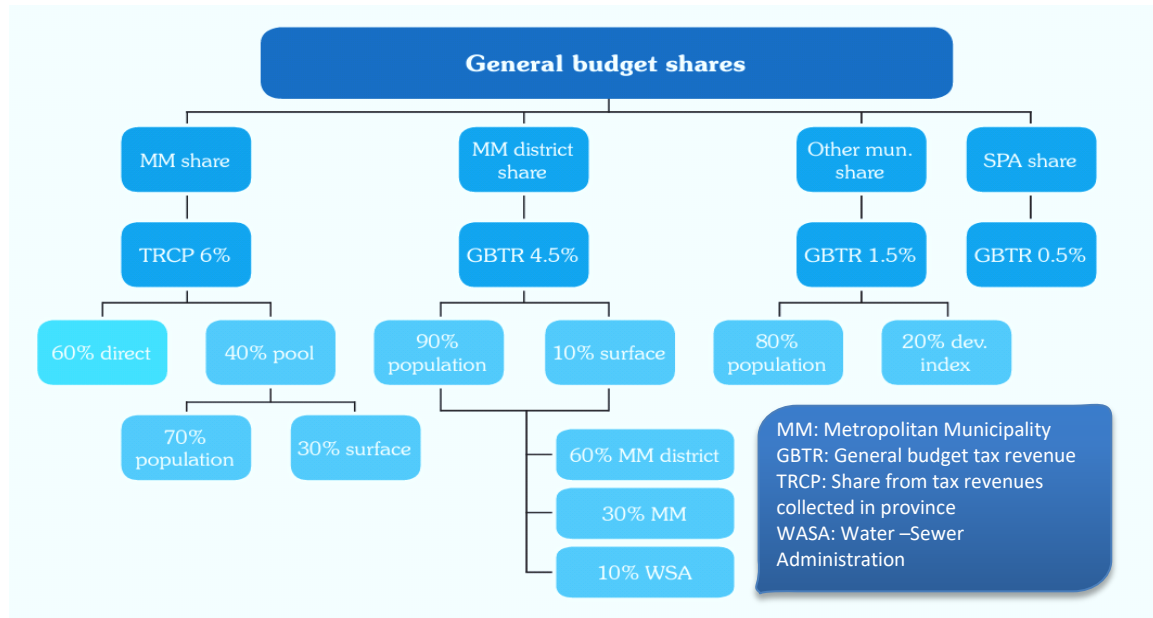
In 2005, the Law for Provincial Special Government Law No. 5302 was enacted to not only give guidance on how provincial government entities would make internal decisions, but it also stipulates the procedures to be followed. Article 6 of this act states that local government falling under the provincial government act should provide services through the most efficient and accessible manner to the people while Article 7 requires that surveys and opinion polls regarding how people perceive service delivery should be conducted. Article 17 gives the local authorities the responsibility to send representatives to the audit council meetings with the approval of the governor. The provincial assembly

3.8 Financial relations

Referring to the literature, and official reports, a municipal finance system is built and programmed systemically each year. Municipal budgeting in Turkey is based on the calendar year as in the case of the state budget. Specific laws of the Public Fiscal Government and Control covers also municipalities, the procedures prescribed by the said Law apply to the preparation and implementation of their budgets, and other fiscal government matters. Municipals has four main sources of income (General budget share, municipal revenue, borrowing and bank of provinces (Ersoy, 1999).

It is important to mention that the general state budget share makes 49% of the municipal total budget while 51% is municipal revenues. There are different sources of municipal revenues such as: municipalities, which makes around 51.2% of municipal revenues on average as shown in figure 5:

Figure5 : General budget shares



Source: Turkiye Belediyeler Birliği

(2015)file:///C:/Users/Asus/Downloads/publication.pdf

✚ Municipal own revenues: these revenues make around 48.8% of municipal total budget. These revenues include

- Taxes such as property, sanitation, announcement and advertising, gas, entertainment communication and others. All form 22.36%.
- Charges such as primary building construction, business license and other all form 9.16%.
- Contribution to investment expenditures around 0.2%.
- Serves fee such as potable water fee, public transportation in addition to other paid service like public parking, chimney shaft cleaning and others.
- Other revenues like enterprise and property that are considered more important for municipals than the revenues mentioned above. Such revenues form up to 14.8% of total municipal own revenues (TBB,2015)

The budgets of local governments, the social security institutions, and the central government are consolidated and submitted to the national Turkish parliament who has the duty and right of control over the public finance system through specialized organs. Municipalities have the ability of self-financing through revenues it generates and other

different sources as explained above. However, spastically speaking taxes are used all over the world and in different systems as the way of self-finance but in Turkey, the studies and literature reviews show that most of the local taxes left of the local governments are inefficient (Keles, 1997). Due to this point, municipals are allowed to borrow if the income from sate shares and own revenue is not insufficient. Borrowing is the third form of municipal revenues. Nevertheless, any borrowings of any amount should be approved by municipal council and in specific gears from the central government as well. For instance, if the rate needed exceed the previous year revenues, or borrowing will be from a foreign source central government approval is an obligation (TBB.2015:54). This central local relation is explained more in the following table 3:

Table 3: Borrowing limits and financial liability of the relevant officials

Of Municipal Revenues	Type of Borrowing	Approval required from
Up to 10%	Domestic borrowing	Municipal council
10 to 100%	Domestic borrowing	Ministry of interior
Exceeding 100%	Domestic borrowing for infrastructure	Council of Minsters
	Foreign borrowing for infrastructure	Council of Minsters

Source: Turkiye Belediyeler Birliđi <http://www.tbb.gov.tr/en/local-authorities/municipal-finances/>

The forth source of own revenues is Iller Bankasi which means Bank of Province. This is maintained by the government and subordinated to ministry of Environment and urban planning. This bank is and established to act as a stakeholder with the SPA and municipalities to finance growth activates done by municipalities. Bank of Province main duties are providing needed loans for infarstrure investments, consulting and technical services cooperate domestic and foreign investments and others (IIBank.2018).

The bank partnership is 2% of the apportionment of state tax revenues to SPA and municipalities. Regarding some municipality debts deducted by the bank to be paid to relevant entities should not exceed 40% of total tax revenues received by municipality per month (TBB.2015:55).

3.9 Public recruitment system

In order to fulfill all the duties and responsibilities requested from the public administration system, a qualified and skilled staff is a need. Generally, public personals are recruited according to the criteria and needs of public duties; also, specific laws mostly regulate this process.

Based on the Turkish constitution stipulates that article No. 70 *“Every Turkish citizen has the right to enter the public service. No criteria other than qualification for the office concerned shall be taken into consideration for recruitment into the public services.* “It’s also mentioned in the constitution that the main principals to serve in or join the public service are equality and freedom. Mainly the public recruitment system in Turkey is grounded in four areas or fields and each of these areas is regulated with a specific law. These main areas are (military restricted to the Türk Silahlı Kuvvetleri (TSK) Turkish Armed Forces Law No. 926, administratively regulated by the Devlet Memurları Kanunu (DMK) Civil Servants Law No. 657, academically controlled by the Higher Education Personnel Law No. 2914 and judicial and public personals are regulated by the Judges and Public Prosecutors Law No. 2802) (Güler,2005). Speaking in details about the recruitment process and personals qualified for the public position we find that based on TSK law No. 926 the military personnel is involved officers, noncommissioned officers, expert officers, expert gendarmes, and military students. Each title is defined in the law; however, it is important to mention that since the 2016 military coup, mostly the Expert gendarmerie and military students classes are exposed to radical changes.

Passing to the second area of public personnel the administrative personnel referring to the DMK law No.657 a public official is described as *“the person who are assigned to carry out the public services that they are in charge of carrying out in accordance with the administrative law principles and rules of the state and public legal entities.”* In addition to that, the law also specifies four types of government services (civil servants, temporary personnel, contractual personnel, and workers). Taking each type one by one, the civil servants are who work within the public services under the conditions of general administration. These servants have essential and permanent tasks such as policy determination, administration, programming, planning, observation, and study (Güler,

2013). While contractual personal to not depend on career but on a clear job description. It is different from civil servant where it has an absolute job security. Also, its different than works type since it doesn't have the capability to commonly regulate the working condition (Aslan, 2006)

The third type is the temporary personal based on article 4-C of the law No. 657 are servants hired by contracts within the bounds set by the Council of Ministers. Servants within this type have fewer rights and working condition than contractual personnel. Lastly are workers who are defined as servants who are not included in the sub-articles A, B, and C of article 4 of Law Nom 657.

The public recruitment in Turkey organized by this law gives also a clear categorization of the classes of civil servants employed in public institutions and they are exactly ten categories which are the following: First, the general government services category were the servants are recruited for the sake of the government of the institutions for the sake of management, executive and office services. The second category of servants is the technical services class, and it is the class where we find servants who have the duty of performing services related to their professions, and the law gives different examples such as engineer, architect, geologist, hydrogeologist, hydrologist, geophysicist, physicist, chemist, mathematician, statistician, operator (movement) study er, mathematical economist.. These mentioned professionals will perform their specialties on the frame of the public institution and as a public servant. The third category is related to the health services and assistant health services class, which are doctors and nurses. The fourth group is named as the education and education services class as teachers and teaching assistants. The fifth category is concerning the lawyer services class, which is about lawyers that are registered in the bar and have the license to present the public institutions. The sixth category is the religious services class where the public servant is performing religious services such as teaching. The recruitment of these servants is conditioned by the proof of the religious education background. The seventh class of public servants safety services class where we find the guard, police and all the other servants responsible of the public order and security are mentioned and this category has a specific law organizing it. The next category is the auxiliary services class related to the

servants responsible to provide services for the cleaning and simple maintenance. The law also mentioned the property government services class where the governors and district governors belong. The last category is the national intelligence services class.

Those mentioned categories are all organized by the same general frame of laws. In fact, the personal recruitment system in the public institution in Turkey is also well explained and framed in the same law in its second part conserved for this specific point where the Turkish legislator intended to organize the system of recruitment. The recruitment system is made through an equal right of public information about the examination and exams in order to be selected. The open and available vacancies need to be announced at least one of the newspapers, radio, television and nationwide circulated newspapers as mentioned in article 47 of the same law, this announcement should give information about the number of personnel to be recruited, the general and special conditions of the personnel to be taken, the date of the last application, and the authorities to be contacted.

In conclusion, this law shaped a legal frame guaranteeing an equal right to the citizens of accessing to the public service through an examination system. Theoretically speaking the legal frame seems perfectly allowing an organized and effective recruitment system but in practice, many critics could be mentioned by the scholars and the public service personals at the same time. As mentioned before, in order to fulfill all the duties and responsibilities requested from the public administration system, a qualified and skilled staff is a need, but with the present recruitment system, the staff is selected through the examination result that may not reflect the right level of the personals. After the exam and recruitment, the recruited staff is being sent to a different institution without taking into consideration the academic knowledge but the examination result. This affects dramatically the quality of the service furthermore.

Regarding Municipal personnel regulations, based on the State personnel Department data 2014 municipal employee are around 8% of total public employee. Municipalities' employees are divided into three categories civil servants, contract staff and workers. Civil servants are hired for either administrative positions or obligatory service one. In cases where there is a shortage of qualified staff for some specialized jobs, it is possible

to hire staff on one-year contract. The Law of Civil Servant and Labor Law (TBB, 2015:45) regulate employment and salaries of civil servant and workers.

3.10 E-Government:

Today the explosive growth of internet usage and information technologies afford a great opportunity of an easier effective way of public service through what is called the e-government. In this stand, Turkey is considered one of the countries that used effectively the technological richness in the management and organization of the public institutions and to offer public services. Providing electronic access to basic public services in a safe environment is one of the goals that were mentioned in the frame of the European Union's Lisbon strategy. In this context, turkey showed a will to implement e-government strategies and transform itself into an information society. E-government implementation in Turkey is getting to develop by time in the last decade especially. Historically speaking after the rise of the AK party the attention was given to this side and what we call "e-Transformation Turkey Project" that was developed in 2003 could be seen as the starting point of the Turkish e-government implementation.

Beginning with the project had specific goals that were reached and the Turkish government is still working on the information technology and its implementation on the public administration field. In fact, according to the 2016-2019 National e-Government Strategy and Action Plan, the next goal is to assure the society's life quality and high standards through the e-services. The mentioned project explains the strategies, plans, and vision of the Turkish government to more effective e-government service considering it one of the successful field assured by the Turkish public administration.

It has been given the power to regulate audit procedures and processes of acquiring information by Article 18 through debates, questioning as well as reports. Concerning the preparation of strategic plans, the governor is at liberty according to Article 35 to get the opinion of different stakeholders such as non -governmental organizations, universities or trade unions. The provisions of this law in addressing administrative roles of the provincial government also clearly sets the boundary of what will and can be done by the local government and what the central government can address.

The year 2005 also saw the adaptation of another important law whose provisions touch on the relationship between the central and local government. This is the Law on Local Administrative Unions, Law No. 5355, which was enacted with the main goal of strengthening solidarity among local governments, to protect the interests of the local government and promote their development. It encourages local governments to share best practices and applications among themselves in order to achieve higher performance. This law gives local authorities better bargaining power against the central government and allows them to speak in one voice.

Law for Municipalities Law no. 5393 was adopted in 2005. It addresses the functions and structure of districts and is important in defining the role districts will play to avoid doing similar functions as the central government. Article 9 of this law directs the heads of districts (Muhhtar) to align the program priorities with the demands of the people by collecting their need-based opinions. This is strengthened by Article 13, which gives the fellow citizens the right to participate in decision making as well as access to service. This creates a bottom-top approach to service delivery as opposed to the top - a bottom model that may need the central government's input. Access to information is also stressed under this Article. This act under Article 77 all municipality services to reflect the principle of participation and solidarity with the local people.

Several other laws including the law for or Establishing Metropolitan Municipality law no. 6360 restructured the administrative structure of the country giving more independence, clear demarcation and definition of local government entities. Despite its robustness and implementation in 2014, some of these legal provisions are considered to have reduced the autonomy of local assemblies and that more could be achieved. These laws are also considered to restrict the participation of local assemblies and that their implementation was done so without proper consultation of the people (Gül et al., 2014: 20-21).

Therefore, we can agree that under a unitary system of government like the one for Turkey, relations between the local and central governments always sees the central government dominate the local government. This type of central-local government relations is referred to as the stewardship model. The model itself was developed in the

United States particularly in the fields of organization and management. It involves empowerment and partnership between the two levels of government and not just in terms of sharing financial and administrative resources but also the inclusion of civil societies in power sharing. The model does go beyond having the empowerment to make choices but also to giving the power to exercise the choice. Turkey has benefited from the implementation of international charters and agreements especially in its efforts to join the European Union. Nevertheless, on a positive note, local government entities in Turkey have become strong both financially, structurally and in administrative strength. There are also institutions, which have been put in place to ensure that the relationship between the central government and the local government is in harmony.

After studying the administrative system in Turkey the following chapter will study the administrative system in Yemen from almost the same perspectives, In order to be able to comer both models and get an integrated picture of the relation between the two levels of administrations.

CHAPTER FOUR

CENTRAL AND LOCAL GOVERNMENTS IN YEMEN

Experiments across history proved that practicing democracy and participating peoples in making decisions have effective effect at different levels. Accordingly, the authorizations of offering services have been divided between the central government and the local government. It is proved that the more the source of offering services is closer to people, the more the results will be better in achieving and fulfilling their needs. Centralization and decentralization are considered among the methods of administrative organization circulated in most of the countries around the world. The system of local government in the early twentieth century witnessed big and important services due to the international changes and developments that started to accelerate. Population explosion and technological revolution come to the first place. Local Government is the best application for the democratic principle in administration, as it is the expression of a liberated system from the political and administrative aspects. In addition to that, it is a system that guarantees the principle of democracy and it is in harmony with it, which necessitates the participation of the citizens or their representatives for solving their matters and problems. In addition, the local councils are existed to organize the life of the citizens in a way that achieves to them the largest amount of economic luxury, political participation, and social progress. This chapter presents and discusses the general government system in Yemen after unity, as related to the constitution of the central government and local government and the tasks and the nature of the relationship between them.

4.1 Historical development of public administration

This section states an overview of the historical development of general government starting from the Ottoman period in (1876-1918), and the First Ottoman attempts to construct local councils in the provinces and districts that they called Government Councils. Then, it discussed the general government in Yemen in the stage of Imamet reign (1918-1962), which depended on tribal customs in managing the matters of the state. Not to mention the suffocating isolation that the country witnessed in the era of

Zaidi Imam. After that, there comes in the historical chronology the crystallization of the concept of local councils in the Republican Period, after the launch of the revolution of 26 September 1962, which is considered a real turning point in the history of Yemen. It tried to build the destroyed pillars in the Yemeni society. In addition, this age witnessed the issuance of the constitutional and legal documents, that laid the main pillars of the people participation experience in the local affairs; and it was successful in overcoming many difficulties. This progress was crowned by the unity between the Northern and Southern Yemen in 22nd of May, 1990. The law no. (4) of the year 2000 was issued, and the local elections were held in 2001. Finally yet importantly, the first conference of the local councils was held in 2002.

4.1.1 Ottoman Era 1872 – 1918

The Ottomans tried to fill the gap left behind the evacuation of the Egyptian Mamluks in 1635. Who succeeded in the dissolution of the Tahirids who were Arab muslim dynasty that ruled different areas in Yemen from 1454 to 1517 after 63 years in power. The Ottomans have tried to restore the trust of the people in their reign. They took down a military force in the Hudaydah in 1849 to regain their effective control there. Nevertheless, they could not control Sana'a, due to their tribal resistance. Thus, they returned to Hudaydah and decided to remain in Tuhama near to the catering and supply centers in Hijaz and Egypt. After a period, the Ottomans achieved control of Sana'a in 1872 (Abaza, 1993). The Ottoman state had directed its policy to extend its effective influence on Yemen because of the opening of the Suez Canal in 1869.

That matter imposed on it to control the areas overlooking the Red Sea, especially Yemen, which controls the Bab Al-Mandeb strait. Those developments coincided with the reform and renewal movements in the Ottoman Empire itself, which had a profound impact on the pursuit of that policy. The reforms referred to above have been carried out in two stages. The first phase was known as "Regulations" in all administrative, financial, judicial and educational fields. These organizations continued under the reign of the Sultan Abdul Majeed in 1839 – 1861. He was succeeded by his successor, Sultan Abdul Aziz 1861 – 1876. The second phase was known as "conditionality", which makes the

rule of the Sultan conditional on the observance of restrictions in the Ottoman political law of 1976. This stage began in the reign of Sultan Abdulhamid- II 1876 – 1909 and lasted until the proclamation of the Turkish Republic in 1923. However, these regulations have not been applied in the states of the Ottoman State in the same manner of speed and comprehensiveness. For example, it was slow to apply in Yemen in 1876, which led to the holding by Yemen of its tribal and feudal organizations, headed by its domestic commander (Al-Housari, 1990).

The Ottoman State promulgated the state law in 1864. Accordingly, it divided the country into districts, each of which consists of a number of the provinces. Each state had a ruler presiding it by a decree from the Topkapı Palace. This ruler is called "Basha". This law was also applied in Yemen, where the Ottoman Empire used to publish an official written annual yearbook of the Ottoman state. This book includes details of the administrative divisions, the names of the chiefs of Staff in all States and districts, as well as the capital. It is transpired from the official Yearbook of 1904 that the state of Yemen includes four provinces, named Sana'a, Hudaydah, Asir, and Ta'izz (Abaza, 1993:109). An Ottoman ruler (Wali) was ruling the headquarters capital Sana'a, followed by the commanders of the four provinces.

The administrators represent the ruler within the borders of the province and he is referred to in various cases. The administrators are annexed to the Directors of the Areas. Each province in the state of Yemen included a number of cities, Sana'a Province (Haraz-Hajjah, Dhamar-Yarem, and Radah- Amran). Hudaydah Province includes (Zabid– Al-Lehia– Rima –Alzaidya- Beit El-Fakih –Bajel- Abi Arish). While Aisir Province included (Abha-Qendeh) and Taiz Province included (Ibb- Al-Hajaryieh-Al Makha, Qahtaba). It should be noted that these divisions were subject to changes imposed by the National Liberation War. In their late days, the Ottomans tried to introduce some reforms to the status of the local administration. For example, they established local councils in the provinces and districts. They called them (Government Councils). The task of these councils is to provide some services, and deciding on the issues of localities. The ruler mostly did not interfere in things that had a local specificity. The ruler used to choose the members of those councils from the elite, scholars and stakeholders (Al-Harbi, 1989).

In addition to that, there was a government council in the capital, Sana'a, too. It was called as the (Common Assembly) of the State and presided by the ruler himself. This Council is composed of 30 members. It enjoys authorities close to the authorities of the parliaments. It can be described as a miniature Parliament. This Council is opened in certain dates with a popular ceremony, in which the Ruler (Wali) will deliver the speech of the opening ceremony, in which the achievements of the Government in the last year are mentioned. The common councils were enjoying a number of authorities, such as a special budget, an active government and a general secretariat throughout the year, not to mention what the State of Yemen had of Yemeni deputies, who are recognized by their patriotism and competence. They represent the Yemeni People in the Ottoman Parliament (Al-Haddad, 1886).

Accordingly, we can say that Yemen knew the system of local government in the second era of Ottoman rule to Yemen (1872-1918) in particular. The features of administrative divisions and local councils continued to be inherited in later phases.

4.1.2 Imamet Rule 1919-1962

The Ottoman State withdrew from the whole of Yemen in 1919, because of its defeat in the First World War. On 24 July 1923, during the second session of the Reconciliation Conference held in Lausanne to settle the outstanding issues between the Ottoman State and the Allied states, the independence of Yemen was ratified. After the end of the Ottoman rule in Yemen, Yemen became completely under the leadership of Zaidi Imam, under the leadership of Imam Yahya bin Hamid Al-Din, who gave himself the title of the Mutawakkil. The imam inherited a number of internal and external problems and an Ottoman administrative system that he could not develop in a way that would build a strong modern state. Imam Rule was able to start from where the Ottomans finished and to elevate the Yemeni people and attach it to modern civilization (Abaza, 1993:53).

Instead of turning to develop the state establishments administratively, he introduced some minor amendments that would support his influence. In the shadow of the Imam reign, the officials in the Imam Government preferred to discriminate between the Zaidi and the other groups of people. They controlled all government positions. Imam Yahya

also sought the assistance of a number of employees, who were in the Ottoman Government of the civilians and military men, who preferred to stay in Yemen. Their number approximately amounted to nine hundred (Al-Harbi, 1989:88).

Imam Yahya was the absolute ruler and sole controller in the state's joints. At the level of the central administration, there are no conventional bodies, but only offices inherited from the Ottoman Empire and consisting of: Office of Accounting in charge of financial aspects with the same intelligence, taxation and state expenses, the Knowledge Bureau, which oversees the science assembly as the highest level of education in The country, as well as the Post Office which regulates the sending of government mail to government centers. However, at the level of the Internal Local Administration, it remained as it was before in the Ottoman Age, except for some simple amendments. The county consists of several districts, each district consists of several sub-districts, and each sub-district consists of a number of smaller sub-districts. (Salem, 1993).

The management of the unit is taken over by a person appointed by Imam directly in the following way: the president of the county shall be a commander from the members of the family of Imam or those who are close to him. Besides the prince, there will be a judge competent in legal matters, and a commander of the squad specialized in military and security issues. In addition to that, there are two directors: one for education and other for finance, and two commanders for the post-office. As for the jurisdiction, the management is taken over by an employee responsible for the executive issues, a judge for the sharia issues and an officer responsible for security issues and so on is the case in the districts. This division in its reality is a formal division that lacks the most basic legal constituents of laws, regulations, and rules. All the laws and regulations were directives issued by the commander of the county and the district to the judicial employee and the district with the consent of the Imam. Imam was depending in managing the affairs of the countries on tribal and religious traditions in the first place.

It did not happen that the imam ever sought out the people's opinion in the country's various affairs, except in the circumstances in which he does not want to take responsibility alone. For example, the case in which the imam gathered a council of

dignitaries and scholars to discuss the question of withdrawal from Dhalea, which is one of the Yemeni cities when he was asked to do so by the English force (Salem, 1993:476). In the shadow of those circumstances in which the people of Yemen were living, it was natural that popular resentment would grow, and the opposition would organize its ranks to overthrow the Imam regime. Accordingly, the national movement carried out several attempts since 1936. It was present in the first Yemeni constitutional revolution in 1948, the purpose of which was to bring about fundamental changes in the political and administrative establishments of government. However, this revolution was aborted three weeks after its outbreak, where the Imam Yahya was killed by the 17th of February 1948, the family of Hamid Al-Din remained in power after the crowning the Crown Prince, Ahmed bin Yahya as Imam for the country.

Thus, a new page in the history of contemporary Yemen, which characterized by oppression and arbitrariness in the Yemeni people and lasted for nearly 14 years until 1962 (Kayed, 1983). In his father's reign, Imam Ahmed was tasked with chairing a committee to introduce reforms to his father's regime. The Committee made recommendations, the most important of which were: to set up a political council to study the country's internal conditions. These recommendations were not taken advantage of by his father, and after having been crowned as Imam, he discarded those recommendations. For 14 years, Imam Ahmed did not attempt to carry out any developments in the administrative and representational systems, but rather, he increased his overwhelming to the people and transformed the government systems into a tool for carrying out his personal interests only. At the level of the local administration, Imam Ahmed kept everything he inherited from the Ottoman regime and then from his father's regime. Imam Ahmed only made a slight adjustment by adding two counties: (Radaa County -and Al-Baidaa County). In general, the government witnessed more deterioration in his reign (Al-Harbi, 1989:95).

To sum up, this presentation is telling us enough to confirm that the Ottoman rule in Yemen, even if aspects of shortage were multiple, but it was much tenderer with the Yemenis from the Imam administration, which caused the isolation of Yemen from progress and development. No one denies that the Ottomans had introduced some modern

reforms, such as the construction of schools and hospitals, establishing places of worship, tried to introduce modern industries, and upgraded transport and information infrastructure. At least, the state system was formally based on a clearly defined government system (Fakhri, 1988).

4.1.3 Republican Covenant in the northern and southern parts before and after unity 1990

This section shows the different historical backgrounds in both the North and South of Yemen before unity and reflects the main reforms towards the local government after the unity after the 1990.

4.1.3.1 Administrative Organization in the Yemen Arab Republic (Northern Yemen)

The revolution of 26 September is considered a milestone in Yemen's contemporary history, as it marked the historic end of an era of stifling isolation, accumulated constraints and the beginning of a new era of advancement, openness, and progress. The revolution proclaimed the first day of its outbreak on the front line: the abolition of the regime of the Imam and the establishment of the republican system. In addition to that, the leadership of the revolution produced a series of decisions aimed at undermining the political, economic and social system of the Imam. Some of the most important of those decisions were to abolish tribal, religious, and doctrinal differences, and equalize between the citizens of the country, abolish the hostage system as one of the rules of political pressure on society, stand up against the administrative arbitration and punish the bribed persons and spoilers in the public affair to keep abreast of the evolution and combat the manifestations of underdevelopment. In the context of the heavy legacy, the revolution had to attach great importance to building up the state systems and its institutions and to establish the foundations, pillars and rules that organize the construction process. It issued a number of laws, regulations, and resolutions that express the contours of the New Era.

The most important of which are: the promulgation of the first interim constitution for the country in 1963, the issuance of the first Republican decision to form the executive

(cabinet) for the first time in the history of the country. More than 20 laws were promulgated by the Republic of Regulates state affairs and work to establish the organizational structure of government (Al-Haddad, 1886:193).

Subsequently, the successive governments promulgated a number of laws and regulations governing the local administration. These legal grounds mostly were signs referring to the interest in local councils and community projects, and the reconsideration of the administrative divisions to facilitate the provision of services and achieve the social growth. Accordingly, the Yemeni Arab Republic became composed of eight provinces (Sana'a, Ebb, Ta'izz, Sa'ada, Dhamar, Hudaydah and Hajjah, and Al-Baidhaa), which are followed by a number of districts, areas, isolation and villages. However, the administrative situation did not continue like this, as it was again re-examined, besides to some modifications. The designation of the county was changed to province and two provinces were added (Mahwit and Maareb). A new department was established, called the Office of Provinces and Districts Affairs, which directly linked to the Diwan of the Prime Ministry. In a subsequent development, the rank of counties was canceled in the new administrative arrangement of the Yemeni Arab Republic. Accordingly, Yemen became composed of ten provinces that are annexed by a number of districts, sub-districts, and villages (Al-Ashab, 1982).

The period from (1962-1980) witnessed the establishment of a number of types of local councils and cooperative bodies such as the Councils of counties, and districts and sub-districts of 1965, administrative and cooperative bodies for the year 1975, the Cooperative coordinating Councils of the provinces of the Republic, the provinces and districts Councils of 1976, the Municipal Councils of 1978, the Councils of counties and the districts of 1980). These young bodies and local councils achieved an acceptable degree in the accomplishing the agricultural and service projects. These councils had great importance in increasing the expertise and assimilating the requirements of popular work in the regions. It also generated a general national consciousness among the citizens about the necessity for a positive contribution in the development process and the importance of exercising their electoral right to choose their representatives in the local councils. These councils and local bodies remained until 1990 when their actions were

interrupted during the negotiations and the signing of the unity between the northern and southern parts of Yemen (Al-Mujahed, 1973).

4.1.3.2 Administrative organization in the Democratic Republic of Yemen (South Yemen)

As mentioned above, the Revolution of 26 September 1962 was a crucial stage in the history of the Arabian Peninsula, as it created a basic change in the political map of the Area. It also made a real impression towards eradicating the British colonization and its protectorates, which were represented by Emirates, Sultanates, and chiefdoms in the southern part of Yemen. Thus, the struggle for liberation was proclaimed by the Revolution of 14 October 1963. After a four-year armed combat, the Yemeni south gained its independence on Nov. 30, 1967, after 129-years of occupation (Habtoor, 2000).

The southern part of Yemen was divided into 21 Sultanate, Emirates and chiefdoms. Each one of these formations is based on tribal, regional and territorial bases that have their political, administrative, border, passport and security system, which is finally connected with the British High Commissioner in Aden, which has the power practically and uses it to serve its colonial aspirations. Despite the colonial legacy that affected society negatively, whether socially and economically, it created a modern administrative system in Aden that has a viable institutional component to serve as a basis for a breakthrough towards the institutional construction of a modern government (Ali, 1997). Nevertheless, the question to be asked is whether the regime in the south, after independence, benefited from the historical foundation that was formed in Aden and Hadramaut. Alternatively, what happened in the North of Yemen after the withdrawal of the Ottomans?

The new regime, after independence, on 30 November 1967, started with the state-building process, that the new government is considering as a primary task since it has not yet defined the central state system or a uniform legal system. The new government worked on promulgating and implementing a series of legislation, laws, measures and procedures, the aim of which was to establish a social-economic system of a state-led approach to the tasks of control, supervision and guidance in various fields of production

and development work added to traditional tasks Known to the state (Shrgubee, 2000). The National Front was organized as the first country government in the south, and the National Front's General Command was the provisional legislature in the country. It formed the first government, which was consisted of 41-members.

The executive government was composed of the president of the Presidency, the Secretary-General of the National Front organization and the Prime minister. With the establishment of the republican system, it was necessary to establish constitutional institutions that express the will of the people and meet their needs. However, the ideological conflict within the national front and before it there was a conflict with the Liberation Front before the declaration of independence left an unstable situation. Therefore, it was quite difficult to establish constitutional institutions. After the National Front's control of the situation, it adopted the principles of scientific socialism as an approach and a guidance for guiding the political system (Daaer, 2002).

As what happened in the north, the governments came successively, and the constitution was copied, and the amendments in the form of the political and administrative form continued until May 22, 1990, which is the date of the unification between northern Yemen and southern Yemen. This unit represented a historic event, a civilizational gain and the beginning of an important historical stage in the history of the contemporary Yemeni society. The Yemeni unity formed unifying for all the components and potentials of the two sides, as related to political and economic experiences and achievements that had been achieved over the past 30 years with all their positive and negative consequences, it is possible to overcome the social backwardness that has passed from the reign of the imam in the north. Moreover, the establishment of a modern state that achieves the aspirations Yemeni society.

Among the items of the unity agreement there was the item stipulating the establishment of local councils, but due to the different political and economic circumstances between the two parts, besides to the differences that happened in the classes of the political leadership, and the events of the war of 1994. All this lead to the delay of establishing the local councils. But they were subject to study by specialists all that period long until the

issuance of Act No. 4 of 2000 and the performance of the general election for the members of those boards by Auntie Player in 2001 (Ministry of Local Administration, 2001).

4.2 Constitutional Framework

After the end of the civil war in Yemen on 7 May 1994 and the removal of the threat that almost ravaged the unity state. As a complement to the constitutional reforms it had initiated prior to the Civil War, the Council of Representatives discussed the constitutional amendments and approved their final drafting on 28 September 1994.

Fifty-two articles were amended and 29 articles were added, and one article was repealed in the light of the constitutional amendments. The President of the Republic was elected by the Parliament on October 1, 1994. According to the amended Constitution, the President of the Republic has the right to run for two presidential sessions of five years. However, for a broader understanding of the administrative structure in Yemen, we will focus on some of the relevant constitutional texts. In general, the Yemeni Constitution is divided into five sections divided into chapters. By virtue of the articles, I to IV of the Constitution, the Republic of Yemen is an Arab independent Islamic sovereign State and the Yemeni people are part of the Arab and Islamic nation. Arabic is the official language, while Islamic law is the source of all legislation. The political system of the Republic is based on its political and partisan multiplicity. This system consists of the three authorities: the legislative, executive and the judiciary. Furthermore, by virtue of the articles 156 -157, the capital of Yemen is Sana'a.

The banner of the state consists of the arranged colors, starting from above as follows: (red, white and black). Title III of the Constitution focuses on the organization of the powers of the state from the beginning of the first chapter, from article 62 to article 104 about all the matters relating to the legislative power of represented by the (Parliament). *"The Parliament is the legislative government of the state, which determines the laws and approves the general policy of the State and the general plan for economic and social development, the general budget and the final account. It also exercises oversight of the works of the Executive Body as set out in this Constitution."* As related to the executive

government, article No.105 of the Constitution stipulates, "*the executive power shall be exercised on behalf of the people by the President of the Republic and the Council of Ministers within the limits provided for in the Constitutions*". The articles from article 106 to Article 128 deal with the government in detail. It is also worth mentioning that in the 1994 Constitution the single presidential term was five years, and after the amendments of February 20, 2001, the duration of the one session became seven years.

Section III of this title deals with the systems of the local government as a part of the executive government, focusing both articles (145-146-147-148) on nominating the Yemeni territories and their administrative units and their tasks. assertion on the fact that the administrative units are part of the government of the state, as stated in article No. 147, "*All the administrative units and local councils are considered to be an integral part from the government of the State, and the governors and officials are accountable and responsible to the President and the Council of Ministers and their decisions are binding on them and must be implemented in every Cases, the law will define the way to control the works of the local councils.*" As far as the judiciary government, it is, according to the Constitution, it is a financially and administratively independent judicial government, Chapter III of Part Three dealt with the judiciary Government in six articles from article 149 to article 154. The above-mentioned articles and others, in addition to the changes that took place within and in the administrative structure of Yemen, will be discussed in detail in this chapter, to try to understand and analyze the relationship between central and local government.

4.3 CENTRAL GOVERNMENT:

In view of the importance of the governing body as the living element, that lays down the general policies and basic trends of development. We review the most important government organizations, from which the General Government is constituted in the Republic of Yemen. According to the constitution, the political regime of the Republic is based on political and party multiplicity, in which the government is distributed on three: the executive power, represented by the President of the Republic, Prime Ministry, and then the legislative power and finally the judicial power, along with separating between

them. However, what is noticed in fact is the complete domination of the executive power, and specifically the president of the republic on the rest of the two authorities this has caused the authorities to lose a large part of roles expected from them. Check figure 6.

4.3.1 Executive Power

According to the constitution, the executive power is composed of the President and Council Ministers, which is the government. However, in practice the president appoints a vice president.

4.3.1.1 President of the Republic

The President of the Republic is the president of the Republic and the higher Commander of Armed Forces, and chair of the Supreme Jurisdiction. He practices the executive government in the frame of the limits stipulated in the Constitution. He appoints a deputy for him to assist him in taking over the tasks of his position. He chooses the prime minister. The constitution as amended for the year 2001 assigned the tasks and specializations of the president of the Republic. Several specialized systems and bodies follow the president of the republic, which is considered like consultative bodies. Their task is to provide the president of the republic with precise information. Furthermore, Article No.107 of the Constitution indicated that the conditions to be provided in the candidate for the office of President of the Republic are as follows: He shall not be less than forty years of age from Yemeni parents, and that no judicial decision has been issued against him in a case of breach of honor or honesty, besides to a number of other conditions such as: to be of straight morality and of straight behavior, maintaining the Islamic rites, and not to be married to a foreigner and not to get married during his term of office from a foreigner, according to article No.108, paragraph (e), *"the President of the Republic shall be elected by the people in competitive elections"*.

After the constitutional amendments for the year 2001, the constitution assigned the office term of the President of the Republic by seven years, starting from the date of swearing the constitutional oath. No one may take over the position of the president for more than two sessions; each one is seven years only. As mentioned previously, the

president of the republic is elected by the people in free competitive elections. Immediately, the procedures shall be performed to elect the new president of the republic, ninety days before the expiration of the term of the President of the Republic.

4.3.1.2 Prime Ministry

The President of the Republic in the selection of the Ministers based on article No.132, *"the Prime Minister shall select the members of his ministry by consulting with the President of the Republic and request the confidence in the Government on the light of a program to be submitted to the Parliament"*. The Constitution elaborates the functions of the Prime Ministry, as stipulated in the article No.137, *"The council of ministers shall implement the general policy of the State in the political, economic, social, and cultural and defensive fields in accordance with the laws and resolutions..."*

4.3.1.3 Council of Ministers

The council of ministers represents the government and the supreme executive and administrative body of the State, as stipulated in Article No.129 of 2001: *"Council of ministers is the Government of the Republic of Yemen, which is the supreme executive and administrative body of the State. All the departments, bodies and the executive establishments of the state shall be annexed to it without exception "*. The council of ministers shall be composed of the Prime Minister, the Vice-Presidents of the Prime Ministry and the Ministers of Government. By virtue of the fact that this Council is the highest government, the task of the President is to coordinate the government and the public and mixed administrative systems.

Furthermore, the Council shall participate with the President of the Republic in the formulation of the general policy of the State and the broad outlines of internal and foreign policy. As for the number of ministries in the Republic of Yemen, their number is 30 ministries. They are as follows (Ministry of Interior-Ministry of Local Administration-Ministry of Information-Ministry of Planning and International Cooperation-Ministry of Legal Affairs-Ministry of Defence-Ministry of Agriculture and Irrigation-Ministry of Wealth-Ministry of Fish Higher education and scientific study -Ministry of Education-

Ministry of Transport-Department of Technical Education and Vocational Training- Ministry of Human Rights Ministry of Water and Environment, Ministry of Foreign Affairs, Ministry of Expatriate Affairs, Ministry of Youth and Sports, Ministry of Electricity and Energy, Ministry of Culture, Ministry Communications and Information Technology-Ministry of Public Health and population-Ministry of Endowments and Guidance-Ministry of Justice-Ministry of Social Affairs and Labour-Ministry of Civil Service and Insurance-Ministry of Industry and Trade-Ministry of Tourism-Ministry of Public Works and Roads-Ministry of Oil and Minerals).

4.3.1.3 Public Institutions

Public institutions are a set of public facilities with a legal personality that the State grants financial and administrative autonomy to enable it to move flexibly. They are also an organizational type, which is represented by administrative entities originated by the state, and are existed to perform economic and service functions as part of the government of the state, that executes the general policy. The Yemeni law distinguished between the general establishment and the general body, where the general establishment was defined as each economic unit practicing a production activity or services related to the commodity production owned by the state. The public administration is every service unit owned by the state. The institution or the body follows one of the ministries, where the competent ministry exercises the supervision and guidance relationship. The minister shall be the Chairman of the Board of Directors (Sharaeddin, 1994).

4.3.2 Legislative Power

There are two bodies under the legislative power in Yemen. The first is the the Assembly of Representative which is the Parliament and another body as well called Shura Council which refers to the Consultancy Council.

4.3.2.1 Assembly of Representatives (Parliament)

The legislature Government in Yemen is represented by the Parliament. The Yemeni constitution addressed this Government in articles 62 to 104. According to what is stipulated in the article No.62, "The Assembly of Representatives is the legislative

government of the state, which determines the laws and approves the general policy of the State and the general plan for economic and social development, the general budget and the final account. It also practices the oversight on the works of the Executive Board as set by the constitution. " *As related to the structure of the Assembly of Representatives (Parliament) and how to constitute it and its functions, the Assembly of Representatives shall perform the legislative functions, oversight over the work of the executive, in addition to functions related to the financial aspect and the general budget*". It is composed of three hundred and a deputy No.301, who are elected directly as representatives for their constituencies. As for the method of performing the Parliament elections, the law adopted the principle of confidential voting, where the article 55 of the law No.13 of the year 2001 stipulated as related to the general elections that "Election shall be performed through general, free, direct and equal confidential voting."

The Constitution also indicated that the membership of the Assembly of Representatives and its publicor local councils could not be combined. Furthermore, paragraph (c) of article No.59 of the law stipulated, "It is not permitted to combine between the membership of the Assembly of Representatives and practicing the public position and membership of the local councils." However, paragraph (d) of the same article permitted to combine between the membership of the Assembly of Representatives and the membership of the Prime Ministry only. The provisions of the two paragraphs (e, f) of the previous article stipulated that each of the prime minister and his deputies, and the ministries and their deputies and the deputies of the ministries, heads of public services and institutions may not nominate themselves to the membership of the Parliament, unless a period of at least three months elapsed from their quittance to work elapsed from the date of opening the nomination door.

4.3.2.2 Consultancy Council (Shura Council)

Following the 1997 elections, consultancy council composed of 59 members appointed by the President of the Republic was established based on the constitutional amendments approved by the Parliament on 21/9/1994, including a new article about the establishment of consultancy council from the available national experts available in different Yemeni

regions. No specific tasks were assigned to the consultancy council. However, consultancy council was discussing the issues that the President of the Republic had referred to it for showing opinion. In the second constitutional amendments adopted in February 2001, there was a special article on the establishment of a Consultative Council with expertise, competences and social personalities to broaden the base of shared opinion and to build on national competences and national expertise.

Article No.125 states a number of tasks entrusted to the Consultative Council. From among the tasks, the most important ones are Participation with the Assembly Peoples' Representatives in nominating the potential candidates for the post of the President of the Republic and endorsement of economic and social development plans, treaties and conventions on defense, alliance, reconciliation, peace and border issues. It also involves the tasks of consulting on what issues the President of the Republic deems to present at the joint meeting.

In addition, there are other tasks detailed by the article No.125 of the Constitution. They are all specialized in expressing an opinion or to submitting studies and proposals. Article 126 of the amended Constitution assigned the number of members of the Consultative Council to be 111 members, appointed by the President of the Republic after the number of members of the former consultative council was not assigned. Article No. 12 of the Constitution authorized the Assembly of Representative (Parliament) and Shura the government to convene a joint meeting by an invitation from the President of the Republic to discuss the tasks joint between them in the Constitution, provided to vote on them by the majority of the attending members. The chair of the Assembly of Representative shall preside the joint meetings.

4.3.2.3 Relationship between the Legislative and Executive power

As we mentioned earlier, the ruling regime in the Yemeni Republic is based on the principle of flexible separation between the legislative government and executive government: this is represented in the following constitutional rules:

- ✓ Possibility to gather between the membership of the prime minister and the assembly of representatives.
- ✓ One of the aspects of cooperation between the two authorities in accordance with the Constitution is that the Constitution grants the Government the right to propose laws and propose amending them. Aside from the financial laws which aim to increase or eliminate the tax, or that aim at allocating part of the state's funds to a project, they may not be proposed but by the government.
- ✓ The right of the Assembly of Representatives to direct recommendations to the government in general matters.

4.3.3 Judicial Power:

As related to the judiciary, the constitution of the Republic of Yemen regulated the provisions of the judiciary in articles (149-153). Article No.149 of the Act stipulates, “The Judicial Government is a government that is judicial, financially and administratively independent. The public prosecution is one of its bodies. The courts shall take over the responsibility of adjudicating all disputes and crimes. The judges are independent and have no jurisdiction over them in their jurisdiction but for the law, and no one may interfere in cases or in any matter of Justice Affairs. Such interference shall be considered an offense punishable by law, and there is no drop of support for it. “The remainder of the relevant texts of the Constitution came to confirm and enhance the principle of financial and administrative independence. According to Article No.152, "The judiciary shall have a Supreme Council organized by the law and showed its specializations and the manner of nominating and appointing its members. It shall apply safeguards granted to judges in terms of appointment, promotion, separation, and dismissal in accordance with the law.

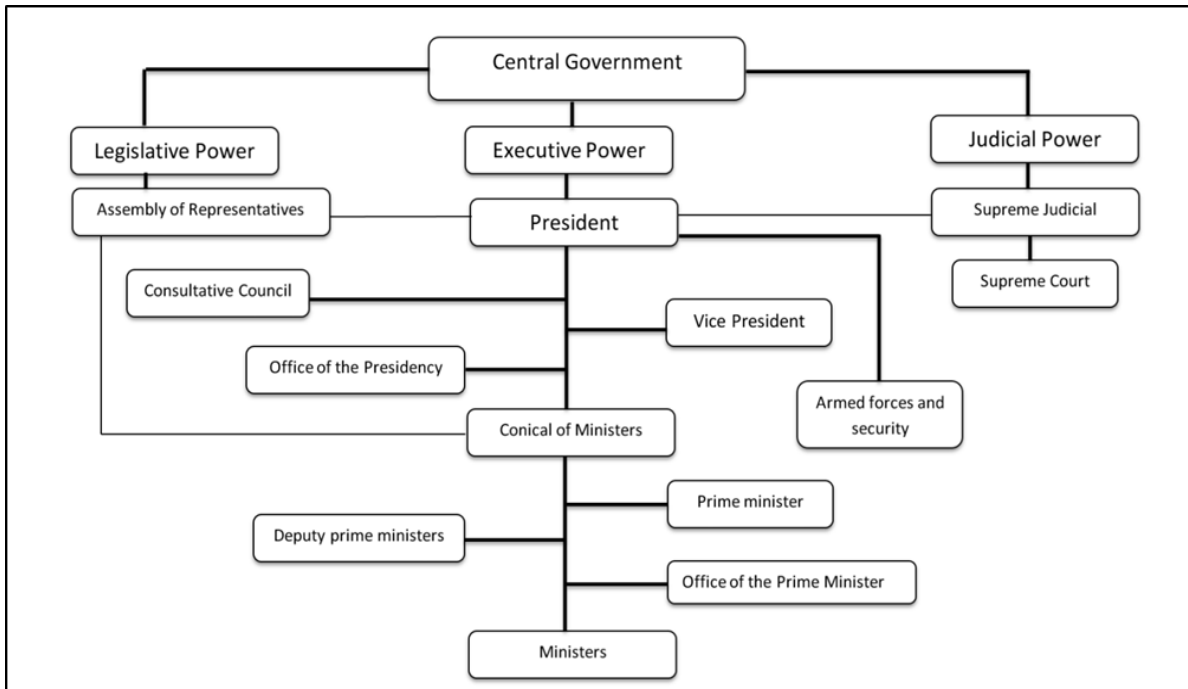
The Council shall take over the responsibility of examining and approving the draft budget of the jurisdiction, as a preparation to enlist as one number in the general state budget. “The Constitution further stated that the Supreme Court of the Republic is the highest judicial body in the country, and the law shall determine how to constitute it and set out its specializations. Finally, as we stated earlier in accordance with the 2001

Constitution, the political system of the Republic is based on political and partisan pluralism. The authorities are divided into three forms: the President of the Republic, prime ministry, and then the legislative government and, finally, the judicial government, along with separating between them functionally, represents the executive government. The reality of practice, however, reflects the full control of the executive government of the President of the Republic over the rest of the authorities.

The President enjoys broad authorities, with which the other authorities lack an active and independent role. It is noteworthy that the expansion of the authorities of the president came after the civil war in the summer of 1994. The victorious team resorted to making extensive constitutional amendments that did not enjoy the unanimity of the country's political forces. According to the amended Constitution 2001, the President is elected through a competitive process for only two election sessions each of which is seven years. But the term of office reached to more than 33 years, despite the constitutional provisions.

Consequently, the reality indicates that the government of the president is the effective one without the objection of the other authorities that suffice in the role of the follower and executor of the policies, decisions, and desires of the president. The Prime Ministry is only a secretariat that implements the orders of the President, while the judiciary is not independent, as its leadership is appointed by the executive government. The same is the case with the legislative government, whose the majority of its members belong to the ruling party, along with the existence of a minority of dissidents and independents that have no active role in Parliament. Thus, the president controls over the ruling party on the various key authorities in the state (Al-Salahi, 2011).

Figure 6: Central Government Structure



Source: National information center,(2014)<http://www.yemennic.info/sectors/politics/index3.php>

4.4 LOCAL GOVERNMENT:

Following the establishment of the unified state of Yemen on 22 May 1990, there have been major transformations in the commitment to democracy, political pluralism and the peaceful transfer of power. Where the system of local government is built as a basis for building the new state. The legislator in the Republic of Yemen has recognized the necessity for a constitutional and legal structure or system to address the various aspects of political, administrative and financial decentralization that must be applied in the country to the level of the local government system. This resulted in the promulgation of the Local Government Act No. 4 of 2000, which in its entirety means the introduction of a decentralized system approach in local governance, and on February 20, 2001, the first elections for the local councils were held at the level of directorates and provinces. That was considered the first practical step towards establishing administrative

decentralization system and broadening popular participation in the management of State and community affairs at the local level.

Before presenting the units of the central government's administrative system, reference should be made to the Ministry of Local Administration, as it is the central body responsible for local government affairs, the system that nurtures and develops the local government system. The ministry also represents the link between the assembly of government or the central government in the capital and the local councils and administrative units in the provinces and directorates.

The second article of the Republican decision No.23 of the year 2001 related to the organizational by the law of the Ministry of Local Government stipulated that the Ministry of Local Government shall supervise on the application of the local government system and assign all the requirements necessary for activating and developing it in such a way to achieve its goals. The article assigned the tasks and specializations of the Local Government related to the local government. (Prime Ministry, 2001).

The subject of local government came in chapter II of the Constitution, concerning the regulation of matters related to the executive government, under the title: "Systems of local government", in which the constitutional legislator outlined some of the main features of what he called the "local government" system, which came in the form of general provisions. In article 4, the constitutional legislator considered the local government as one of the constitutional authorities through which the people exercise their powers and rights as they are considered the owner and issuer of the government, which they exercise directly through referendums and general elections, or indirectly through legislative, executive and judicial bodies or through elected local councils. The Constitution devotes the third part thereof to the regulation of State power in (93) articles, of which (4) only articles had been assigned for the organization of the local government, and the remaining (89) articles are allocated to the organization of the central government.

If this ever indicates anything, it indicates the lack of interest in local government and full interest in the central government, in such a way that the Constitution appears to be

fully biased to it, because the four constitutional articles that were allocated to the organization of the local government did not specify any regulation of the local government, except for the fact that the administrative units would have elected local councils. A regulation of the local government was left to the central government, without setting any general rules for regulation. This great constitutional ambiguity of the concept of the local government for renders it pales in the eyes of the government and the people.

In more detail about the local government, the Constitution in articles (145, 146, 147 and 148) emphasized the necessity to divide the territories of the Republic of Yemen to administrative units. The law sets out the method of nominating, electing, selecting and appointing its superiors and specifying their specializations. It stipulated that the administrative units should be vested with legal personality and have elected local councils directly. It shall take over the responsibility of proposing the investment programs, and plans and budgets of the administrative units. It also performs supervision, oversee, and accounting to the local government in accordance with the law. The law defines the method of nomination and election of the local councils, their system of work, financial resources, the rights and duties of their members and their role in the implementation of development plans and programs and all other related provisions.

That is done by observing the administrative and financial decentralization principle as the basis for the Local Government System. Furthermore, the administrative units and local councils are also an integral part of the government of the State. The governors shall be accountable and responsible before the President of the Republic and the Prime Ministry. Their decisions shall be binding on them and shall be implemented in all cases. Finally, the law shall identify the way to control the work of the local councils. As related to the division of Government of the Local government, it is stipulated in article 5 that the territories of the Republic shall be divided into administrative units in accordance with the administrative division of Republic the number. The law issued in their regards explains their number, division, and limits provided that the administrative units enjoy the legal personality. In the article No.6, it was determined that such a division should be based on scientific studies of a variety of factors and determinants aimed at consolidating

and strengthening national unity and economic growth, security and social peace are populations, economic, social, geographical and natural factors.

Article No.7 excluded the possibility of modifying the administrative division at the directorate level, without the development, installation or association by a Republican decision after approval by the Prime Ministry. The law considered the municipality of the capital and the cities taken as capitals for the provinces to be administrative units, which also enjoy legal personality in such a way that they can be divided into more than one administrative unit depending on the number of inhabitants. Article No.166 set out the status of the Metropolitan Secretariat and took into consideration the characteristics that distinguish it as the capital of the Republic. It may have a special law that observes this characteristic in such a way that is not contrary to the provisions of the Local Government Act. One of the most important laws issued about the amendments to the Administrative division after the unity in 1990 are:

- ✓ Act 23 of the 1998 states the establishment of the provinces of Amran and Al Dhala'a.
- ✓ Act No. (9) of 1998 deals with the establishment of a number of directorates in some provinces.
- ✓ The Presidential Decree No. (3) of the year 2001 stipulates the administrative division of the Metropolitan Secretariat and performing amendments to the Administrative division of Certain directorates of the provinces of the Republic.
- ✓ Law No. 5 of the year 2004 spells out the establishment of the Province of Rima.
- ✓ Law No. (31) of the year 2013 was related to establishing Archipelago Suqatari Province.

Referring to the National Information Center, the current system of local administrative units comprises two levels: they are the provinces, the directorate. The provinces are bigger administrative units. They are (22) provinces, including the capital, while the directorates are small administrative units, annexed to the provinces. They are (333) directorates, from which (2200) districts and quarters are branched, besides to about (36986) villages and (91489) localities and Lanes. The number of local districts is (5620)

local districts (electoral center). Consequently, the levels of local government are based on the components of both the province and the Directorate, as shown in figure 6.

4.4.1 Provincial (Governorate) Administration:

It Represents the top level and includes the following configurations:

4.4.1.1 Local council of the province

As stated in the Law No. 4 of the year 2000 related to the local government and specifically from article (16-37), the local council of the province consists of the total number of elected members from the directorates to a minimum of 15members, including the President of the Council. One member, excluding those provinces where the number of directorates does not reach the limit that allows the council to be set up at a minimum and the level of representation is increased equally, equally represents the directorates. The first meeting shall be held within two weeks of the announcement of the election results at the invitation of the president of the Republic and the presence of representatives of the Ministry of Local Government and three-quarters of its members. After the swearing-in the legal oath by its members, the Secretary-General and the Chairpersons of the specialized committees shall be elected. As for the regular meetings, they shall be held every three months. The local council of the province shall be responsible for studying and ratifying the projects of the comprehensive plans at the level of the province and supervising on executing them. It also shall provide direction, supervision, and oversight on the work of local councils of the directorates and executive systems of the province.

4.4.1.2 Governor

In the first section of the Second Chapter of the Law, under the title: "The Executive Systems in the Province, specifically in 10 articles: from the article (38-48). The governor is the chairperson of the local council. He is elected by secret voting by an electoral body consisting of the local council in the province and the councils of its directorates. The decision of appointing him is issued by a Republican decision at the level of Minister. He shall start his tasks after performing the constitutional oath before

the President of the Republic. The period of his office shall be four years, overseeing the implementation of the laws and public policy of the State in its management of the province affairs in all areas, directing its executive organs and developing their resources and the preservation of public order.

4.4.1.3 Secretary-General of the local council

By virtue of his position, he is considered a deputy governor, who is responsible for his government in the management of the Governor's office and is replaced in his absence or in the exercise of all his powers and powers under the law.

4.4.1.4 Administrative body

The administrative body is also considered to be one of the internal configurations of the local council and its full-time organ. It consists of the President of the Council, the Secretary-General and the Chairpersons of the specialized committees, the tender committee in the province.

4.4.1.5 Deputy governor

In three articles (49-51), the law states that the Province has one or more agents under the rank of Under-Secretary appointed by a Republican decision after approval by the Council of Ministers on the nomination of the minister of Local Administration. The deputy Governor shall take over the tasks of supervising on the management of sector activity or public affairs in a certain geographical scope in accordance with the decision of appointing him.

4.4.1.6 Executive Office of the Governor

It is stipulated in the law from the article (52-58), that the Executive Office shall consist of the Governor, the Secretary-General, the Deputy Governor, and the directors of the executive systems in the province. It shall hold meetings periodically each month and shall prepare the draft of annual development and budget plan before referring it to the Plan and Budget Committee. The budget, the coordination of the activities of the executive organs, the discussion of operational reports and the means to optimize the

implementation of central decisions, resource collection plans, disaster response and the assessment of the administrative situation in the province.

4.4.2 District administration

It represents the lowest level. In section III, of the first chapter of the law, under the title "The Local Council of the Directorate" the following constitutions have been included:

3.4.2.1 Local Council of the Directorate

As it is stated in the Law from Article (59-80), It is constituted besides to its appointed chairman, according to the following levels:

- 18 members in the directorates with a population of fewer than 35 thousand people.
- 20 members of directorates with a population of between 35 and 75 thousand people.
- 26 members in the directorates whose population is between 75 and 150 thousand people.
- 30 members of directorates with a population of more than (150 thousand) people.

It holds its first meeting within two weeks of the announcement of the election results at the invitation of the President of the Republic, the presence of representatives of the Ministry of Local Government and the presence of three-fourths of its members. After the swearing-in of its members, the Secretary-General and the chairpersons of the specialized committees shall be elected. Regular meetings shall be held every three months. He shall propose and oversee the implementation of the economic and social Development plans of the Directorate to ensure the provision and development of basic community services, guidance, supervision and oversight of the work of the executive systems.

3.4.2.2 Director General of the Directorate

As mentioned in the articles (81-90), the Director-General shall occupy the position of chairperson of the local council. The decision of his appointment shall be issued by a

decision from the prime ministry, according to a nomination of the Minister of the Local Administration. Under the supervision and direction of the Governor, he shall take over the execution of the laws, and general policy of the state in managing the affairs of the Directorate in all the fields, and directing its executive systems and developing its sources and maintaining the public order in it.

3.4.2.3 Secretary-General of the local council

As a deputy director-general of the Directorate, he shall be deemed responsible for his or her office in the government of his or her government in the event of his absence or in the exercise of all his powers and powers established by the provisions of this law.

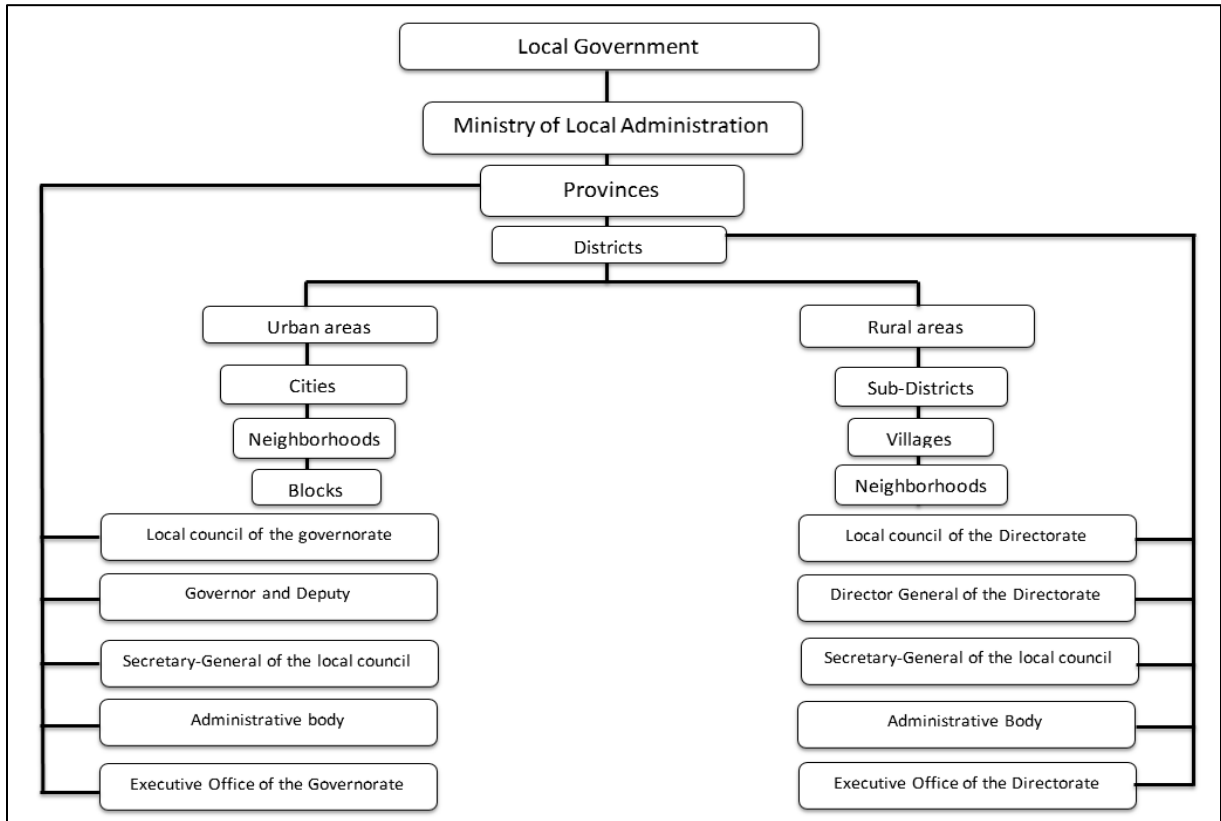
3.4.2.4 Administrative Body

It is one of the internal constitutions of the local council and its branched system. It shall be consisting of the Chairman of the Council and its secretary, and the chairpersons of the specialized committees. It is the committee of tenders in the Directorate.

3.4.2.5 Executive Office of the Directorate

According to articles 91 – 97, the Executive Office consists of the Director-General of the Directorate, the Secretary-General and the directors of the executive organs The Directorate meets periodically at least every month and determines the project needs of the Directorate and prepares the draft development and budget plan Prior to submission to the local council, coordination of the activities of the executive organs, discussion of executive reports and means of ensuring to optimize the implementation of central decisions, resource collection plans, disaster response and evaluation of the administrative status of the Directorate.

Figure 7: Local Government Structure



Source: National information center (2014) http://www.yemen-nic.info/sectors/politics/section.php?&SECTION_ID=36

4.5 Financial relations

Given the importance of financial issues to the success or failure of local councils in the performance of their functions, the local government Act devotes section V to the determination of financial resources, and the identification of resources has been limited to the extent that the legislator has not left the local councils or their administrative units with any scope to reflect on this context, the law also defined the areas of use of financial resources, emphasizing the need for consistency with the financial and accounting procedures adopted in the State, and issued the financial regulations of the local government by Act No. 24 of 2001, which dealt with procedures relating to financial matters in a manner detailed. The main Sources of funding are as following:

According to local government, Law and its implementing regulations as well as the financial regulations specify the sources of funding for administrative units as follows:

- ✚ *Local resources of the Directorate:* the financial resources that the directorate collects in its favor.
- ✚ *Shared resources at the Provincial level:* these are the financial resources that are collected in the provincial directorates for the benefit of the province as a whole and are distributed periodically by the administrative body of the district council of the province in accordance with the following percentages:
 - ✓ 25% in favor of the Directorate that made the collection;
 - ✓ 25% in favor of conservative activity;
 - ✓ 50% distribution to the rest of the provincial directorates is equal.
- ✚ *Common public resources:* financial resources that are centrally levied on behalf of local councils.
- ✚ *Central support:* The state allocates annual centralized financial support to administrative units.

The distribution of common public resources and central support to all administrative units shall be in accordance with the basis of population density and the abundance of administrative unit resources, level of economic and social development, deprivation, efficient functioning of local government and efficient performance in the collection of financial resources and the safety of their spending. Governorate level councils distribute these funds to the district level local councils based on the same criteria.

An important point to mention is the collection and distribution of revenues. Locally raised revenues are collected directly by the local councils. However, provinces that have strategic and significant resources such as oil and gas are extracted and they do not have the authority to right to resources in their areas. The central government allows such provinces to collect revenues from strategic resources but distribute them by its self without a clear criteria (Baron, Cummings & Salmon, 2016:6).

4.5.1 *Financial challenges*

Most of the local resources source represent fees, fines, added fees and revenues with a rate within the resources of the central government. Consequently, they do not represent real resources of benefit. Furthermore, there are no mechanisms that guarantee the methods of calculating them or following us their collection and imposing censorship on importing them to the accounts of the local government.

The local government is only sufficed by registering what appears in its account in the bank statement, such as the share of the localities in electricity, water, and telecommunications, as well as the shares of the administrative units from the common public sources. The central government of its organs in the local government has not provided the database enabling it to pursue the collection of its resources, such as real estate tax and rental resources. The continued collection of significant resources by some government agencies, which under the law have become domestic resources, such as the resources of city improvement funds. The contributions of society to education and health and the income of these resources can be supplemented by large amounts of local government budgets (Alaqua,2008) Therefore we can say that the members of local councils focus their efforts on the follow-up of the uses (expenditure), and no effective and real efforts are made to purse local resources in the collection, supply or development of their Insourcing.

At the level of common income, the law determines its sources and the directorates to collect and supply them to the local government's account in the province, and the provincial government shall redistribute them according to fixed ratios. It is noted that provincial centers continue to capture these revenues and are less redistributed than the actual collector is. Continued implementation and funding of projects within the directorates and the directorates have not been given the government to collect, supply and execute projects. The lack of motivation in the directorates to follow up on the collection and supply of shared resources, where the directorate sometimes receives a greater share of its collection and has touched Decline in the collection of these resources in many departments, the provincial center does not have a geographical scope for the

center's organs to collect and supply local and shared resources, and when distributing shared resources they receive 50% of the revenue source and 25% of the status of the province. The absence of an active oversight role in the negative practices of local councils such as misuse or dissipation of resources (disbursement of unnecessary rewards or operating expenses and so on), exemption from the collection or exceeding the powers to impose or avoid them in other accounts or direct exchange (Alaqua,2015:24).

Fees and resources are levied for certain works and services, while the laws governing such work or services are not implemented, such as the collection of removal charges in the absence of activation of the building code and the planning act. There are no operational mechanisms for the performance and control of the work, but also to collect construction fees without ascertaining Who registers the property in the cadaster under the justification of collecting the fees and omissions of the local government concerning the state local fees are negligible compared to what can be supplied to the state for taxes and fees for registration and proof of real estate ownership.

There is a multiplicity of laws and regulations for follow-up and control of domestic resources without an effective level of control and supervision, for example:

- According to the financial bylaw of the Local Government Law, issued by the Republican decision no. (24) of the year 2001, the executive systems shall take over the responsibility of collecting and supplying local resources under the supervision and censorship of the local councils. The bylaw organized the methods and procedures of collection, supplying and proving their record and preparing the reports about them through the accounting units.
- Under the provisions of the regulation of the Ministry of Local Administration, promulgated by Presidential decree (23) of 2001, a public administration has been established within the organizational structure of the local finance sector and oversight in the Ministry on behalf of the Directorate-General for the development of financial resources and the general management of plans and budgets. In addition, identified they have functions and terms of reference, such as paragraphs (14, (17) of article 20 and paragraphs (3, 10, 11) of article 21, it is noted that there is a lack of implementation,

and on the other hand, others are involved in the same." Functions such as local councils and accounting units in the finance offices and the central oversight and accounting apparatus.

Under the provisions of the regulations of the provincial cabinets, promulgated by the Republican Decree (265) of 2001, the General Directorate of the duties of alms-giving has been established the general management of financial resources and the General Government of financial affairs, all of which are defined, have overlapping functions and competencies with the functions and powers of the boards and accounting units in the finance offices for supervision, oversight, follow-up, receipt and preparation of reports, financial statements, record-keeping, and others. In addition, it is within the same geographical location as the local councils.

4.6 Audit and Oversight

The law has placed local councils in the performance of their functions for many forms of censorship by central government bodies, for example, the law gives the Council of Ministers the authority supervision and control of local councils, while the law affirmed that the decisions of the Council of Ministers are binding on all units of the local administration on consider the unity of the legal system that must be applied to all central and local organs throughout Yemen. The law was given to the minister of local government and other ministers in their respective areas of competence. They have the right to cancel local council decisions when they are in conflict with the laws in force. Through the adoption of a specific mechanism and procedures.

- ✚ *Legislative oversight:* The parliament may grant and withhold the authorities of interrogating and asking questions, and forming the committees of investigating the facts, discussing and ratifying the budget and attending the meetings of the local councils.
- ✚ *Judicial oversight:* The role of the judicial authority is limited, especially in the shadow of lack of administrative courts. However, the consultation gave the right of appealing against the decision that are issued by the local government. The local authority resorts to the Supreme Court in case there is a dispute with the central

government. Given the fact that the decisions of the prime ministry are effective and applicable, according to the provision of article No.147of the local administration law.

✚ *Administrative and financial oversight* : The central government (the president of the republic, prime ministry, local administration, ministry of finance, the ministry of planning) and censorship authorities according to the texts of the law, each in the field of specialization of its ministry. They have a supervising role on their branches in the localities. The law specified the local government in the seventh section thereof for organizing the censorship on the works of the administrative units. Furthermore, some of the decisions of the local government need ratification from the central authorities, where article No.295 of the bylaw of the law stipulated that the decisions of the local council, related to the budget, creating a fee, assigning the value of a fee, and in the general urban plans, and acting with the properties by selling or mortgaging, shall not be considered effective but after the ratification of the systems of the central government. The legislator gave the president of the republic the right, after the approval of the prime ministry, if the public interest necessitates doing so, for which a Republican decision shall be issued, that the elections shall be performed within (60) days from dissolution.

4.7 Public recruitment system

In Yemen, the central government and local government system have a constitutional base as it is organized and regulated in Chapter 2 of the 1995 Constitution of Yemen, entitled “Organs of the Local Government”. Article 4 of the Yemeni constitution of 1995 considers the local authorities as one of several constitutional authorities. The Yemeni new constitution of 2015 even if it is still a subject of debate, also mentioned the same ideas and talked about mechanism for delineating the boundaries of regions in the Local Government Law.

The constitutional frame of the local government in Yemen is joined by the different text of laws that organized the public and local government system, especially concerning the recruitment. The main text of law in this context in order to understand the recruitment system and condition in Yemen is the Civil Service Law that has 134 articles and wherein

its second article defines the public servant as an employee who is appointed by decision of the competent government to carry out intellectual, professional, artisan or other work organized by a classified and approved job in the general budget of the State, which shall be considered once it is appointed in a regular position whether the post is permanent or temporary under this law. Moreover, article No.12 of the Civil Service Law (No.: 19/1991) mentions that employment at public offices shall be based on the principles of Equal Employment Opportunities (EEO) and citizens' equal rights without any form of discrimination. To this end, the responsibility to ensure the application of these principles resides in the hands of the state.

The law then protects the equality of opportunities. on the next paragraph of the same article the law stated that the organization of the public office and the management of its personnel are based on scientific principles and modern applications in the government and use of the methods and methods of human and psychological sciences in the development of the administrative staff scientifically and technically, and encourage and develop the spirit of creativity and scientific thinking organized them to solve the problems of management and development. This article of the general disposition part of the law is conformably written according to the international community principals and affirms the equality and the integrity of the public service and the selection and recruitment of the public servants.

The article No. 16 of this law comes to specify the categories of the public servants and employees in this context. The first category is the Group of the senior management function, where we found the public servants responsible for taking the decisions related to the management of the local authorities and institutions. The second category is the supervisory functions group, and the function of this category is described by the law as to assist the senior management positions and to carry out specialized work in the fields of health, engineering, economic, agricultural, administrative, legal, educational, accounting, financial, natural sciences or any similar, and supervise these works. The third category mentioned in the article 16 is the servants belonging to Executive Functions Group and the functions of this group shall be to perform, supervise and supervise works of art or writing in engineering, educational, health, administrative or

similar fields. The functions of this group shall require appropriate scientific qualification as well as the availability of expertise in the field of employment. The last two categories are the Crafts, assistance group, and the support services group. The crafts and assistance category has the duty to carry out specific work in the various professions and to supervise its implementation or to perform services or crafts. The Support Services category, on the other hand, was defined by the ability to use materials and machines in doing their jobs supporting the other categories” servants.

In the fourth section of the law of civil services and especially on the articles 22 to article 31, the rules and conditions related to the recruitment system are clearly presented. the article 27 mentions the duty of the authorities of announcing the public recruitment containing information about the name of the job and the group in which it is located, a summary of its content, Conditions of the employment, requirements and qualifications, the category of the job and salary and allowances allocated to them. The geographical location of the duty service should also be mentioned as well as the entity to which the application for appointment is submitted and the date and place of interview and test.

A public examination system is not mentioned so far and the system is more based on the application and interview. The candidates should register in order to apply and their registration would be reviewed afterward. The selection is made through the appointment system in the public function by the higher functional as its organized by category in article 31 of the civil service law. The recruitment system and the set of rules related to the public service and selection of the employees are organized in this law in details that is still a center of the critic by the scholars and Yemeni local government officials and servants.

4.8E-government

E-government implementation is one of the trending services that all the countries are trying to enhance. Yemen is one of the developed countries that tried to enter this field and apply it starting with a theoretically designed regulation.

Yemen government has approved the national project for information technology (e-government) in 2002, which could be mentioned as the step towards constructing an

information system to apply the government service. The project aims to provide different advantages such as the Dissemination and delivery of services to disadvantaged populations and increasing the density of telephone service. Also, it aims to keep abreast of international trends in the development of the local's international telecommunication and information market. In the other hand, trying to implement the e-government services was seen from this project as a way to Move to the electronic financial transactions and reduces the traditional cash transactions, which are a missing point in Yemen banking system.

Even with the presence of a theoretical frame and projects trying to implement e-government system, Yemen has very low statistics and indexes in this field comparing to the neighboring countries and the region generally. First, a very simple visit to the Yemen government portal website which was designed in 2009 to provide electronic services and information to the citizens (<http://www.yemen.gov.ye/portal/>) is sufficient to understand the lack of service and the huge gap between the theoretical goals and regulations compared to the existing reality.

Different scholars studied the challenges that are facing the implementation and deployment of E-government in Yemen and these challenges were categorized into two main parts: first organizational challenges, and second Technical Challenges. The organizational challenges could be explained by the lack of the mentality of the e-service and the previous culture of local governance and services in Yemen. Therefore, a serious work on the public awareness of the e-government need and the work on education and training to the professionals is necessary on this stage. On the other hand, technical challenges are still present and getting deeper consequently of the ongoing conflict in Yemen. It is in fact related to the Telecommunication Infrastructure of Yemen, which also has a low ranking among other countries in the region and is not sufficient to uphold an e-government sufficient system.

The characteristics of the current reality of e-government development indicator in Yemen as presented by the reports and discussed by the scholars of the field shows a need of reconstruction and revision of the local government electronic and technological use and service.

4.9 Impact of war on the local councils

As mentioned earlier, political pressure for decentralization increased after the civil war between north and south Yemen in 1994. Before that, all government tasks related to daily services such as education, health, water, waste collection and so on was made by the center. The elections of the local councils were supposed to be held in 2012, but the accelerated political events in Yemen prevent that from happening. Starting with the public uprisings in 2011, to the alliance of the Houthi group, the former president Ali Abdullah Saleh and the military forces loyal to him. In addition, to the outbreak of civil war in 2014 and the military intervention by Saudi Arabia in 2015. Since the start of the conflict, the local councils have played a major role in mitigating the effects of the war.

However, after the deterioration of the situation, the capacity of the local councils decreased significantly, as did the financial crisis, and the crisis deepened because of the expansion of the war and the decline in the oil revenues (Hajer, 2016). If we review the positions of the Yemeni political forces starting from the public uprisings in 2011, we find that they were competing heavily to expand their influence within the councils of the local government. Because local councils have an important role in decision-making at the local levels, besides the control and motivate of citizens to serve the goals of these forces. For example, the (Islah Party) who are the representative of the Muslim Brotherhood used all their influence within local councils to crowd for the 2011 demonstrations. Another example is the position of the Houthis and Salih forces in the areas under their control, as shown in map 1.

We find that most of the local councils composed of members belonging to the (General People's Congress Party) ruling party in favor of. After the Houthis and Saleh Alliance, it was easy to control the local council in areas under their control. The local council of the capital, unlike most areas under Houthi control, still has the ability to hold meetings and administer the city. In other cites away from the capital, most of the authorities of local councils within the Houthi control area are restricted to decision-making. Where the Houthi group has is controlling the objectivity of these councils by hiring supervisors or representatives from their side.

Although these representatives functionally within the structure of the boards of local executives, in practice they symbolize a parallel governance structure. However, those supervisors hired by the Houthis, in general, did not use their power to come up with significant changes in the performance of local councils, instead, they allowed the government and previous officials to continue their responsibilities with minimal involvement, and in a less transparent financial or secured environment. On the other hand, the local councils within the areas controlled by the official government has the ability to handle some of their tasks.

They continued to coordinate through the local provincial council and to supply their financial incomes to Sana'a. Thus, they had to receive funding from the central government. However, a serious challenge facing the official government, where the income and funding are very limited and hardly cover the salaries of employees in areas under its control (Smith, 2016). After reviewing the systems of public administration in the Republic of Turkey and the Republic of Yemen, we can compare them in many aspects of the most important are legislative, administrative, political and financial aspects.

Map of Yemen under Control of Different Groups



Source: the European Council of Foreign Relations (2017).

CHAPTER FIVE

COMPARISON OF THE CENTRAL AND LOCAL GOVERNMENTS OF TURKEY AND YEMEN

5.1 Introduction

Comparative Public Administration (CPA) is one of the recent emerging trends in the field of public administration although it can be traced back to the times of Aristotle who sent different people across the globe to study different systems of politics. CPA took shape in 1884 following a series of essays by Wilson where he urged policymakers and scholars to endeavor to learn other people's political system in order to know their own weaknesses. During the early stages, the emphasis was on structuring, conceptualizing as well as defining public administration. However, the field took a philosophical turn after World War II and CPA became a key ingredient in public administration scholarship. This has enabled scholars, policymakers, and other stakeholders to make sound policies by learning from practices in other countries (Black 1967; Pye 1962; Myrdal 1968). CPA offers three approaches through which public administration can be studied. These include; Analytical study – this involves a form of study that relies on quantitative data. It is important in developing a study on administrative behavior and processes. Second is institutional descriptive studies -which involves intensive examination of functions and structures of administrative apparatus. Over the years, this approach of CPA has helped to yield in-depth information on the organizations in question. The third approach is the use of case study, which will feature as a prominent approach of this study.

5.1.1 Historical development of Public administrations

Turkey key is a country one can describe being in advance stages of transition similar to other developed countries. Moreover, as expected with other forms of transformation, there will be a clash between the new and the old elements in question and the public administration is not any different. Turkey's public administration system has undergone several reform initiatives since 1923 when it became a republic. Some of the significant reforms in the country's public sector took place in the year 2000, 1989, 1980, 1971 and 1963. These reforms were not only sporadic but also did target very specific levels and aspects of Turkey's public administration structure. By critically looking at these major reform initiatives, one can easily tell that they were aimed at ensuring the public sector became efficient and effective in discharging its responsibilities. One similarity of these reform measures is that they both seem to have been concerned more with the structural elements of the public sector.

They both prescribed reorganization of organizational and institutional dimensions. The 1980 reform agenda was parallel to the neoliberal global trends at the time and the country adopted the new public management initiative and public reform agenda. This saw various measures such as deregulation, privatization, downsizing, adoption of business management initiatives and downsizing. However, these reforms were antagonized by political interference, sabotage from those who strongly believed in centralism and resistance to change made it impossible to achieve speedy and full implementation of the reforms. Other reasons are also blamed on the failure to realize the full potential of these reforms. For example, adopting the neoliberal model with foreign structures without making adjustments to have them fit the domestic socio-political

economic and cultural needs is believed to have laid ground for the future economic crisis. Neoliberal reforms continued into the 1990s with the adoption of a regulatory agenda by the government.

This was part of the growing reforms in the public sector that also saw the establishment of higher councils (also known as independent regulatory authorities). These authorities, most of which are still active to date supplement the efforts of other public institutions and in providing regulations on social life and market. Some of these sectors include; mass media, public procurements, market competitions, energy sector, and finance and banking sectors. The success of Turkey's regulatory authorities is based on its existing strong administrative practices. A crucial turning point in Turkey's public sector reforms came to reality came on 24 December 2003 with the adoption of the Financial Management and Control Law (no. 5018). This legislative regulation would now ensure that all public institutions adopt without failure strategic planning methods and most interesting are that strategic planning became an obligation for all public institutions to adopt. Some legislation that includes; Municipal Law (no. 5393), Metropolitan Municipality Law (no. 5216) and Special Provincial Government Law (no. 5302) then strengthened the strategic planning. These reforms targeted the public sector changed the inefficient, bureaucratic, overcentralized and heavily hierarchical government that Turkey had at the start of the millennium (Ökmen and Parlak, 2015, 544-545).

The success perhaps was inevitable given the domestic and international goodwill to introduce a public management system that can work for all. Indeed, the support of several international organizations such as Municipal Services Project and Municipal Sector Review by the World Bank, LAR 1 and LAR 2 by UNDP and the Local Agenda

21 Project came in handy (Demirkaya, 2009). Another important external actor in the whole process has been the European Union through its external aid initiatives that fall under the European Commission for the pre-accession of Turkey to the Union (Demirkaya, 2008). One important aspect of the Turkish case is found in the very strength of its public administration meaning the bureaucracy.

It is understood that any expectation for successful reforms or restructuring of the country's administrative system and structure, there must be a consensus between the bureaucracy and the political elites. Currently, Turkey has a unity type of government- this means power is derived from the central to the local government. Local government is declared in article 127 of the current constitution. It states that local governments are public corporate bodies established to meet the common local needs of the inhabitants of provinces, municipal districts, and villages whose principles of constitution and decision-making organs elected by the electorate are determined by law.

There is also an important point stated in the same article regarding the formation and duties of local government, where it is mentioned that duties are to be regulated by the law and the principle of "subsidiary". The word subsidiary makes clear then that the local government is to be democratic, autonomous with a legal personality. This also means that local government duties are not to conflict or hinder with central government duties and responsibilities (Kartal, Tuncel, Göktolga, 2015:10).

Yemen has been chosen for this study because of its unique public administration characteristics typical of other less developed countries. In addition to the historical, administrative joins between Turkey and Yemen that dates back to the Ottoman Era.

Until 1990, there were two different countries “People Democratic Republic of Yemen (PDRY) and the Yemen Arab Republic (YAR)” that later came together to form a single state. These two countries had different social political and economic orientations and thus different models of public administration. Despite the Ottoman influence and sizeable support from Egypt, Yemen’s public sector was relatively smaller. In the 1960s, North Yemen’s financial management and public administration systems were less developed while in the South, long indirect rule by the British who had the interest to control the Port of Aden saw the South adopt a British model of public administration until 1967.

As the British left South Yemen, a socialist state was declared in the early 1970s that oversaw a rapid expansion of the private sector. After the unification of North and South Yemen in 1990, significant progress was made in the establishing democratic institutions as well as efforts to unify the civil service of the two regions. Notable, despite having a smaller population, South Yemen had a much bigger, well trained and technologically advanced civil service compared to the North. When the civil service of the two countries was combined, there was huge expansion and an increase in the wage bill, duplication of functions and organizations, which continue to affect Yemen’s public administration to date. The situation was further worsened when over 800,000 Yemen citizens were expelled from Gulf Countries during the first Gulf War because Yemen supported Iraq. This increased the number of unemployed people in the country. When there was political and social pressure to recruit the new returnees, the wage bill further exploded.

An economic crisis occurred in 1994 was blamed on a violent civil war that happens shortly in that year. In response, the government attempted to regain public trust by

creating more jobs in the public sector. This approach worked well as relative peace resumed back in the country and for decades, the stability yielded prosperity and stability in Yemen's public administration. However, the country is military begun to play an important role in government decision making after 9/11 bombing in the United States. Yemen became an ally of the USA in the war against terrorism something that was not appreciated by all quarters.

Such concerns added to an already deeply rooted political problem where alliances among the various tribal leaders, business and political elite's interests, diluted the essence of periodic elections as their interest became more superior. In addition, widespread corruption in the country affects the manner by which public administration bodies operate. According to the United Nations, Yemen is among the highest corrupt countries in the world. The ongoing war in Yemen that begun during the wave of Arab spring that affected other countries in the region has broken down the very institutions that are supposed to serve the people thus creating a state of anarchy.

Previously, local councils were providing basic services to approximately 26 million Yemenis on a day-to-day basis. Yemen's decentralized system was a strong feature of the government before their civil war broke out in 2014 and the 2015 invasion of the country by Saudi Arabia. This has had devastating consequences on the country's public administration sector as local governments have become dysfunctional, militia and terrorist groups are challenging the local government, finances needed to provide services are no longer available, council members have been assassinated and local government buildings looted and destroyed during the war.

In this case, Yemen's public administration has collapsed and urgent measures to revert the status quo should be sought. Major cities such as Sana'a and Taiz have been overrun by Houthi rebels who have also taken local government resources and channeled it to the war. The Houthi group have also appointed their own directorates and supervisors in place of previous local government officials meaning they are directly affecting decision making and governance of the country. This form of parallel government has however not made any significant changes in the decisions of local governments.

In other cities such as Aden where the government of Hadi still has some little control, local government officials are exercising some limited powers. With power in the hands of Houthi appointed officials in the local councils, it becomes difficult to monitor accountability, transparency, and corruption.

Since the beginning of revolutionary changes in the country, Yemen has attracted the attention of both regional and international communities. The extent to which the violence will go is difficult to determine. Local, regional and international actors have failed to successfully address the grievances of both parties and achieve consensus. That said, perhaps it is time we recall the gaps and weaknesses of the country's public sector in order to understand the causes as well as determine the solution. For peace to prevail in Yemen there is no doubt that, the public sector will be an important pillar of the peace process.

What we are looking at in this argument is the idea that the country needs to have a standard means through which resources can be shared among regions, corruption,

transparency, and meritocracy needs to be guaranteed in the post-conflict Yemen if peace is to prevail. Many cases, critical factors that brought the country on its knees have been ignored. Some of these examples include inequality in resource and opportunities, curbing the problem of nepotism and favoritism in the public sector, inefficiency and lack of effective performance in public service delivery played an important role that led to the conflict and cannot continuously be avoided.

As we look forward to a post-war Yemen, the public sector is expected to play an even important role in not only avoiding the challenges that led to the violence but also in the rebuilding of the country and resettlement of the internally and externally displaced persons. There is a need to regain public trust, the state and the public sector needs to do more in order to ensure that Yemen can be able to overlook the past and concentrate on the future. To achieve that, we need to carry out more comparative studies on Yemen and other countries to determine the possible cause Yemen's weak public sector and how it can be strengthened.

The post-war era in Yemen will need a change in the public administration system perhaps a federal government model given the extent of disunity that the war has brought. In addition, local administrators will be influential in the peace negotiations since they are the main voice of the people they are representing. Perhaps it is worth mentioning that the existing structures at the local level may not be easily changed even if the country adopt a new administrative structure at the national level. Therefore, studying the strength and weaknesses of the existing structure will pave the way for better reforms in the future even though it is expected that demarcating the new administrative units will be a contentious process. This is because part of the grievances of the people in the South has

been that demarcation of administrative units particularly the governorates has been done in a manner that favors the North. Thus, there will be an urgent need to ensure that the North-South divide does not play out or overshadow any process that seeks to divide and redefine the governance and administrative structure of the country.

5.2 Political system

In order to be able to compare both the Turkish and Yemeni political system in this chapter, the work will be organized through two main ideas: explaining and comparing the power size and structure first, and examine the relation between powers on a second level. Besides, before going into this analysis, it is important to recall the Constitutional Framework of local governance in both Turkey and Yemen as an introduction to the general political system comparison.

The first similarity between the two countries is seen on the type of the political system and the organization of powers by the constitution. The constitutional articles elaborating a descriptive and vigilant frame of the division and organization of powers frame the administrative structure of the Republic of Turkey. Turkish regime also consists of three main powers as defined in Articles 7, 8 and 9 of the Constitution, The legislative, executive and judicial powers. The constitution of the Republic of Yemen did also state that the political system of the Republic is based on its political and partisan multiplicity and consists of the three authorities: the legislative, executive and the judiciary. Title III of the Constitution focuses on the organization of the powers of the state from the beginning of the first chapter, from article 62 to article 104 about all the matters relating to the legislative power of represented by the (Parliament). Both Turkey and Yemen present in their constitution the presence of the executive power and give a set of articles explaining its duties, responsibilities, and powers. The fundamentals of the power structure in both Turkey and Yemen are therefore constitutionally organized, so what are the similarities and differences between the structure and the power relations in the two countries?

5.2.1 Power size and structure

The structure of the local government of each country has specificities linked to the countries historical, cultural and geopolitical background as explained in the introduction of this chapter. Fortunately, the constitutive texts are the capital reference in such study. Both the Turkish and Yemeni constitutions give a clear idea on the organization and structure of the executive power especially. Nevertheless, it is still important to mention that the historical background of Yemen is characterized with instability and breakdowns until the date of the unification of 20 may 1990 and the date of the end of the civil war on May 7, 1994. The historical factor has a crucial role in understanding analyzing and contextualizing the actual state of the public administration. Therefore, the work on comparing both of the two cases will take into consideration this fact all along the analysis.

Starting the comparison in the frame of the administrative comparative methodology by the political system and the organizations of powers in the constitution is widely accepted in academic literature. The organization of powers in each country is the basic and their separation is the reflection of the countries profile and political identity, as understood coherently with the principle of the public administration theory. The Turkish and Yemeni case studies present two constitutional references that will be the source in this examination.

In the Turkish case, the legislative, executive, and judicial powers are clearly divided and each of them has a specific role. The legislative power in Turkey is reflected on the Turkish Grand National Assembly -TGNA (Türkiye Büyük Millet Meclisi -TBMM) that is an elected entity presenting the population through the parliamentarians. The judicial power in the other hand is an independent power exercised by courts that are divided into the constitutional court and the courts of jurisdictional disputes.

The executive power, which is the center of the study of the government and local government, will more explain in this part. In fact, Turkey in its constitution and in the Article 8 that was the first article that mentioned the executive power where it states that 'Executive power and function shall be exercised and carried out by the President of the

Republic and the Council of Ministers in conformity with the Constitution and laws.’ The fundamentals of the administrative structure of Turkey is considered, especially in the Article 123 that draws the main line of studying the government structure states that ‘The organization and functions of the government are based on the principles of centralization and decentralization’. In other words, the administrative structure’s main authorities are based on the central level and the distribution or delivery of power is at the local level. On the other hand, the mechanism of the administrative system both for the central and local government is also described in the Turkish constitution. First in terms of the central government article 126 states that: ‘Turkey is divided into provinces on the basis of geographical situation, economic conditions, and public service requirements; provinces are further divided into lower levels of administrative districts. The government of the provinces is based on the principle of devolution of powers.’ In this context, it is vital to explain the use and principles of the concept devolution, which gives a clear understanding of public administration organization in Turkey. Devolution is the statutory delegation of powers from the central government of a sovereign state to governments at a sub-national level, such as a regional or local level. It is a form of administrative decentralization. Devolved territories have the power to make legislation relevant to the area.

The Turkish constitution also explains in details the formation, responsibilities, and authorities of the local government. The structure may be presented after the reading of the related articles as the following: a central government, which is mainly divided into two levels of government. The first is capital organizations that represent the President of the Republic, Vice President, Ministries, and Subsidiary Organizations and the second part of the central government is the Provincial Organizations, structured as Province, District, and Sub-District.

The Yemeni case, on the other hand, the presence of the separation of powers into three authorities: the legislative, the judicial and the executive is also present. The Legislative Government is based on the Assembly of Representatives (Parliament), and the consultancy council (shura council). The assembly of representatives or the parliament presented on the Yemeni constitution on the article 62 to 104, and which is advanced as

the legislative government of the state, which determines the laws and approves the general policy of the State and the general plan for economic and social development, the general budget and the final account. This parliament is composed of three hundred and one deputies chosen by a direct election and representatives for their constituencies. The election system is stated to be performed through general, free, direct and equal voting reflecting a democratic principle of the political practice and the public administration.

The Shura Council, on the other hand, is composed of 59 members selected by the head of the republic, and by consequence not applying to the elective system, but established by the system of constitutional amendments. As stated in the fourth chapter of this dissertation, no specific tasks are assigned to this legislative institution; however, it plays the role of discussing the issues that the president of the republic had referred to it for showing opinions. It could be seen as a public entity that ensures to broaden the base of shared opinion and to build on national competences and national expertise.

The judicial government in Yemen is by law described as a government that is judicial, financially and administratively independent. The public prosecution, the courts, and the judges are its constitutional elements, which are independent by law. The constitutional texts and articles related to the judicial government come out to confirm and enhance the principle of financial and administrative independence. A supreme council is also mentioned in article 12 of the constitution and has the role of examining and approving the draft budget of the jurisdiction.

On the other side, the executive government in Yemen includes; the president of the republic, the council of ministers, the local government and its related public institutions. In order to keep track of the previous work, it should be mentioned and these bodies of the executive government were explained in the fourth chapter of this work. The President of the Republic is the president of the Republic and the higher Commander of Armed Forces, and chairperson of the Supreme Jurisdiction practicing the executive government in the frame of the limits stipulated in the Constitution. It has been stated that people elect the president of the republic by free and competitive elections and his tasks, duties, and responsibilities are stipulated in the constitution. The second executive body is the council of ministers, which represents the government and the supreme

executive and administrative body of the State. It is composed of the Prime Minister, the Vice-Presidents of the Prime Ministry and the Ministers of Government. The task of the President is to coordinate the government and the public and mixed administrative systems.

The local government and public institutions in Yemen should be studied phase-by-phases. In fact, Yemen's constitution outlines the main features of the "Local Government". Hence, it is possible to argue that power and duties of local government in Yemen emanates from the Constitution of the country. This indicates the legal personality of the local government is stipulated despite the practices on the ground. Besides, democratic rights such as; local elections, referendum and other popular powers and rights are also stated. The Yemeni law states that the republic's territory should be divided into administrative units having the legal personality and organized under the free and direct election to the local councils. On the other hand, the Yemeni law considers the public institutions that are a set of public facilities with a legal personality that the State grants financial and administrative autonomy to enable them the capability of taking the administrative action.

Comparing Yemen and Turkey on the political structure of the central government and the legislative, judicial and executive powers need an effective look to each of them separately. First starting with the judicial government. The judicial government in Yemen seems to be weaker compared to the Turkish judicial system. While Turkey is having a clear understanding of the limits of powers and tasks between the different courts, the case is not the same in Yemen- a country still going through the construction of its judicial courts and their specialties. The Turkish minister of justice publishes frequently studies and reports on the main topic of the court's competencies. For example, the first instance courts both for civil and criminal cases; first instance courts are basic judicial authorities to settle disputes. The court's structure and their divisions by regional and national level and by competencies are found clearly in both countries where we talk about, the civil versus military judicial, the constitutional court on the other hand, and the regional and national courts, appeal courts, cassation courts. The comparison here is more

focused into the affectivity and application to the laws. As stated before, the regulations reflect a very different reality than what is testified on the application.

Both the Turkish and Yemeni judicial systems could be criticized. It is important to focus on the degree of the effectivity of the judicial system. In Yemen, questions related to corruption and judicial accountability, case management, and basic infrastructure and facility conditions are seen as the reason affecting the functionality or efficiency of court systems. As explained by the report of the United States Institute for peace, Poor facilities and infrastructure are a factor in court malfunctions. The conflicts that Yemen had been going through have an important role in destroying the ability of the judicial institutions of functioning in the right way. Turkey, on the other hand, seems to have a successful judicial institution background and the limits and competencies are being well covered and applied. Still many reports written by different international community organizations are criticizing the Turkish judicial system especially on what concerns the independence question of the jurisdiction.

Second, concerning the legislative government, the Turkish and Yemeni systems have a major difference in this level. While Turkey has one organ representing the legislative power, which is the Grand National Assembly of Turkey on behalf of Turkish Nation, Yemen has two different organs, which are Assembly of Representatives and the consultancy council. The consultancy council does not give a clear idea about his existence and his role. Therefore, it is still a point of criticism and questioning. The legislative government in Turkey has a history that started even with the last period of the Ottoman Empire and became a reference of democracy with the establishment of the Turkish republic. The historical solid background of the legislative government in Turkey and the Turkish parliament is not questionable but different issues are seen and debated concerning the effectiveness of the parliamentarians in dealing with their responsibilities.

Concerning the level of the political and public administration structure, we can see a theoretical resemblance between Turkey and Yemen as both of the constitutions presented the principal of the separation of powers that are the executive, the legislative and the judicial. it is here necessarily to carry the comparison focusing on the roles of the

three powers, their executive system, and the relationship between the three authorities in both Yemen and Turkey. It is also necessary to examine the principles and mechanisms that govern the relations between local and central authorities. Therefore, the next part will focus on an all-encompassing overview of all relations between local authorities and central (State/region) authorities.

5.2.2 Relation between Powers

Talking about powers and their relations is related especially to the democratic question and the separation of powers principle. In Turkey, this question was totally decided until the AKP party introduced the change of the system from parliamentary to presidential, (Akgün, M. H. 2017). The case in Turkey became a subject in the current media and political debates, especially concerning the democratic path in Turkey and if the executive power and the president will have more space to control over the state and the other authorities. In Yemen, on the other side, this debate is not that much into vision, as the question is still more related to the state building and not the change of the system.

In Yemen, the systems of the local government as a part of the executive government is legally stated by law and mentions on nominating the Yemeni territories and their administrative units and their tasks. The fact that the administrative units are part of the government of the state, as stated in the article No.147 of the Yemeni constitution is a first line to read in analyzing the relationship between powers. The dependency and interoperation between the three effective powers are accepted and discussed in the literature and is an institutional and administrative need. The Relationship between the Legislative and the Executive organs in Yemen was also mentioned on the fourth article stating that the ruling regime in the Yemeni Republic is based on the principle of flexible separation between the legislative government and executive government, which means the Possibility to gather between the membership of the prime minister and the Assembly of Representatives. When talking about the Judicial Government, we should mention that one of the aspects of cooperation between the two authorities in accordance with the Constitution is that the Constitution grants the Government the right to propose laws and propose amending them. Aside from the financial laws which aim to increase or eliminate

the tax, or that aim at allocating part of the state's funds to a project, they may not be proposed but by the government. On the other hand, the right of the Assembly of Representatives to direct recommendations to the government in general matters. However, in Yemen in practice reflects the dominant control of executive authority of the President over the rest powers.

In Turkey, on the other side, the relationship between powers is more critical nowadays especially after the new elections and going to the new presidential system. The “separation of powers principle” is still protected in the new presidential system in Turkey with more flexibility and giving more powers and government to the executive power, which will be positively influencing the public service (Kahraman, 2012).

It is stated that Turkish system is seems to be stronger compared to any other political systems in the region in protecting its democratic side with all the critics going on after the new presidential system elections Tunçkaşık, H. (2015). In this perspective, this can be seen as a lesson to the Yemeni government on the possibility to go through changes and keep the aspect of democracy and separation of powers in a flexible way in order to enhance the public service productivity.

5.3. Local government

In this section, we will be focusing on comparing local government structure, the relationship between central, local government, bureaucracy pattern, decentralization of administration, public recruitment, financial system, E-government, accountability both in Turkey and in Yemen. The local government structure in both Turkey and Yemen could reflect specific similarities but they have many different points that should be revealed. The importance of studying this comparison in the first place is related to the way of building the state. The local government structure in both Turkey and Yemen came as a strategy to develop the country's local government system built on a specific political understanding and ideology and trying to fulfill a previously seen need (Güngör, 2012: 28-31, Gözler, 2013). Both of the countries changed their local government structure and ruling principals in specific times respecting and going through a critical political

environment as we explained above in the historical sides of each country in the third and fourth chapters.

The local government structure in Yemen is building presenting the core level and has the following parts, *the local council of the province*, which consists of the total number of elected members from the directorates to minimum of (15) members, including the President of the Council. it is responsible for studying and ratifying the projects of the comprehensive plans at the level of the province and supervising on executing them. It also shall provide direction, supervision, and oversight on the work of local councils of the directorates and executive systems of the province. The second entity in the provincial government structure in Yemen is the Governor, followed by the secretary general of the local council that is both the principal responsibilities of the management and general organization of the province and its relation with the council. *On the other hand*, the administrative body is also considered as one of the internal configurations of the local council and its full-time organ. It consists of the President of the Council, the Secretary-General and the Chairpersons of the specialized committees, the tender committee in the province. The other related offices and structure help in the organization and continuity of the task in the provincial order as it was described in the previous chapter.

The division of the local structure in use of the urban and rural criteria and the schematic understanding of the hierarchies could be seen as logical and effective on the first side. Even so, the administrative division should achieve the aspirations and needs of local communities, the current division is essentially political and far from satisfying the criteria set out in laws. The law dictates 301 electoral districts, corresponding to (333) local district directorates with geographical scope, and 22 directorates representing provincial centers, This implies that losing local government, the most important element being recognition of the existence of local interests distinct from national interests(Alaqua, 2015:48).

The local bodies in Turkey in the other hand are coming as a subdivision of the central government by law. As mentioned before the Central government in Turkey is divided into organizations. First, the capital organizations covering the three levels of power

(executive, legislative and judicial powers). Second, we find the provincial organizations, which are organizations divided into provinces, districts, and sub-Districts (Güler, 2009). There are 81 Provinces in Turkey considered as a micro phenomenon of the state, the province in this context is a basic entity in the provincial organization in Turkey. afterward, comes the districts which are a lower level of provincial administration, and according to the Provincial Government Law, the governing board of district is composed of the property manager, head doctor, the director of national education, and the director of agriculture and village affairs under the chairmanship of the district governor. In the last level, we find the *Sub-District* that takes place from towns and villages, which are related to each other in terms of sub-district, geography, economy, security, and local service. Local government terms of authorities in Turkey are structured to three main branches the Special Provincial Administrations, Municipalities and Villages, going more specifically to Neighbourhoods and so on.

The organization adopted by the Turkish law seems much simpler in terms of naming and structure than the one adopted in Yemen. Dividing the territory according to the rural and the urban criteria in Yemen is not that effective in terms of management and that was the cause of different challenges. On the other hand, the Yemeni law in this perspective is considered failing in establishing an administrative and state structure, while Turkey is being seen as an example for the region in the same context. The Yemeni provincial administrative system is a part of the process of state formation that did fail according to the literature. Yemen has a multifaceted political structure, and that produces many challenges related to the administrative and provincial organization (Gun, 2012). The state as a service provider needs to protect the structure of the local and central government in order to assure the sustainability of the service, the capital role of the state and its governable institutions. Although Yemen and due to the ongoing conflicts is been considered as a failed state in the frame of the failing state theory (Çamyaran, 2017).

5.3.1 Bureaucracy culture

Bureaucracy is a French word, which means a system of government in which most of the important decisions are not taken by the elected representatives but by the high officials of the state. It is the main subject in the study of the administrative and

government field. It is a subject that has in it a related rich literature and many theories were presented in this context. Bureaucracy and public administration are co-linked concepts in this kind of study es (Bayırbağ, and Göksel, 2013). Bureaucracy may be defined in different ways but the definition given by Hague, Harrop, and Breslin appears to be more relevant. “The bureaucracy is the institution that carries out the functions and responsibilities of the state”. In other words, it can be said that bureaucracy is that type of government or government which is primarily manned by some permanent officers recruited by a body, which acts independently.

Different theories could be mentioned in the study of bureaucracy in general and many important philosophers and writers took place in the theorization of this subject, such as the Weberian approach, the Marxist approach, the Corporatist view the Pluralist/liberal views, the New Right and New Public Management and finally Governance and Bureaucracy. Our study to the bureaucracy could be underlined under the new public management theory and the governance and bureaucracy theory in the same order as the principal study question. Even though it is important to mention that some scholars such as Yılmaz (1999) pointed out that Hall and Weber's bureaucracy approaches have the same bureaucratic features in Turkey. The readings of the bureaucracy theory in Turkey have always-different visions in the scholar side.

Tracing back to the previous studies and the discussions made in the third chapter of this paper, it is possible to highlight the role of the bureaucracy in Turkey. Here, it is possible to mention that the fact that bureaucracy is a state concept that had started since the Ottoman ruling and got a new shape with the republican regime, but protected its importance in the different course of history.

First, it would be ideal to mention that Bureaucracy in Turkey is studied historically and has two major versions of analysis. The first is related to the ‘Bureaucratic Tradition’ debate in Turkey, which compares the historical role of bureaucrats, and its development in the modern Turkish history and the second study focuses on the Turkish Bureaucracy at the present and the related Current issues especially with the European Union influence (Savran, 2010). The role of the bureaucracy in Turkey could be stated as assuring Functional performance in the state structure and its organization. On the other hand, the

bureaucratic selected officials in Turkey serves as Cultural linkers between the population and the state.

The bureaucrats in Turkey are chosen according to their political agenda and this was always a point of critics as it should be the reverse, in other words, they should be chosen based on their academic and professional background and how they may help in the effective public service and the sustainability of the organs of the state.

Yemen on the other hand, is Influenced by the Ottomans administrative culture, a decline in performance during the Imamet Rule, influence of the British colonialism in the south, the unification between northern Yemen and southern Yemen the bureaucracy has a weak level of affectivity and presence which is related to the nature of the state and the mother culture. The different ethnicities and the ongoing conflict explain the absence of a strong bureaucracy. The study recently conducted by a Yemeni scholar dealt with the comparison of Yemen Bureaucracy and the index provided by International organizations that put Yemen at the bottom. With regard to the index report, Yemen scored one (1) at 0-4 scale of measurement made in the year 1998. Until 2004, the country did not make any progress and continued to score the same (Al-Assad, 2002). Hence, study ers argue that Yemen's bureaucracy is passive and could not recognize the role of civil service reform packages in improving the quality of the bureaucracy.

The bureaucracy in Yemen is one of the problems and handicaps that stand in front of the development of the country and the public sector generally. Overall related to the system of recruitment, the bureaucratic sector have been receiving the same critics, especially in concern with the corruption. In fact, a system of grand corruption has emerged over the last several decades thriving on the combination of weak state institutions and a fragmented elite structure. In the absence of strong state institutions, informal patronage networks have proliferated. This corruption is also related to the tripe system and their leaders that face it and do not let a chance to the real bureaucracy to take the lead of the country and public administration. It is at the same time principal to notice that there are indigenous reformers in Yemen who are serious about confronting corruption. Comparing to Turkey, Yemen in this context has a weak bureaucrat body that needs to

learn from the experiences of the neighbouring countries and try to hold on the international community prepared plans for Yemen.

5.3.2 Legal relations

One of the other points to discuss here is, the relationship between the local and central government which is a very important aspect in this study. In this context, it is also necessary to examine the principles and mechanisms that govern the relations between local and central authorities in both Turkey and Yemen. This relationship was studied differently in both chapter three and chapter four.

Talking about the relationship between the central and local in Turkey, a strong centralist state, bureaucracy, politicians, and officials valued a centralized system of government. In another world, although the local government was adopted, the central government was and is still dominating. In fact, a set of laws and regulations were adopted in order to enhance the decentralization principal in practice. Comparing decentralization in both Turkey and Yemen and the measurement of its affectivity in both countries.

It is important to start this section by mentioning that since 2004, the government of Turkey has introduced a series of reforms that are often subsumed under the term “decentralization”. In 2004, the government made its intention to fully decentralize some of its functions and roles to the local government with the adoption of the Metropolitan Municipalities Law No. 5216. This law is important in defining the parameters within which the local government and the central government operate in. In addition, Article 6 of this law regulates the limits to which Metropolitan Municipalities can reach, in short, the boundaries between the central government and the Metropolitan Municipalities. Citizens are also given an important role to play through elections within the municipalities. The functions of the Metropolitan Municipalities are spelled out in Article 7 of Metropolitan Municipalities Law no. 5216 some of which include the responsibility to develop relative budgets, programs and strategic plans for their regions. Article 13, requires that the public must be informed of the time and place that local council meetings are to be held. This helps to advance accountability and transparency of the metropolitan municipalities.

In Turkey, shifting from the centralization to the decentralization is therefore an old political strategy. In fact, the number of laws and regulation that were ratified in this context has been passed that aim to reorganize the division of tasks and the relations between the central government and local and regional authorities. This means, to give an increased autonomy to the local government institutions and to give a larger space in resource management and self-finance planning. These reforms constitute a significant change in territorial government and management of local services in what had been, to this point, a centralized, unitary state, with practically no intermediate level between the central government and the citizens (Gökbayak, 2008). The year 2005 also saw the adaptation of another important law whose provisions touch on the relationship between the central and local government. This is the Law on Local Administrative Unions, a law that was enacted with the main goal of strengthening solidarity among local governments, to protect the interests of the local government and promote their development.

In general, the decentralization process in Turkey had a positive effect on the sustainability and on the quality of public service provision; the autonomy of these institutions and especially the services presented by the municipalities made Turkey one of the leading countries in this purpose (Guner, 2009).

While talking about the decentralization in Yemen on the other hand, we have to mention that historically the political pressure for decentralization increased after the civil war between north and south Yemen in 1994. Where the system of local government is built as a basis for building the new state, Yemen was afterward prepared to enter a new era of rebuilding the state. The legislator in the Republic of Yemen has recognized the necessity for a constitutional and legal structure or system to address the various aspects of political, administrative and financial decentralization that must be applied in the country to the level of the local government system. This resulted in the promulgation of the Local Government Act No. 4 of 2000, which in its entirety means the introduction of a decentralized system approach in local governance, and on February 20, 2001, the first elections for the local councils were held at the level of directorates and provinces. That was considered the first practical step towards establishing administrative decentralization system and broadening popular participation in the management of State

and community affairs at the local level. More specifically, the government in Yemen is unitary, not federal, and despite the assertion in both the constitution and Law No. 4 that ‘the local government system is based on the principle of administrative and financial decentralization,’ as it admits that other laws define the competence of other government actors.

On a theoretical level and a legal one, Yemen did put steps in creating and shifting into the decentralization but was this enough? Unfortunately, again capability in applying the agendas and projects is faced in this subject too. The set of literature and reports found are all trying to propose possible structure so that Yemen could manage to build a decentralization in the future democratic transition. The next democratic transition process has an imperative aspect of this roadmap that relates to the structure of government and decentralization in Yemen, which is a decision to be taken at the national dialogue level. Besides, these procedures and laws in Yemen, the central government is still maintaining the power and government and the local government structure is still not really effective which is not comparable to Turkey where we can directly talk about the decentralization and devolution of government in a daily progression.

In another level, it is also known that Yemen with the help of different international organization is also now working on the National Strategy for Local Governance. The UN and UNDP published different reports and project plans in the path of establishing decentralized governance in Yemen, but it is still not yet applied in the correct and waited for the way. The Yemeni experience is remarked weak and still facing challenges to apply the theoretical and legislative rules and strategy according to the decentralization context. Turkey in this field could be a great sample case for Yemen to follow, first starting by Improving the understanding of national and local stakeholders about the main forms of political regimes and decentralization systems, their advantages and disadvantages and the practical experiences of their application in various country contexts. This could be explained by the absence of understanding of the need of decentralization by the Yemeni officials.

5.3.3 *Financial relations*

Financing and the control over the resource of the government institutions is one of the questions that are centrally debated in the administrative studies field. The local government authorities and services require a high level of finance and a controlling system should be established in order to assure the sustainable affectivity of the political and administrative structure. The financial system in Turkey and Yemen is very different and various critics are present in both cases.

In Turkey, and according to the literature, and official reports, a municipal finance system is built and programmed systemically each year. Municipal budgeting in Turkey is based on the calendar year as in the case of the state budget. Specific laws of the Public Fiscal Government and Control covers also municipalities, the procedures prescribed by the said Law apply to the preparation and implementation of their budgets, and other fiscal government matters (Ersoy, 1999). The budgets of local governments, the social security institutions, and the central government are consolidated and submitted to the national Turkish parliament who has the duty and right of control over the public finance system through specialized organs. The municipalities have the ability of self-financing through the revenues it gets and it had a different source such as the taxes and the charges. The taxes and charges are a capital source of the finance of the public and governmental institution and especially the local government bodies. Those taxes are divided into property tax, sanitation tax, announcement and advertisement tax, electricity and coal gas consumption tax and the communication taxes. These taxes are used all over the world and in different systems as the way of self-finance but in Turkey, The studies and literature reviews show that most of the local taxes left to the government of the local governments are inefficient (Keles, 1997).

It is important to mention that the general state budget share makes 49% of the municipal total budget while 51% is municipal revenues. Therefore, the central government provides much of the revenue for local government and some local government officials are appointed by the government. In addition, Turkey has been always working on the public finance system and it is in a current development especially with the influence of the European integration plans on the country generally. An Evolution of the Turkish

Financial Services is remarked and Turkey's financial markets have been in a constant state of evolution.

In Yemen, on the other hand, the Local government funding system is an issue that was updated and defined by law. Given the importance of financial issues to the success or failure of local councils in the performance of their functions, the local government Act section V is devoted to the determination of financial resources, and the identification of resources. This has been limited to the extent that the legislator has not left the local councils or their administrative units with any scope to reflect on this context. The law also defined the areas of use of financial resources, emphasizing the need for consistency with the financial and accounting procedures adopted in the State, and issued the financial regulations of the local government by Act No. 24 of 2001, which dealt with procedures relating to financial matters in a manner detailed.

In the case of Yemen, the finance of the government is organized through laws and regulations determining the Sources of funding. In fact, the law and its implementing regulations, as well as the financial regulations, specify the sources of funding for administrative units as follows: first the Local resources of the Directorate: the financial resources that the directorate collects in its favor. Second, Shared resources at the Provincial level. These are the financial resources that are collected in the provincial directorates for the benefit of the province as a whole and are distributed periodically by the administrative body of the district council. Third, the Common public resources that are the financial resources that are centrally levied on behalf of local councils. Finally, the Central support resources, which the state allocates annual centralized financial support to administrative units. The distribution of common public resources and central support to all administrative units shall be in accordance with the basis of population density and the abundance of administrative unit resources, level of economic and social development, deprivation, efficient functioning of local government and efficient performance in the collection of financial resources and the safety of their spending.

It is important in comparing the public finance in Yemen and Turkey, to explain that in Yemen the finance sector was always disturbed because of the general environment. In fact, the civil war of 1994 resulted in huge military spending and huge damage to

successful government corporations, which adds up the extra burden to public finance deficit. It is also capital to mention the international cooperation and help from the international community actors, which is a proof of the weakness of the Yemeni economic and financial system comparing to Turkey that became one of the strong economies in the world after the AKP party rule.

The Accounting and Financial Management Information System is weak compared to the Accounting and Financial Management Information System in Turkey. In fact, The Ministry of Finance performed many reforms in the field of public finance government since 1995 (Nowak, 1995). However, such reforms were considered not effective enough to achieve sound government financial management (Ouda,2010). Realizing that objective, the Ministry of Finance along with the WB and IMF performed many studies in public finance government (budget system, accounting, and financial accountability, and tenders' system). The outcomes gained from these studies pointed out to the importance of continuing the civil service reforms further reforms to improve the government financial management and should be given priority in its execution for the following reasons (Paulsson, 2006).

Therefore and comparing to the Turkish financial system, Yemen should first, Enhance decision-making mechanisms of budget management. On the other hand, it should improve the financial management information systems by working on the selected projects and the recruitment procedure of the public sector (McCrum, 2004).

5.3.4 Public recruitment systes

The public service and the recruitment of public servants is one of the essential colognes of the public administration. The efficiency of the service the state gives to the public is related to the efficiency and competence of the recruited servants (Farazmand, 2007). Understanding what the public service is, and how it is organized is the principal path towards assuring the continuity, efficiency, and sustainability of the public services and the public institution. Therefore, the question of recruitment of public servants is related basically of the failure of the public service or the ability to create a successful state

management strategy. The public recruitment question is thus a basic question in the administrative field.

The public service consists essentially of the employees of government ministries and departments, as well as those of a few autonomous bodies. As explained in the previous chapters Turkey and Yemen have different strategies, regulation and categorization in choosing the public servants.

At the first, Turkey seems to have a very complex system with all the exams that it takes to be able to access the public service. This system may seem complex and idiosyncratic in some respects. However, its benefits should not be discounted. In fact, it is important to mention that the competitive examinations system is the best current method present in order to cut down with the corruption in this sector. Naturally, there remains scope for improvement. The use of a written exam such as the Kurum Personel Seçme Sınavı (KPSS) scores for the recruitment of graduates at the middle management level may seem odd specially that large number of people apply each year however, it is necessary since it protects the fair side of the public sector and state image. The exam conditions are fair and equal to all the candidates, which ensure the absence of the illegal tricks in this context (Aycan, 2006).

In Yemen, the recruitment system is based on the file and application system as explained in chapter four of this dissertation. According to Article 28 of the Civil Service Law, new graduates and other applicants are supposed to complete registration and fill the application forms at the registration offices. After completing these procedural requirements, the job seekers are also expected to submit their applications to the Ministry of Civil Service or to one of its mandated branches for selection and placement at different civil service organizations with a need to recruit new employees

However, applicants normally have to wait for years before being an appointment for public office, what makes it worse than in reality its observed that large numbers of selections are made based on nepotism, mediation, and regionalism.

This system leaves the doors open to corruption and makes the selection process to the public servants open to illegalities and injustices. On the other hand, the newly built state

is seen not as able to assure the balance between the ethical powers in the country and that would be hardly possible if the cornerstone of the state building, which is the public service, is corrupted. This is true since the public recruitment is not built on strong bases of equality and access to equal rights (Çamyaran, 2017)

In another level, we can see from the national reports that the Turkish public servants are being under permanent control and receive on a continuous level trainings and education programs. This fact is important in assuring the productivity of the public services and its ability to carry a real working system with all the novelty and the change of the political and social environment (Ekinici, 2008).

Although the Turkish system of public recruitment is seen developed and well balanced, many critics take place when it comes to the classification of the public servants, which are selected after the examination process. Still, Yemen in this context has a lot to take from the Turkish experience especially on the recruitment strategy and the application of the principle of equal access to the public service changes to the citizens

5.3.5E-government

In the previous chapters, the e-government regulation and implementation in both Turkey and Yemen were explained taking into consideration the actual importance of the e-services worldwide. A very important fact needs to be mentioned at the start of this comparison: Turkey is a country that does not just understand the role of the information's and new technologies but also started to enter to the level of production in this field, while Yemen is a country facing telecommunication structure challenges related to the actual conflict. Establishing a strong e-government service is related to the security and development level of the country.

Turkey started implementing and designing strategies on this frame with the rise of the AK party regime. “e-Transformation Turkey Project” that was developed in 2003 could be seen as the starting point of the Turkish e-government implementation (Al-Hagery 2010). On the other hand, Yemen government has approved the national project for information technology (e-government) in 2002, which could be mentioned as the step towards constructing an information system to apply the government service. Therefore,

no huge difference on the temporal side could be seen both countries started focusing on this question during the same period. Although, the results of the Yemeni and Turkish strategies on implementing e-government services are radically different. The Turkish e-government services and structure, heavily affected by the EU standards, was ranked the 68 worldwide as announced by the UN E-government knowledge database of 2016, while we find Yemen on the 174th rank (Al-Hagery 2010).

Progress in online service delivery is clearly seen in Turkey, even though it is still not reaching the waited goals. Yemen is facing more challenges in this issue and the political situation is not helping for rebuilding or trying to implement the decision strategies on the national project for information technology of 2002.

5.3.6 Audit and oversight

This section will briefly evaluate the principles of accountability and the audit and oversight mechanisms both in Turkey and in Yemen. The mechanisms of auditing are discussed in details in both Turkey and Yemen in chapters three and four. We can say that the judicial power in Turkey adores high level of independence. While the case is very different in Yemen. A study made by Gaston.E and Aldawasri. (2010) about the justice functioning in 10 cities in Yemen shows that corruption is deeply rooted in the judicial power. The most prevalent violations and faces of corruption mentioned in the study were; payments taken from people for free services like; (registering claims, set session dates, draft judgment text and so on), Judges are bribed to make judicial decision favoring one side or another, judges are also acting at the behest of political, religious parties instead of acting independently. The study discussed the fate of impartial judges in such a corrupted environment, referring to this point it is important to mention that the recruitment of courts and prosecutors made by the Ministry of Justice. The ministry is in charge of the obligation, transfer, and subtraction of judges and prosecutors. Based on Article 59 of Law on Judicial Power judges should be rotated every three or five years, however, recruitment and removal were done under the political influence. Going back to the corrupted practices highlighted by the study impartial judges were threatened and strongly interference by security.

Many countries around the world realized the need to establish an effective procedural or mechanism to resolve the grievances of all citizens and to raise awareness of their rights and the procedures they must follow to obtain them. In addition, to inform officials of their responsibilities and their legal and religious duty to pay attention to solving the grievances of citizens. In Turkey Auditing of public resources is protected by the law no. 5018. Internal auditors, administrative tutelage through (Ministers of Interior-Finance – Development –Environment and Urbanization) the court of accounts and parliament oversight play an important role. Another good example of such a mechanism is ombudsman, which stands for a system adopted in large number of counties in the form of offices delivered by the law of parliament. These offices ruled by independent executives, and the main function of ombudsman offices is receiving grievances made against the government or agencies by civilians and investigate, advise take actions and issue reports (Bergman, 2014: 33).

Countries differ from each other in adopting the ombudsman system. In Turkey, the ombudsman institution Law was a publication on the official newspaper June 2013. Article 1 of the Ombudsman Law defines ombudsman situation as *“the principles regarding the establishment, duties and working procedures of the Ombudsman Institution and the provisions regarding the qualifications, elections and personal rights of the Chief Ombudsman and the Ombudsmen as well as the appointments and personal rights of the staff members of the Institution are subject to this Law”* . Referring to Law No.6328 (2013) as well ombudsman institution was established to investigate the complaints received from people and arrange proposals and annual reports to the administration. We can realize here that a single official or an office did not play the rule of ombudsman but an institution bounded to the Grand National Assembly of Turkey. The ombudsman institution is composed of a chief ombudsman and ten ombudspersons maximum. The resolution of the complains received may be handled by all the members involving the chief and ombudsperson. A suggestion could be made by ombudspersons if chief ombudsman requests that (Özer 2015). Another important example of participation, channels is the Cumhurbaşkanlığı İletişim Merkezi (CIMER) that was established in 2006 to form a communication channel between citizens and the Presidency. It aims is to follow up and control duties and transaction from the center to

the public. This mechanism guarantee the participation of the public as well as accountability to authorities. This application is prepared to receive complains, opinions, suggestions and information from citizens, through different ways such as online letters, fax, telephone or in person (CIMER,2018).On the other hand, the ombudsman mechanism and other chanel mentioned above are not applied to Yemen yet. Although according to a study, prepared by the National Institute of Administrative Sciences in collaboration with the German Technical Cooperation Office (2009) on the importance of establishing ombudsman system in Yemen. The study recognized three levels of the social groups that caused the most grievances of citizens. At the first level, sheiks, dignitaries, and social orientations are the most influential figures in the grievances facing citizens in various aspects. At the second level, are the senior staff of the State includes ministers, their agents, directors of the public and others with higher degrees of employment. The third groups are the senior traders and businesspersons.

In this chapter, we analyze and assess the relationship between the central and local government, provide an integrated picture of the function and performance of the local government and compare both models power, constitutional, legal, political, administrative and financial aspects, in accordance with the principals of central and local government relations.

CONCLUSION

This study analyzed the nature and patterns of the inter-governmental relationships between the central and local governments in Turkey and Yemen. Both countries have a unique administrative experience in the past, geographical size, and location, population, economic and political features. Given these unique experiences, it is undoubtedly that the two countries would have different practices in their public administration. For interest has been to what extent is the local government independent from the central government in terms of decision-making, financial independence, and separation of power as well as auditing. The growing narrative has been that the more independent the local government is the more efficient and effective it will be in public service delivery. Local governments autonomy need to be protected by the law in order to ensure that their operations are not affected by practices of the central government. In theory, these two levels of government need to be independent of each other, while they both complement the role of each other in order to achieve their goals.

This comparative study has been confined to studying the government structure in Turkey and Yemen, then analyzes and assesses the relationship between the central and local governments separately to provide an integrated picture of the function and performance of the local governments. Ultimately, this study compares the central and local governments of both countries from power structure, constitutional, legal, political, administrative and financial aspects, in accordance with the principals of central and local government relations. It is important to mention as well that these two case studies have been selected because of their unique features in the relationship between local and central, alongside the relevant historical commonalities.

The modern government of Yemen was established by merging the two independent entities. These were the North and Southern Yemen, which merged to form and set the structure of new government system in an effort to overcome all forms of the political, economic, social and administrative obstacles inherited from the Imamate Regime in North Yemen. Over the last 30 years, many studies have been conducted on local governments and its roles in Yemen, but there are very few recent studies that focused on

the relationship between central and local government within the principals of central and local government relation.

Although the new government in Yemen after 1990 has made many reforms, the relationship between the central and local governments is still unclear, where the relationship between them according to the constitution is different from what is applied in reality. These gaps between text and application created many challenges like; the strong financial and administrative centrality, the incompatibility, interference, and lack of clarity of some laws that regulate the relationship between central and local government, deficiencies in the administrative structures and divisions. These challenges among others prevent from having an efficient local government, and the Yemeni Government is said to be less successful in this regard.

On the other hand, Turkey has a rich history of local government that dates back to the Ottoman Empire. This long history of practices depicts the structured relationship between the central and local governments. In addition, it allowed Turkey to achieve significant developments, and overcome several political, economic and administrative challenges, which are still faced by a number of developing countries.

The war in Yemen has worsened the already inefficient public administration system as important organs of the government have been severely affected by the war. This is in part what makes this study important, as the successful rebuilding of post-war Yemen will highly depend on the nature and strength of the New Public Administration. There will need to restructure the administrative organs of the country in a manner that does not only ensure efficiency and effectiveness of the government but also address the pertinent issues that led to the war such as inclusivity, accountability, and growth. In this regard Yemen can benefit a lot from the Turkish public sector, for example, there are transferable models such as short, medium- and long-term planning which Turkey has been able to successfully implement since 1980, financial management and accountability will be critical. For example, the government of Yemen will need to ensure that it develops policies that directly or indirectly make the country attractive for investment; these may include governance reforms, establishing a Court of Accounts to audit public entities and strengthening of the local governments.

Indeed, the war has had devastating consequences on the country from the national to the local levels. Therefore, Yemen can learn from Turkey a number of valuable lessons on how basic services such as healthcare, education, environmental conservation, food production, water, and sanitation can be made available to the people through collaboration between the national and the local government. Decentralization will be another important lesson Yemen can learn from Turkey as it attempts to rebuild its political and economic institutions. One of the biggest obstacles to Yemen's growth and partly played a role in the outbreak of the conflict was the over-centralization of power at the national government. The national government did not only micro-manage resources and government, it also gave local institutions and the public very little space to participate in the decision making process. In other words, there was and perhaps still, is very little involvement of the public in decisionmaking relating to issues that would affect them directly such as budget and choosing local leaders. This top-down approach to governance currently not a popular trend in public administration. Turkey, on the other hand, has elaborate structures that allow public participation on local and national issues including the use of referendum on divisive topics and constitution making process.

Another area of importance in Yemen is the public service. From government officials to security organs, there has been a concern over lack of merit in the recruitment of state employees due to an inefficient process and acts of nepotism, corruption and political patronage. The consequence of such actions is that service delivery has been negatively affected, and the increased polarization of the country. Turkey, on the other hand, has established an exam system that allows the best men and women in the country to be recruited in the public sector. This has translated into efficiency and effective service delivery.

Planning is a key pillar of modern-day public administration. Governments are encouraged to prepare plans for short, medium- and long-term goals. In Yemen, the absence of elaborate and realistic planning has been an obstacle to achieving the country's vision and goals. Planning is important as it allows policymakers to outline their intended objective over a specific period; it enables policymakers to be able to forecast the potential challenges that may prevent the country from achieving these goals,

examine the opportunities such as the availability of funds, and technical skills as well as external threats that may hinder successful implementation of plans. Beyond the planning, implementation, monitoring and evaluation of these plans are equally important. Having good plans is not sufficient if the proper structure, institutions, and personnel are not available to successfully implement them.

Turkey's leaders starting with Mustafa Kemal Atatürk, Turgut Özal and Recep Tayyip Erdoğan have influenced the way in which the country is administered. Yemen, on the other hand, was led by a single president for many years an attribute that has some advantages but many disadvantages. The lack of change in the country's leadership since the unification of North and Southern Yemen did very little to help the public administration sector to evolve with global trends. This further affected the country when non-state actors removed the president violently, thus, leaving a leadership gap that has given various groups an opportunity to scramble for power. Yemen, therefore, can learn valuable lessons from Turkey's electoral and political transition and reforms that have seen not only periodic elections but also free and fair elections where the people choose their leaders.

On a more important point, the study seeks to recommend further changes and reforms in Yemen particularly with the current war. Efforts need to be made, urgently, to restore public security across Yemen. The divided nation has already experienced huge socio-economic and political losses, many lives have been lost, millions displaced, a threat to human security has been very high especially starvation and disease. This means that the existing government should ensure that the citizens are able to access humanitarian needs through the provision of services, promote welfare and social growth such as youth employment and empowerment in order to counter ideologies spread by extremists, local authorities need to be further empowered and a roadmap to constitutional reforms need to be adopted. Dialogue is the main hope for the country as the use of force has been counterproductive. Such a dialogue should be based on a framework that will promote equality, inclusivity, and opportunities to every citizen of Yemen.

Turkey has been playing an important role with humanitarian support to Yemen. There is, however, room for further engagements such as training and capacity building for future

administrators, Turkey can also provide technical and advisory support for a policy transfer and a road map to peace and in the constitution making process and effective local and central governments systems. This will go a long way in helping Yemen during the state building period. In other words, the difference between Turkey and Yemen's public administration system is because of many diverging factors. It is worthy to note that however, that Turkey's experience can have significant direct and indirect contribution to the present and future prospects of Yemen. The findings indicate that Turkey has an elaborate and structured Public Administration system that has undergone significant reforms to keep up with emerging global trends. In addition, to the harmony intergovernmental relations with operational autonomy, decent level of financial autonomy and effective audit and oversight system. Yemen, on the other hand, has large number of legal, structural, operational and financial challenges that prevent effective intergovernmental relations. This result to weak public administration system before the outbreak of the civil war, and almost total collapse of the public sector after the outbreak of civil war.

I wish to recommend that further research be conducted specifically in the post-war era in Yemen in order to establish a new approach in the country's administrative structure. Indeed, the absence of strong government presence and over-centralization of power in Sanaa cannot be underestimated when discussing the cause of the conflict. Both the central and local government had already proved inefficient to deliver public goods and this could have worsened the outcome of the war. As we have seen from the Turkish case, the law should guarantee equal distribution of resources to all local governments, local government structures need to be professionalized and well audited to ensure proper use of resources. Most importantly, Yemen will need to adopt new governance practices in order to promote inclusion, participation, and equality in decision-making and the provision of goods and services. As well as, revising the fiscal transfers system to ensure that distribution of resources is based on equitable and appropriate criteria.

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APPENDIX

A summary of the comparative study of turkey and Yemen

VARIABLE	TURKEY	YEMEN
ADMINISTRATIVE HISTORY	<ul style="list-style-type: none"> ✓ Dates back to the Sultante of Rum or Seljuk Empire, then to the Ottoman Era. The Ottoman empire had a sophisticated and elaborate administrative structure that enabled it to rule over its vast territory 	<ul style="list-style-type: none"> ✓ The Ottomans tried to fill the gap left behind the evacuation of the Egyptian Mamluks in 1635. The features of administrative divisions and local councils established in the second era of Ottoman rule to Yemen (1872-1918) in particular continued to be inherited in later phases.
BUREAUCRATIC CULTURE	<ul style="list-style-type: none"> ✓ Has over the years been influenced by ottoman administrative culture, the military bureaucracy, Liberal reforms and the influence of the European Union 	<ul style="list-style-type: none"> ✓ Influenced by the Ottomans administrative culture, a decline in performance during the Imamet Rule, influence of the British colonialism in the south, the unification between northern Yemen and southern Yemen
CENTRAL GOVERNMENT	<ul style="list-style-type: none"> ✓ Unitary Presidential system of government ✓ Balance of power between the Judiciary, executive, and Legislature ✓ The executive consists of the President and a Vice – President, Cabinet ✓ A unicameral legislature the Turkish Grand National Assembly with 600 members ✓ Judiciary is independent ✓ Local Extension units of Central government 	<ul style="list-style-type: none"> ✓ Semi-Presidential representative democratic republic ✓ Domination of executive power over legislative and judicial ✓ The executive consists of the President , Vice – President , Prime minister, Council of Ministers ✓ A bicameral legislature the Assembly of Representative 301 member and Shura Council 111 member. ✓ Executive control over Judiciary and rooted corruption

<p>ELECTIONS</p>	<ul style="list-style-type: none"> ✓ Direct election of the President and members of the Turkish Grand National Assembly happens on the same day after every five years, Vice-president and Council of Ministers is appointed by the President 	<ul style="list-style-type: none"> ✓ Direct Presidential election happens each 7, the Assembly of Representatives is elected each 6 years, the Suhra Council members appointed by the president , Vice-president, prime minister and deputy prime minister are appointed by the President, Council of Ministers is appointed by the President on the advice of prime minister
<p>POWERS RELATIONS</p>	<ul style="list-style-type: none"> ✓ Parliament can impeach the president in a vote of no confidence but that will also lead to fresh elections for parliament ✓ The President has the right to call for referendum for any constitutional amendments ✓ Key members of the Judiciary are appointed by the executive and legislature 	<ul style="list-style-type: none"> ✓ Dominate control of the President over other powers. ✓ Parliament oversight the executive power and direct recommendations however, the president has the right to dissolve parliament ✓ President could propose laws , propose amending them and approve them ✓ Key members of the Judiciary are appointed by the executive
<p>PUBLIC PARTICIPATION</p>	<ul style="list-style-type: none"> ✓ Citizens can participate directly or indirectly through central and local elections or public watchdog office such as the Ombudsman office, Presidential Communication Center (CIMER) 	<ul style="list-style-type: none"> ✓ Citizens can participate directly or indirectly through central and local elections, no public watchdog offices , but Supreme National Authority for Combating Corruption collaborate with civil society to fight a against corruption !

<p style="text-align: center;">AUDITING</p>	<ul style="list-style-type: none"> ✓ Auditing of public resources is protected by the law no. 5018. internal auditors , administrative tutelage through (Ministers of Interior-Finance –Development –Environment and Urbanization) The court of accounts, and parliament oversight play an important role. 	<ul style="list-style-type: none"> ✓ Auditing of public resources is protected by Higher Council of Accounting and Audit law no.26 (1999), High Authority for Tender Control, Supreme National Authority for Combating Corruption, Central Organization for Control and Auditing, Ministries of Planning, Finance and local administration ✓ Although there are large number of laws and bodies established for auditing , Yemen is suffering of rooted corruption both in the central and local levels
<p style="text-align: center;">LOCAL GOVERNMENT</p>	<ul style="list-style-type: none"> ✓ The first local government unit was established in the Ottoman era in 1914 ✓ Several reforms in the law to strengthen and elevate the status of local administrative units (1930, 1963, 1985, 2004 & 2005) ✓ Three levels of local government is Special provincial administrations, Municipalities and towns ,villages. In addition to Metropolitans and Affiliated Entities in big cities ✓ Provinces are headed by a Governor while lower units are headed by a mayor. Both have executive committees and councils 	<ul style="list-style-type: none"> ✓ The features of administrative divisions and local councils established in the second era of Ottoman 1918 ✓ Constitution devotes 93 articles 89 about central government and 4 about local government .Several amendment were done in (1998-2000, 2001, 2004, 2013 -2014) ✓ Local government t is divided into two levels Province (Governorates) the bigger administrative units (cities), Directorates the small administrative units, Districts ,Village ✓ Provinces are headed by Governors why Directorates by the Director General of directorate .e Both have executive offices and councils

ELECTIONS	<ul style="list-style-type: none"> ✓ Top officials of local government are either directly elected by the people (Municipal council – mayors and municipal councillors) ✓ Appointed by the executive(Governors) ✓ Citizens Participate in commission and municipal council meetings as well as through citizen assemblies 	<ul style="list-style-type: none"> ✓ Top officials of local government are either directly elected by the people (Province and Directorate local councils) ✓ Appointed by the executive (Governors and Director General of Directorate) ! ✓ President has the righth to dissolve local councils ✓ Citizens do not attend Province or Directorate councils meetings
SOURCES OF REVENUE	<ul style="list-style-type: none"> ✓ Local government get revenues from central government share of tax, distribution of shares, financial equalization , own revenues, borrowing and bank Provinces 	<ul style="list-style-type: none"> ✓ Local government get revenues from local resources of directorate, shared resources of the directorate, common public resources, central support
UNIONISM	<ul style="list-style-type: none"> ✓ Local governments membership in the Union of Municipalities in Turkey established by law no.5355, which aims to strength solidarity among local governments and create bottom-top approach 	<ul style="list-style-type: none"> ✓ Ministry of Local Administration is responsible for local government affairs and the system that nurtures and develops local government organs, which reflects central top-bottom model

<p>RELATIONSHIP BETWEEN CENTRAL AND LOCAL GOVERNMENT</p>	<ul style="list-style-type: none"> ✓ The central government has strong control of local government. Administrative tutelage ensures central government supervises, approves, gives permission and decide on behalf of local governments ✓ Central government provides much of the revenue for local government and some local government officials are appointed by the government ✓ Harmony relationship between the central and local authorities and strong financially and structurally 	<ul style="list-style-type: none"> ✓ The central government control is mainly weak considering tribal confederations performing as autonomous sub-states ✓ Central government provides most of the revenue for local government and the main local government officials are appointed by the central government ✓ Locally raised revenues are locally collected but central distributed without a clear criteria ✓ Annual plans and gudget , determing and raising new local fee,urban planning canot go into effect before endorsed by thecenter ✓ Strong centralised authority lead to the confusion of the relation and result in a weak local government financially and structurally
<p>PUBLIC PERSONNEL SYSTEM</p>	<ul style="list-style-type: none"> ✓ Public servants in Turkey are appointed in three categories namely; civil servants, contract or outsourcing from other companies. ✓ Recruitment and remuneration are defined by the law. Public servants at the central and local level are recruited through a competitive exam ✓ Exam are fair and equal which privents from illegal ticks and corruption ✓ Workers are allowed to be members of the various workers union 	<ul style="list-style-type: none"> ✓ Public servants in Yemen are divided into senior mangment,supervisory function,servants,crafts and assistance. ✓ No examination system is practised,it more based on application to Ministry of civil service or its branch offices. ✓ Although recruitment and remuneration are defined by the law, selections are made based on nepotism,mediation and reginionalism ✓ Application wait for long years before being appointment as result of corruption

<p style="text-align: center;">RECENT ADMINISTRATIVE REFORMS</p>	<ul style="list-style-type: none"> ✓ The new 18 amendments in constitution in 2017 have restructured the Turkish administrative system almost completely. The system became a Presidential system .In addition to other changes both in the Legislative and judicial powers as well ✓ While local governments have been given bigger roles to play in decision making, but they are not totally autonomous yet. The country has also adopted new practices such as e-governance. 	<ul style="list-style-type: none"> ✓ No reforms were done instead the election of local councils were supposed to be held in 2012 , however that didn't happen until today due to the 2011 uprisings and civil war after that ✓ National Dialogue Conference outcomes and the new constitution draft of 2014 restructures the administrative system completely, but that was withdrawal after the outbreak of war ✓ Currently Yemen is an uncertain state due to the coup by Houthis and the outbreak of civil war and the military intervention by Saudi in 2014-2015 . ✓ Local councils played major role in mitigating the effect of war, but their capacity decreased due to economic crisis and political forces heavy compete under the worst financial transparency and security environment
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