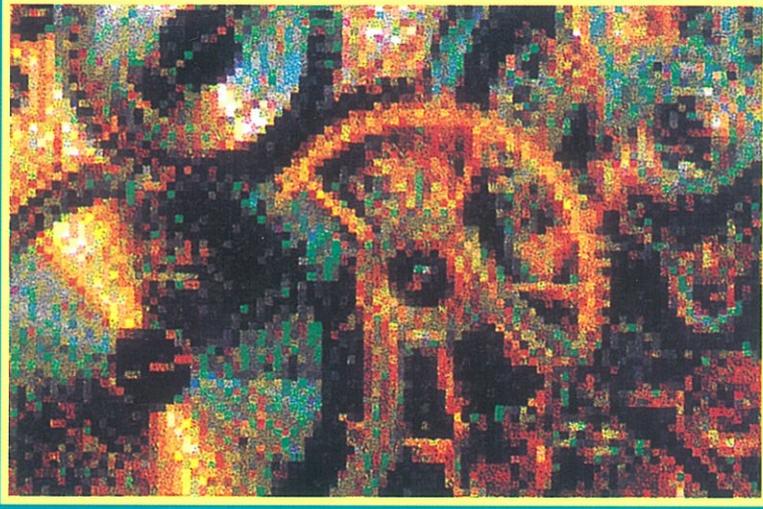




TURKISH INDUSTRIALISTS' AND BUSINESSMEN'S ASSOCIATION



LOCAL GOVERNMENT IN TURKEY

PROBLEMS AND SOLUTIONS

(Executive Summary)



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Ajans Medya Reklamcılık A.Ş.

FOREWORD

Since its establishment in 1971 TÜSİAD (Turkish Industrialists' and Businessmen's Association) has kept constant track of developments in the Turkish economy, and published reports and studies on relevant economic and social issues.

As a private sector organisation working voluntarily for the public welfare, TÜSİAD applies strict standards of scientific validity and impartiality to its publications. The opinions expressed by the author of this report are entirely independent of those held by individual TÜSİAD members.

Turkey is in need of a governmental system which does not waste resources, and which provides effective and efficient services which further the public good. Society's desire for a democratic and liberal way of life should be the definitive characteristic of the governmental system. The centralistic system of government prevailing in Turkey precludes the establishment of a strong local government. Yet the healthy operation of the democratic system depends on a system of local government characterised by pluralism and participation of citizens. In other words, it depends on a democratic restructuring.

This Executive Summary is a summary of the Report entitled "Local Government, Problems and Solutions" prepared by Dr. Selçuk Yalçındağ and published by TÜSİAD in September 1995. The report examines the problems confronting local government in Turkey, and makes proposals concerning the restructuring of local government to enable it to respond more effectively and efficiently to the needs of local communities.

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INTRODUCTION

Turkey is passing in the mid-90's through a stage of economic, social and political significance which creates new opportunities but important problems as well. There is a general concensus in the society that, besides economic development efforts, measurements of social and political nature should also be taken to overcome these problems.

Particularly in the last decade, the aim of making the administrative system gain necessary features in accordance with the prevailing conditions in the society and its needs has continuously been on the agenda of the country.

The social sensitivity to this issue should certainly be considered natural since the dichotomy between the administrative system and the socio-political and economic conditions adversely affect the well-being of individuals.

In this regard it is true that the Turkish administrative system which still maintains by inheritance many basic characteristics of the Ottoman era proves to be far behind the requirements of a developing country.

This problem is particularly evident at the administrative level which comprises both local authorities and the field organization of the central government.

However, contrary to the social expectations of an administrative betterment, an obvious decline (even degeneration) has unfortunately emerged at this level due to the negligence of the realization of necessary systematic administrative reform programs.

However, the country has experienced significant changes in social values related to the administrative system on the threshold of the twenty-first century.

Popular demand has increased for a public administration system which is able to render services effectively and efficiently putting foremost emphasis on the maxims of honesty and public interest and meeting the social expectations of a more democratic and citizens-oriented administration as well.

Taking all these, into consideration the re-organization of the administrative system at the local level (comprising both local authorities and the field organizations of the central government) with a rather courageous and radical approach reveals itself as a necessity of great importance.

The main objective of this new approach should be twofold:

- The authority to manage public services of local nature should completely be devolved to local communities through powerful, autonomous and democratic local government units, and

- In order to make local authorities use this power in accordance with public-interest and for the realization of an effective and efficient administration, proper legal, organizational and democratic measures should be taken.

LOCAL GOVERNMENT AND
FIELD ORGANIZATION
OF THE CENTRAL
GOVERNMENT IN TURKEY

1. LOCAL GOVERNMENT AND FIELD ORGANIZATION OF THE CENTRAL GOVERNMENT IN TURKEY

1.1. Local Government

Although local government has not evolved as an institution as the outcome of socio-economic conditions in Turkey, nevertheless there is a tradition of local government in this country with a history of approximately one and half century.

Local government in Turkey is a constitutional institution. According to the Constitution;

“The establishment of administration is based upon the principal of centralization and decentralization”. (Art.133)

“Local authorities are public corporations to render public services to meet the common needs of the people of provinces, towns or villages. Members of local councils shall be elected by the local community. The principles of organizational set-up of local authorities shall be shown in the law.

The rules of creation, duties and powers of local authorities shall be determined by law in accordance with the principle of decentralization.

Through legal regulations specific organizational setup can be established for metropolitan areas.

For local authorities shall be provided financial resources proportional to their responsibilities and duties.” (Art.127)

Presently there are three different types of local authorities in Turkey: These are; 1. municipalities for urban areas, 2. villages for rural areas and 3. provincial self-government for the whole provincial area. In 1984 a new unit was created for metropolitan areas.

The figures below show the types and numbers of local authorities:

Table 1

Numbers of Local Authorities	(June 15, 1995)
Provincial self-governments	79
Municipalities	2.767
Metropolitan City Municipalities	15
Villages	35.313

1.2. Field Organization of the Central Government

The organizational setup of the central government at the local level (in the field) is based up-on the principle of prefectural system. This system was inaugurated in 1864 as a pilot project in resemblance to the French prefectural model in one of the western provinces of the Ottoman Empire. After one and half decades of experiment it was adopted for the whole country. In the Republican period the inherited model was improved and it has become its present status in 1949.

Like local government, the main features of the provincial administrative system are given in the constitution. According to the Constitution;

“For the organizational purposes of the central government Turkey is divided into provinces. By doing this the geographic, economic conditions and requirements of public services shall be taken into consideration. Provinces can further be divided into smaller units.

Administration of provinces is based upon the principle of delegation of authority. In order to provide efficiency and co-ordination in public services, new units of the central government in the field can be organized to cover the areas of several provinces.” (Art.126)

The figures below show the types and numbers of the field units of the central government.

Table 2

Units in the Provincial System

(June 15, 1995)

Provinces	79
Sub-provinces	847
Districts	690

PROBLEMS OF LOCAL
GOVERNMENT AND
FIELD ORGANIZATION OF THE
CENTRAL GOVERNMENT

2. PROBLEMS OF LOCAL GOVERNMENT AND FIELD ORGANIZATION OF THE CENTRAL GOVERNMENT

2.1. Problems of Local Government

2.1.1. Main Problem

The main problem which causes some other issues of local government in Turkey might be summarized as follows:

Local government as an institution has emerged in the socio-economic and political environment of West-European countries and become eventually a structural basic element both of public administration systems and of democracy which is based upon institutions organized from bottom to the top in the society. Such an institution had never arisen in the socio-economic structure of Turkey. The socio-political and structural characteristics of the Ottoman Empire which was predominantly centralistic in nature, never tolerated intermediary institutions.

In the unique conditions of the mid-nineteenth century when the Ottoman Empire was to inaugurate local government for the first time in its history it almost entirely copied the French model and put this institution under severe central government control, i.e: heavy administrative tutelage.

The concept of local government in the Republican Era was not very much different from that. Although there have been occasionally some promises and attempts for the realization of a real, powerful, democratic local government institution, these have never been put into practice. The main reason for this is the reproduction of the centralist tradition over and over again in the Republican Era. This tradition is currently the basic problem leading to other problems of local government in the country.

2.1.2. Other Problems of Local Government

Duties-Powers and Administrative Tutelage

An important part of the prevailing local government problems is related to powers and duties of local authorities and administrative tutelage on them. These problems can be summarized as follows:

- Local authorities are not the administrative units explicitly responsible for all local services in urban and rural areas.

- Provincial self governments and villages as local government units have lost in time many of their duties and responsibilities for local services. The majority of the public services originally under the jurisdiction of these units have been gradually transferred to the central government. As a result, today, these units of local government are akin almost to empty shells.

- Municipalities are better in this respect. But as far as the duties and jurisdictions of municipalities are concerned there is some important ambiguity, and for some services it is not a rare case that duplication with the central government occurs.

- While some aspects of police service, traffic, registration of births and deaths, provision of passports, land register, public education, public health, etc. are under the responsibility of many European and American local authorities this is not true for the Turkish local government units.

- The limited scope of jurisdiction of the Turkish local authorities compared to European and American units is revealed with small numbers of the personnel employed by these authorities, reaching only 10 % of total public personnel. This figure is 31 % in Germany, 65 % in Japan, 60 % in the U.S.A, 70 % in Norway and Sweden.

- There are important vagueness, duplications and gaps between the jurisdictions of the first tier municipalities and greater city municipal administration in metropolitan areas.

- As regards the powers of the local authorities the most serious problem these units are presently facing is that they do not have the autonomy in many cases to put into practice their decisions under their own initiative. Through administrative tutelage central government retains the authority to control local decision. This is done not only with "judicial control" of the administrative acts of local authorities, but also through controlling the "suitability of the decisions" for the local community. By this power central government keeps the authority to interfere with local affairs, deciding what services should be rendered for local communities and how they must be performed. But, because in a democracy the power to determine the priorities for local services (what) and the way of realization (how) should rest with the local community, this power of central government is completely contrary to the principles and values of a real democracy.

- This problem is one of the main sources of conflict between the government and opposition parties, because it paves ways for central interference of political nature.

Inadequate Financial Resources and Centralism in Local Government Finance

Approximately 80 % of the current financial resources of the local authorities is provided partly from the share in taxes collected by the central government and partly from aids given to local authorities by the center. This figure, however, is almost just the opposite (in some exceptional cases 50 %) for most of the European and US local governments.

Despite some developments of the last decade, due to the increase of the public expectations of more and better services, local authorities are still suffering from inadequacy of financial resources.

The rate of the total amount of the revenues of the municipalities (which are the most important local government units in Turkey) to the GNP has increased from 1.3 % in 1975 to 3% in 1992. But when compared with those of many other countries this figure is still very low. For instance the rate of the total amount of expenditures of the German municipalities to the GNP was approximately 10% 1975. This figure was 18% in England and nearly 20% in Scandinavian countries in the same year. In Italy it was (as an average of all local government units' expenditures) over 25% in 1989. Presently in most countries there is a general tendency for the increase of this rate.

The most significant factor impeding the local government units in Turkey to raise adequate revenues is the lack of authority of these units either to levy taxes or to add local government shares on the taxes collected by the central government in their jurisdiction on their own initiative.

Another important problem in the area of local government finance is the nonexistence of a nationally established system of financial balance (Finanzausgleichsystem) both among local government units and between local authorities and the central government to assess the actual needs of local authorities for financial resources and in case of need to make the national government give local units financial assistance under the terms of an objectively functioning financial aid system.

These negative features of the local government revenue system of Turkey causes the following main problems:

- The dependency of the local authorities on the central government is one of the most important factors which hinders the creation of powerful and autonomous local government authorities in Turkey.
- The inadequacy of financial resources impedes the local units from producing satisfactory local services to meet the needs of the local communities.
- The insufficient and dependent revenue system does not enable local authorities to make rational financial planning.
- The provision of the great majority of the local government financial resources by the central government instead of the local communities impedes the sensitivity, sense of responsibility, participation and civic consciousness of the local citizens towards local government units, hence hinders an efficient democratic control of the local communities over the service performance and expenditures of local authorities.

Lack of Qualified Human Resources

Another well known problem of the Turkish local authorities is that caused by the personnel system for these units. Particularly the practices of municipalities in many fields of personnel management such as selection, appointment, position evaluation, qualifications, promotion and human resources planning prove to be frequently problematic. In addition, as a result of political patronage and favoritism the practice of unnecessary employment is not uncommon in these units.

Limitations in the Employment of Modern Management Techniques and Organizational Principles

This problem prevents also at the central government level many public agencies from rendering an effective and efficient public service. However it is more acute at the local level, particularly in municipalities and metropolitan authorities. It can be said that only in a limited number of city governments there is a move towards the employment of modern management techniques and principles of contemporary organizational arrangements. To this end actually some municipal governments seek the collaboration of expert public agencies and private sector firms in this field. However it is difficult to state that all these efforts easily find their way into implementation and are successfully reflected at the practice.

Problems Associated with Citizen Conciousness

Lack of an active, sensitive and responding citizenship for local affairs and authorities poses one of the most serious problems of the Turkish local government system. Main reason for this problem is that as mentioned earlier local government has never been an institution of an indigenous development in this country. Unfortunately in the Republican Era, as in the Ottoman Empire there has never been any serious movement towards the actualization of a genuine powerful and democratic local government.

The lack of an effective citizenship creates problems for the local community in the apprehension of the local authorities as their own governmental units and responding to these organizations in this capacity. This problem prevents the local communities to control and question democratically in an effective way the local authorities during the period between local elections and reflect their demands and expectations local services to local governments individually or through civic organizations.

Limited Level of Public Participation

Participation gives opportunities to the members of the local communities to affect the decision making process of local government during the periods between election times. Although an opportunity of this sort is vital for the attainment of the aims both effective administration and efficient democratic practices and although local government as an institution provides a very suitable environment for this today presently this opportunity is very limited for the Turkish citizens.

Problems of Transparency in Administration

Transparency and openness as an important feature of modern government has not been attained satisfactorily in the Turkish administration in general. This problem is more obvious at local level, where government units are supposed to be more democratic and local community oriented. In a democratic society individuals and/or the civic organizations and media should be furnished with sufficient tools and opportunities to receive information on the local decisions and activities of the local authorities.

In the prevailing system opportunities for the citizens in this field are very lim-

ited. Legal rules also prevent governmental organizations from the dissemination of information to the citizens.

Insufficient Control of Local Authorities

It is hard to say that there is now an effective internal and external control of the legality of administrative action and the spendings of the public money in local authorities.

Ineffective legal and organizational provisions for public participation and "open government" coupled with social inertia also set severe limitations on effective democratic control over local government.

Increasing Social Expectations of More and Better Services

Today the services which are undertaken by local government and the new services expected by the local communities to be undertaken by local authorities are far more in number and diversity than they used to be 30-40 years ago. Also local services became more complicated and technical in nature. Providing these services necessitates more expensive equipment and investments and employment of more qualified personnel.

As a result of large-scale migration to the cities with centripetal characteristics, especially to the metropolitan areas the city governments have been facing excessive service demands and this has caused severe organizational, financial administrative problems for municipalities.

Limited Implementations of Privatization Programs

It is known on a worldwide scale that the private sector provides services more efficiently and with higher quality through the employment of modern management techniques in comparison with public organizations.

Considering this fact, from 1980 onwards some municipalities have been able to introduce programs on privatization of some services such as garbage collection, street cleaning, collection of property tax, and (partly) public transportation. The results have been mostly very positive. Yet there is no widespread implementation of this sort of programs among other municipalities.

Local Elections

Present legal regulations on the ages of the voters and council members impede effective representation of young citizens in local government.

Cumulation of office for elected officials is not possible in the Turkish local government system. This puts limitations on the attractiveness of the local elective posts for some qualified politicians.

The one-tour election system for local government gives way frequently to the election of mayors even with a small proportion of the local electorate (as low as 20% for instance). This creates problems on effective representation of the local community.

The prohibition of political parties from nominating party candidates in the elections for villages and neighbourhoods is contrary to the maxims of democracy, and is also not realistic.

2.1.3. Specific Problems of Local Government Units

Beside the problems mentioned above there are other problems unique to the various types of local authorities.

Provincial Local Self-government

When provincial local self-government was firmly established in the Ottoman administrative system in 1913 after a couple of decades of some trials the most important local services of technical and social nature of the time were put under the responsibility of this authority. In time, especially after 1940, some of these services were transferred to municipalities and the majority to the field units of the central government. However, legal provisions did not abolish the responsibility of the provincial local self-government on these services. But in practice these units have never been able to render these services. The Main reasons for this are twofold: First, these authorities severely suffer from the lack of adequate financial resources. Second, they do not have service units of their own to produce these services.

The other major problem these units are facing is the heavy tutelage exer-

sized by the central government over provincial local governments. For instance none of the decisions of the provincial council can be put into implementation without the approval of provincial governor who is a central government appointee, represents the center and is the head of the field administration of the central government, and at the same time, chairs the provincial council and is the executive organ of the provincial local government.

In short, provincial local government can be judged, without exaggeration, almost only as a subcontractor of the central government which tries to render some services to provincial community, the main decisions for which are made by the central government, financial resources are transferred by the center and the service units which actually render these services are the field organizations of the central government under the control of the governor.

Village Administration

Quite big expectatons for the socio-economic development of rural areas was behind the Village Act of 1924 which had established the village administration as a local government unit. Village units would, so it was hoped, render almost all the necessary local services to this end.

Yet, the experience of three or four decades revealed very clearly that this aim was impossible to reach. The reasons can be summarized as follows:

- The main reason for the village administration's inability for the rendering of the various services (115 in number) is the very small size of this unit. In fact of the 35.313 village units 56% have a population less than 500 and 32% less than 300.

- Financial resources of these units are extremely inadequate. They also can not employ necessary personnel for the services they are supposed to render. Even the salary of the village headman is paid presently by the central government.

- As a result, presently, except some minor and small-scale ones, all services which are legally under the responsibility of the village administration are provided in many cases insufficiently by the field units of the central government. In most cases village communities are urged to participate in the implementation of these services either through voluntary work and/or financial support.

Small Municipalities

66% of 2.767 municipalities in Turkey presently have a population less than 5.000.

The small size of these municipalities causes severe financial problems and also prevents these units from employing personnel sufficient in number and quality.

The result is that in the small communities many of the municipal services either are not provided at all or only partially and inefficiently rendered.

2.2. Problems of the Field Administration of the Central Government

Field administration of the central government in Turkey is organized in line with the principles of the provincial system. The system is inherited from the Ottoman Empire time and its roots goes back to the mid-nineteenth century. The system was rectified in 1949 through "İl İdaresi Kanunu-Provincial Administration Act" and the governor's authority as general administrator in the field with an undisputed capacity to manage, co-ordinate and control in common geographic areas almost all the field units of the center (except military and judiciary) was reinforced. But in time the provincial system deteriorated giving way in the field to inefficient and ineffective administrative practices.

The main factors here can be summarized as follows:

- The boundaries of the provinces are not determined in regard to the necessities of public services, economic and ecological conditions of the area as they are ruled in the constitution. Rather the areas of provinces were inherited from the Empire. The average size of the provinces which was well suited to the conditions of the country in the nineteenth century became a problem especially after 1950's when Turkey had passed through a transitional period of rapid change. The new economic and social conditions and changes in the technology of public services required larger administrative areas than the existing provinces throughout the country.
- The managers of the technical services at the center and in the field became critical of the authority of a general administrator (governor) who claimed that the coordinating authority of the provincial administrator results only in interference with the sound management of the technical services, giving way to dual respon-

sibility and supervision and eventually to maladministration.

- Because political and social determinants never permitted an amalgamation among the provincial areas the solution to “small administrative areas” and to the problems of “dual responsibility and supervision” has been found easily through the establishment of regional field units for almost all technical services which covered areas of many provinces and set up communication and management lines directly between center (ministries and/or general directories) and regions bypassing the provincial governors.

- The result was very much detrimental to the co-ordinating and concerting authority of the governor among various public services in the field which was the main asset of the provincial system. This has given way, in time, to maladministration, inefficiency and ineffectiveness for the public services in the field.

- A spatial reorganization of the field administration with larger (in other words smaller in number) provincial areas would certainly be one of the logical solutions to the problem. But politics played an upper-hand and instead of decreasing the number of the provinces, the tendency throughout two or three decades has always been towards increasing this number. (The number of provinces has increased from 67 in the 1970's to 84 in 1995, and sub-provinces from 572 to 839 in the same period). This, no doubt, will have a very negative effect to the already existing areal problems of the provincial system.

- The provincial system was well suited for the prevailing political conditions of the one-party system before the 1950's, so there was no problem of conflict between provincial bureaucracy and the local and/or central politicians. Yet this proved to be one of the major problems of the provincial system in the multi-party political milieu after the 1950's in Turkey. Throughout the period to the present time the politicians have used every opportunity to interfere with the authority of the provincial bureaucracy (especially the governor) to induce them for political favor in decisions for public services and for the spending of public money. What is the problem here is that the politicians at the center and/or in the field are not figures with legal authority and responsibility for public services, because through the provincial system all authority rests with the provincial bureaucracy of the central government headed by the governor. But this centralized system prevails only in a written way on the legal statutes. In other words it is only a “de jure” competence of the local bureaucracy. In practice politicians do have a “de facto” authority over public affairs. Yet this resulted the emergence of atypical fig-

ures or actors in the system such as “*Bureaucracy with responsibility but without real authority and politicians with authority but without responsibility on the public services in the field.*” This has severe distorting and spoiling effects on sound administration and local democracy as well.

- Originally in the provincial system the sub-province had been assigned the role of the “main service unit”. The province was foreseen to act in the capacity of a co-ordinating, controlling and supporting organization. This unit would have been directly responsible only for those services of inter sub-provincial character. But unfortunately the sub-district has never been given the necessary authority, financial resources and personnel suited to this mission. As a result almost all important technical direct services to the people have been provided by the service units of the provinces by-passing the sub-districts. Because provincial service units are quite away from local communities, this situation creates important problems for efficient services production.

2.3. Problems Caused by Excessive Centralization

The centralist and bureaucratic tradition of the Turkish administration causes many other problems as well as preventing the formation of genuine democratic local self-government in Turkey. These problems which are faced both by local government units and field organizations of the central government are summarized as follows:

- Formalism increases in the administration,
- Number of personnel and service units at the center unnecessarily increases,
- Delays occur in the realization of the local projects and programs,
- Needs, requirements and wishes of the local communities might not be effectively reflected in the planning and programming of local public services,
- Costs of public services increases,
- There are important difficulties in the co-ordination of local management of public services. In many cases co-ordination is never achieved at all.
- There is no sufficient authority and/or financial resources for the managers of the field units to cope with emergency or unexpected cases.
- Because central agencies are engaged in detailed and daily administrative matters they fail severely to devote enough time to their major tasks such as determining agency policy, macro-planning, research, supporting and controlling activi-

ties for their field organizations and local authorities,

- Participation of the local communities in the development projects and services is not urged and realized.

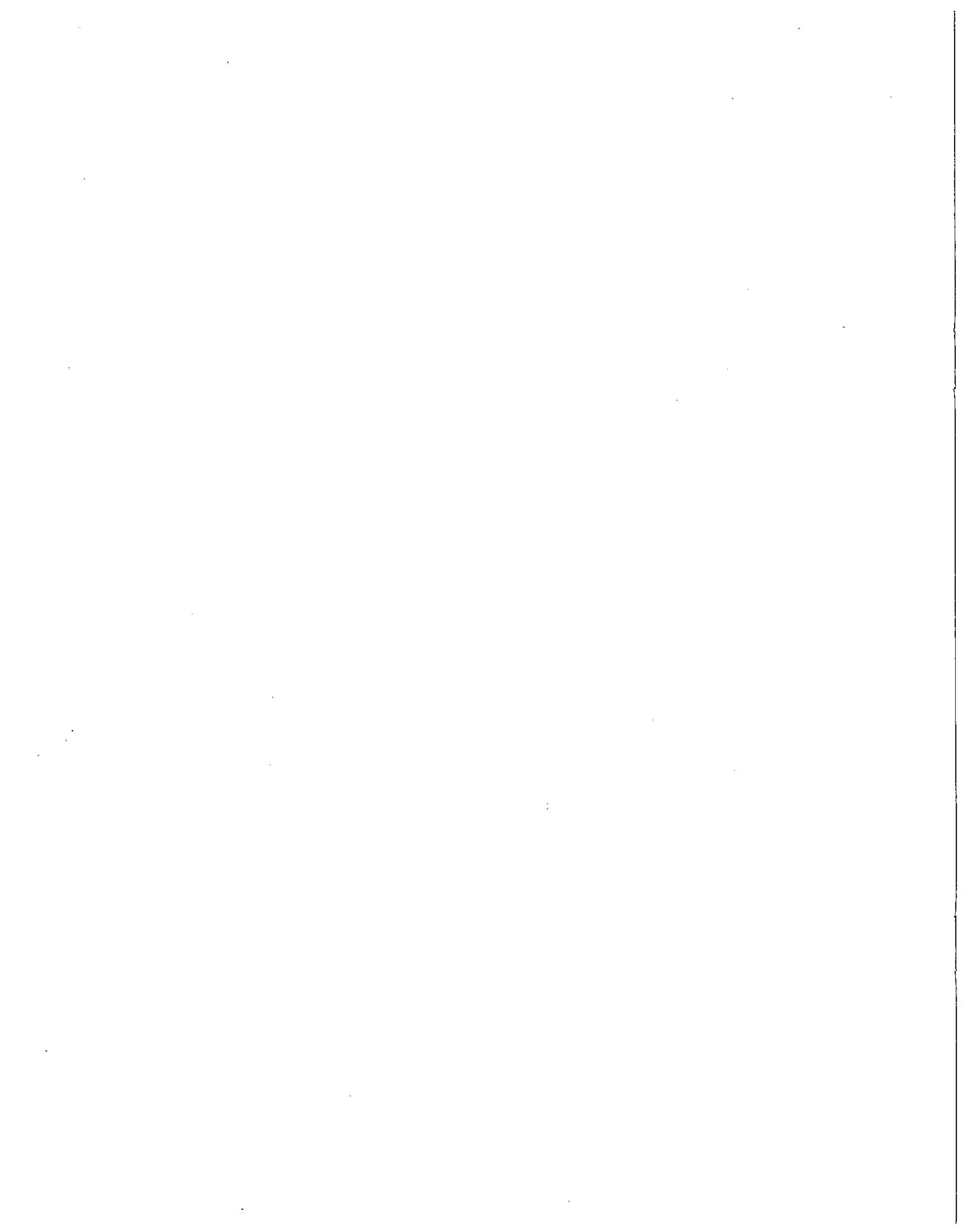
- etc.

Beside these sorts of problems, the centralist-bureaucratic structure of the administrative system causes another important problem at the macro level:

Concentration of the executive power in Ankara in terms of retaining the decision making authority for planning, programming of local services and for allocating the financial resources for them at the center oblige both the local politicians and the bureaucrats as well as citizens to come to the capital city seeking solutions to their problems. These people, the number of whom are estimated to be around 10.000 daily prefer mostly to visit members of parliament who usually then are engaged in soliciting them to help through various central agencies including ministries. The result is that many agencies in Ankara are almost overwhelmed with visitors every day.

This unique phenomenon eventually obstructs both politicians and bureaucrats at the center from rendering their own functions effectively and efficiently.

PROPOSED ADMINISTRATIVE
MODEL TO SERVE
LOCAL COMMUNITIES



3. PROPOSED ADMINISTRATIVE MODEL TO SERVE LOCAL COMMUNITIES

3.1. Main Objectives of the Proposed Model

The problems briefly summarized above point out the fact that the Turkish public administration system at the local level, comprising both field organizations of the center and local government, needs drastic reform. The efforts for the reform at this level should be directed for the realization of the aims to;

- eliminate all the disadvantages of and the problems caused by excessive centralist and bureaucratic administrative tradition and practices,
- set up the necessary organizational and legal framework so that all the actors who are involved in the functioning of local public affairs should be placed in correct status and given correct roles to play,
- make the administrative system at the local level be capable of meeting the twofold expectations of Turkish society for public administration on the threshold of the twenty-first century, i.e: it should produce local public services with maximum effectiveness and efficiency and should meet the qualifications of an administrative system which gives first priority to the dignity, needs, wishes and expectations of its patrons: the citizens.

All these can be realized only through a reform program which abandons the existing centralistic and bureaucratic administrative tradition and aims to transfer the administrative system of Turkey at the local level comprehensively to one which assumes all the characteristics of a genuine local government institution.

3.2. Structural Features of the Proposed Model

Local Government Units for Large Areas

- The model foresees a two-tier structure for local government units for large geographic areas. These are;
 - * Provincial Local self-government (PLSG) and
 - * Sub-provincial Local self-government (SPLSG)
- SPLSG is proposed to be the “main service unit” for the local communities in the area.

- These two local authorities should have corporate status and all other features of a genuine local government institution.

Local Government Units for Inhabited Areas

- Existing types of local authorities, i.e:
 - * the municipalities for towns and cities,
 - * greater city municipalities for metropolitan areas,
 - * village administrations for rural settlements

are also proposed in the model as proper local government units for inhabited areas provided that they will have all the necessary features suggested in this report.

- Neighbourhoods as a sub-unit of municipalities which have inhabitants over a certain number is proposed in the model.

3.3. Division of Functions and Powers Between Local and Central Governments

Functions and Powers of the Central Government

The public services which should be performed for the whole country uniformly and are of national importance such as judiciary, national defence, national security, foreign affairs and the public services which are significantly important for a balanced economic and social development in all regions and those projects with an effect to induce development nation-wide should be under the responsibility of the central government.

Central government shall retain the power to determine national objectives, aims, standards and principles related to the performing of all public services and promulgating these as legal rules it should control the legality of all the administrative acts of local authorities very effectively and meticulously.

Functions of Local Authorities

- All other public services which are needed by local communities should be provided by local authorities under their own responsibility. The present system

through which the public services of the local authorities are listed in respective laws should be abandoned and instead “principle of generality” should be employed, i.e: only the services assigned to the central government be shown on a list, all other services should be under the responsibility of the local authorities.

- PLSG should be responsible for the public services of inter sub-province nature. Otherwise it should function as a co-ordinating, controlling and supporting unit for sub-provincial local self-government authorities.

- Villages and small municipalities within the boundaries of a SPLSG should be responsible only for those services which they can effectively and efficiently perform. Otherwise the SPLSG should be responsible to produce the services for those small units in its area. SPLSG shall be responsible also for the services of inter-village and/or inter-municipality nature.

Principle of Subsidiarity

A particular local public service should be under the responsibility of only one and single local government unit. In principle the responsibility of a service should be assigned to a local government unit at a level which is closest to the local community and where that particular service would be performed most economically and effectively.

Basic Principles Related to the Powers of Local Authorities

- Local government units shall have the power to;
 - *make final decisions on local services,
 - *make plans and programs for local affairs,
 - *raise own revenues (including local taxes),
 - *allocate financial resources to services,
 - *determine internal organizational set-up of the local authority,
 - *employ personnel and perform all functions of human resources management.
- While using these powers local authorities should benefit from the maxime of “*local government autonomy*”, i.e: there should not be any administrative tutelage of the central government over local government units.

Transfer of Field Service Units of the Central Government to Local Authorities

The field units of the central government at provincial and sub-provincial levels responsible for agriculture, village affairs, technical infrastructure, culture, tourism, traffic, primary and secondary education, public health services and the like shall be transferred with personnel, equipment and immobles to proper local government units.

3.4. Organs

- * Local council,
- * mayor, muhtar (village headman) and
- * standing committee

should be the main organs for all local authorities as it is today. However instead of "encümen" the term "Yürütme Kurulu" and for decision making organ the terms "il meclisi", "ilçe meclisi" shall be used. In villages and neighbourhoods village and neighbourhood councils shall be formed.

Formation of the Councils

- Municipal and provincial councils shall be formed as it is today. Sub-provincial councils should be composed of provincial council members who are elected in the sub-provincial area, mayors and representatives of the village headmen which are located within the boundaries of sub-provinces. Members of the village and neighbourhood councils should be elected directly by the people.

- Neighbourhoods (or if the number of these units are too high, in that case groups of neighbourhoods) shall be electoral districts for the city (municipal) councils.

- Sub-provinces shall be the electoral districts for the elections of provincial councils and the national parliament.

- The chairmen of provincial and sub-provincial councils shall be elected by these councils from among their members. In other authorities the elected chief executives shall chair the councils also.

Formation of the Executive Committees

Executive committees shall be composed of both elected and appointed members (heads of certain service units.) The latter shall be in majority in the committees. Composition of the elected members shall reflect the composition of the membership of the political parties in the councils.

Executives

- Mayors and village and neighbourhood headmen shall be elected directly by the local communities as it is today. However political parties should be permitted to make party nominations for village and neighbourhood headmen elections.

- In elections where none of the candidates can secure votes over 50% of the voters, there should be a second tour of election between two candidates who get the highest votes among others.

- Governors (vali) and sub-governors (kaymakam) shall undertake the position of the executive as ex-officio task for provincial and sub-provincial local authorities respectively. However arrangements should be made to guarantee the controlling power of the local councils over these executives. Besides, this shall be viewed as a transitory solution. The main aim for the future should be the election of the executives by the councils or local communities.

- There shall be opportunity for the local communities to decide for city manager plan through public voting for proper local units.

3.5. Relations and Control

- The main objective of the relations between local authorities and the central government shall be the attainment of co-operation, collaboration, support and assistance.

- Central government shall not have the power to exercise administrative tutelage over local authorities. Control over the suitability of the decisions and acts of the local authorities is a matter of politics and this authority should only belong to the local community.

- Central government shall exert an extremely meticulous control on the legality of administrative action of local authorities. Final decision on the out-

comes of this control should rest with the courts. For this type of control the formation of a "Local Government Ombudsman" shall be taken into consideration.

3.6. Privatization of Local Government Services

It shall be the policy of the local authorities to have recourse to privatization of suitable services provided this would result in more efficient and effective service production.

3.7. Financial Resources

Sufficient financial resources are vital for the realization of powerful, autonomous local authorities on the one hand and for the attainment of the aim of sound management practices in local government on the other.

To reach this objective the following are proposed for the model:

- The share of all local government own financial resources should be raised to 60-70% of total public revenues and to a minimum of 10% of GNP. And to realize this;

- *some taxes should be transferred to local authorities and these units should be authorized to levy and collect taxes upon the decisions of the local councils within the lower and upper limits determined through legislation of the parliament.

- *local government units should be authorized to add local government shares on the national taxes which are collected in their areas.

- Central government should provide financial support to local authorities through a "Financial Balancing System." This should function on the basis of objective rules and should provide financial aid only to local government units which would come short with revenues although they had exploited all the tax bases and other revenue sources in their areas.

- Aids should be made to local authorities for projects of special importance or to units in tourism regions, etc.

- Real estate value increases as a result of local government services should return to local authorities.

- Through all the arrangements mentioned before and above the objective should be to raise the share of local government expenditures to 50% in total public expenditures.

- Provincial Bank (İller Bankası) should be given the status of an autonomous local government bank to provide all necessary credits to local authorities beside technical services.

- Decisions for long term loans (over 5 years and more) of large amounts (to be determined by legislation) should only be taken by public voting.

3.8. Local Government Personnel

- Local authorities should have the discretion to create personnel cadres and to undertake all necessary personnel procedures in accordance with the legal regulations.

- The maximum level of local government employment for each type of local authority shall be deliberated by law and the total amount of the personnel expenditures of each authority shall not exceed 30% of their total spendings.

- A specific personnel system for local government shall be introduced.

- The system shall permit the transfer of personnel among local authorities.

- Memurin Muhakematı Kanunu (Act for the Judicial Process for Public Officials) shall be annulled.

- Local authorities shall employ modern personnel management techniques such as human resources planning, position classification, standardisation of cadres, etc.

- Metropolitan municipalities shall conduct in-service training programs for personnel including those of district municipalities. For all local authorities in general the local government associations shall undertake the responsibility of in-service training for local government personnel through their own in-service training centers.

3.9. Participation

Local Councils

- Except the compulsory sessions councils shall have the discretion to decide where and when to meet.

- The agenda for council meetings shall be announced widely to the public before each session.

- Specific sessions of the council shall be arranged as meetings for public

hearings. At these sessions citizen and representatives of civic organizations, media, etc. shall have the right to ask questions.

- Records of council proceedings shall be publicly announced. Every citizen shall be entitled to demand a copy of records.

- Councils shall elect professionals in the community as members to council committees.

- Councils shall have the descretion to refer any matter to public voting. Citizens shall have the right also to compel the councils to decide for public voting through citizens initiative provided that a certain number of voters as specified in the laws sign the petition.

- Age for local government election shall not exceed 17 for voters and 20 for councillors.

Citizens Initiative

Right for citizens initiatives on matters such as any decisions, projects or programs of local authorities shall be granted to all individuals and civic organizations and the use of this right shall be facilitated by local authorities.

Urban Conference

In order to obtain participation and support of the civic organizations and the businesses in their areas local authorities shall take the initiative for arranging urban conferences and making them function effectively.

Neighbourhood Units

Extensive use of neighbourhood units shall be made to facilitate effective public participation.

Project-based Participation

Local authorities in rural and urban areas shall make arrangements for local communities to make them participate widely in local government programs which directly effect them on a project basis.

Recall

The local electorate shall be furnished with the right to recall elected local government officials and/or council members through citizen-initiative.

3.10. Transparency in Administration

Transparency in administration must be regarded as an important element of the right of citizens to know. To attain the transparency in local government the following are suggested:

- Local council members and citizens shall have right of access to all local government documents. Exception to this shall only be determined through legislation,
- Local authorities shall publish annual reports on their activities and expenditures,
- Citizens shall be informed on the reasons of local government acts affecting them,
- All petitions and oral appeals of citizens shall be answered in written form,
- In order to inform citizens on the organizational structure and working procedures of local authorities the public relations programs such as “open house”, “citizens’ day” and a variety of exhibitions shall be arranged,
- Citizens shall reach the local authority units and personnel easily to inform them of their needs, demands and wishes,
- Through media and all information techniques such as periodicals, pamphlets, other publications and audio-visual materials and public relations programs local authorities should inform local communities of their activities.
- Local authorities of sufficient size shall have PR offices.

3.11. Advantages of the Proposed Model

Administrative Effectiveness and Efficiency

By means of the proposed model it will be possible to render much more effective, efficient and community needs oriented services in comparison to the existing system. The reasons can be summarized as follows:

Co-ordination in Service Provision

The model will provide effective co-ordination among all local services through the overview and control of one decision making organ and through the authority of a single executive in its area.

Elimination of the Problems of Excessive Centralization

The model will eliminate problems caused by centralization such as excessive formalities, delays, waste etc. in service provision and incongruity between decisions and local conditions.

Mobilization of Local Resources

The proposed model will provide the opportunity for local authorities to mobilize local resources, and this will in turn mean the most effective solution to the local governments' everlasting problem of inadequate financial resources.

Elimination of Congestion in the Capital City

Through the allocation of power for decision-making concerning services and resources to local authorities the model will eliminate the need for citizens, local politicians and bureaucrats to have recourse to the center and this will relieve central agencies from extraordinary work load and politicians at the center as well.

Responsible and Responsive Citizenship

Direct provision of financial resources for local services by the local community will increase the sensibility of the tax payers to the local government work and proposed processes of efficient participation and public relations will be conducive for the development of civic consciousness which in turn will oblige local authorities to produce more effective and efficient service and to spend public resources more economically.

Better Relations Between Politicians and Bureaucracy

The main proposition of the model is to transfer the power to administer the local services explicitly to the local politicians, i.e: the elected representatives of the local community through genuine, democratic, autonomous and powerful local government institutions.

In such a model the local politicians will assume a new status and role which will equip them with the undisputed authority to make decisions, fix the priorities for local services and find necessary resources to finance these services and at the same time will make them directly responsible figures for all decisions and practices as well. Bureaucracy, on the other hand, will only be responsible for the execution of the decisions reached by the elected representatives.

The clear-cut designation of status and distribution of roles in accordance with the maxims of democracy will eliminate the problems of relations between these two categories which is the result of the present system and thus will contribute to the attainment of more effective and efficient functioning of local government on the one hand and the realization of more healthy democratic practices at the grass-roots level on the other.

Contribution to the Attainment of Honest and Law Abiding Administration

The model will contribute to the attainment of a more honest administration at the local level which will be obliged to respect the law as well. Two major propositions of the model will guarantee the realization of these objectives. These are: first an effective popular control on the local authorities through transparency and all the means of participation and second very meticulous central government control over the legality of local government administrative acts.

Local Democracy, Social Peace and Integration

Undoubtedly the most outstanding feature of the genuine local government institution of being “school for democracy” will affect very positively the values, attitudes and behaviour of both local politicians and voters, and thus will contribute to more sound practices and functioning of the democratic process at the local level.

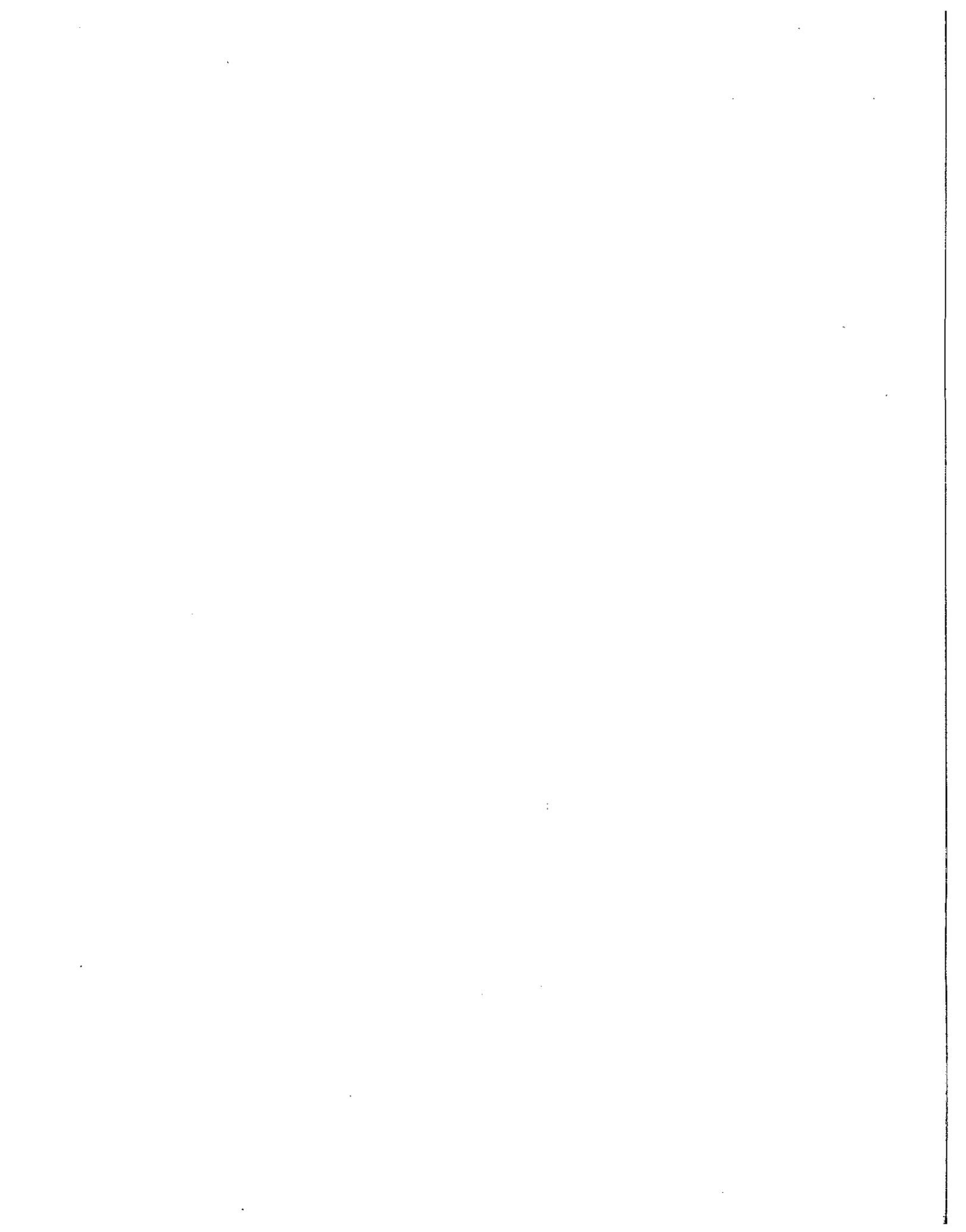
Experiences in many other countries show explicitly that genuine local govern-

ment as an institution contributes profoundly to the achievement of social peace and values of social integration in a country. The reason for this is that in an environment with a sound democratic process people develop values of more tolerance to each other and tend to identify themselves with the system which provides wide opportunities for citizens to have a say in and control over local affairs.

The proposed model places great emphasis on the elimination of alienation which occurs between citizens and administration. Instead, through its structural and functional assets the model aims at the realization of mutual understanding, responsiveness, trust and collaboration between these two categories. This feature of the model will especially affect the efforts to solve the important problems of alienation caused by massive migrations to metropolises and other big cities.

Another advantage of the model is that through contribution to the production of better services and to social and economic development of the local communities, it will also bring about the betterment of standards of living in rural areas. This, no doubt, will result in the increase of the attractiveness of the countryside and in turn this will positively affect the efforts to confine migration from rural to urban areas.

PROBLEMS OF THE BIG
CITIES AND PROPOSALS
FOR SOLUTIONS



4. PROBLEMS OF THE BIG CITIES AND PROPOSALS FOR SOLUTIONS

4.1. Rapid Urbanization

Turkey is one of the most rapidly urbanizing countries in the world. The rate of urbanization was 7% yearly over the 35 years after World War II. The same tendency still prevails although there is a slight decrease in the rate. According to the figures of the 1985 census the annual rate of population growth was 6.3% in urban areas and -1.1% in villages against the country's average of 2.2%. The same rates were 4.3% in cities and -0.5% in villages in 1990.

One of the salient features of urbanization in Turkey is that people in rural areas mostly prefer to migrate to metropolises and other big cities. The other is that migration is not the result of industrialisation but rather it is prompted by hopes of finding employment. However the result is crowded populations in big cities mostly with no or marginal jobs. While the percentage of the total population of cities with residents of 100.000 and more to the total number of all city dwellers was 45.3 in 1960, this figure was 64.9 in 1985. It is projected that this percentage will be 75 by the year 2000.

In addition 11 cities will have a population over 500.000 by the end of this century.

4.2. Problems Caused by Rapid Urbanization

Concentration of population and to a degree also economic activities in metropolises and big cities creates several problems including excessive demands for public services which cause in turn important problems in the management of urban areas. The most urgent of them are listed below:

- Uncontrolled and uneven growth and consequent difficulties concerning planning and utilization of urban land,
- Unsatisfactory housing,
- Rapidly rising values of urban land through speculation and problems in the utilization of these added-values for public interest,
- Shortages in inter-city public transportation,
- Failure to provide adequate infrastructure and other municipal services in city centers and suburbs.

- Problems related to urban characteristics,
- Social unrest, law-and-order problems,
- Problems created by the alienation of individuals from each other, civic organizations and municipal administration,
- Environmental pollution.

4.3. Existing Model: Problems and Solutions

When examples in other countries are examined, although different characteristics of different countries suggest different evaluations, it turns out, in general, that the most successful results are obtained by a two-tier, federal model in metropolitan areas. Bearing in mind this and the practices since 1984 when the metropolitan municipality model was first inaugurated through Act No: 3030, it turns out that the present model proves to be a proper choice among other alternatives.

However, practices since 1984 suggest that there are serious problems related to the model as well. Below is summarized the most important problems and proposals for their solutions:

Big City Status

For a long time as criterion to acquire metropolitan status for a municipality it was accepted only the existence of sub-provinces of the central government in an urban area. This is not a scientific criterion. Instead, to grant this status to an urban settlement it must be considered whether it has the main characteristics of a metropolis when judged by certain criteria. In judging this, beside economic, social and spatial characteristics, a minimum population of 500.000 should be another requirement for gaining the status of a metropolitan government.

Size of the First Tiers (District Municipalities)

In the present model the boundaries of the sub-provinces within the metropolitan areas has been accepted as the boundaries of the first-tier (district) municipalities. This has led to imbalances in the numbers of inhabitants and sizes of areas of the district municipalities. These fluctuations are mostly striking in Istanbul, Ankara and İzmir. For instance; there are first-tier municipalities with a popu-

lation near to one-million in İstanbul and Ankara, and some district municipalities with a mini population of 20.000 and the like.

Excessive large areas at the first tier proved to be an impediment for effective and efficient service production. Besides it hinders active public participation. The problem of small areas gives rise, on the other hand, to the problem of “scales of economy” for municipal services.

Considering these it is suggested that the following criteria shall be the determining factors in demarcating the areas for the first-tier municipalities:

- The functions of the district municipalities,
- Concentration of dwellings in the area,
- Day/evening (and in some cases summer/winter) population,
- Social and economic relations and characteristics in the area,
- Physical characteristics, etc.

In applying these criteria we suggest the creation of rather smaller first-tier municipalities with a size not exceeding 100.000 inhabitants. These units shall be named “semt belediyesi”.

Division of Functions

One of the major problems of the existing model is related to division of functions between big-city municipality and district municipalities. There are both misplacements and vagueness in the division of functions to these levels. The main philosophy on which the two-tier metropolitan government model is based requires the assignment of the functions which directly affect the daily life of the citizens to the first-tier units, and it forseees that the functions which are beyond the scope of districts and basically metropolitan in nature shall be assigned to the metropolitan government. This latter is expected also to undertake the responsibility to actualize the metropolitan unity through co-ordination, support and control of the work of sub-ordinated municipalities. Considering the criteria for the demarcation of their boundaries and the dimension for their population proposed in this Report the functions listed below are regarded to be rendered effectively and efficiently by the district municipalities:

- primary education and cultural activities,
- physical city application planning for their areas in accordance with the metropolitan master plan,

- construction permits and controls,
- refuse collection,
- street cleaning,
- environmental protection and development,
- green areas, parks, recreational facilities of small size,
- public health controls,
- municipal police,
- construction and maintenance of secondary streets and roads,
- social work and assistance,
- adult education,
- sports and services for young people,

Division of Powers

The main philosophy mentioned above shall be taken into consideration in assigning powers and jurisdiction to both levels in the model.

This requires that the metropolitan government (big-city municipality) shall retain the power to guarantee the co-ordination and harmony in the functions of metropolitan character. For this purpose the metropolitan municipality shall have the authority to undertake solely critical functions such as metropolis-wide master city planning, public transportation, traffic planning and control, infrastructure and to have "administrative tutelage" over the decisions of the district municipalities. However this power should be clearly defined in laws and only be used by the metropolitan council within certain time limits.

Financial Resources

Metropolitan municipalities, like the others, are presently suffering seriously from the inadequacy of financial resources. However, as mentioned before, because of rapid urbanization, these units are among those which are expected to render extensive municipal services. On the other hand metropolitan areas are the locations where the industrial, commercial and finance organizations and activities are concentrated. This unique feature is a great potential for these units for abundant financial resources provided they are given authority to levy taxes and utilize other means through their own initiative as its proposed in this Report.

Co-ordination Centers

The aims of the existing Co-ordination Center for Infrastructure (AYKOME) and Co-ordination Center for Urban Public Transportation (UKOME) are to co-ordinate the investments projects and the activities for the implementation of these projects in the fields of infrastructure and urban public transportation which are of metropolis-wide scope and importance. However in practice these aims have not been reached and these centers proved to be only ineffective organizations shown merely on the city organizational charts.

Through defining jurisdictions and functions more clearly and equipping with authority to apply sanctions for nonconformities to the rules, these centers shall be given a status to co-ordinate effectively all metropolis-wide investments. In addition to facilitate co-ordination in other important functions two new co-ordination measures shall be taken. i.e: a Mayors Conference in the metropolitan area and Co-ordination Center for City Planning.

Metropolitan Council

This council shall be composed of the mayors of the district municipalities and the representatives of the council members of the district councils as it is presently. These representatives will be those with the highest vote yields in the respective councils. The number of the representing council members shall be determined through national legislation according to the population of the metropolitan area.

Metropolitan Municipal Standing Committee

The existing metropolitan municipal standing committees (executive committees) do not have elected members. This composition shall be changed and representatives of the councils shall be elected to the committees by the council from among their members, as it is suggested for all municipalities.

General Secretary

The general secretary in the existing model is nominated by the mayor of the metropolitan government and appointed through the approval of the Minister of

the Interior. In the new model direct appointment of the general secretary by the mayor is proposed.

Neighbourhood Units

The neighbourhood was a civic institution in Ottoman cities. It has kept its existence and became a legal entity in the early stages of the Republican period. However, in time it has lost its capacity to be an effective civic organization in the local community and has become a marginal status as a sub-unit in the city governance.

As a sub-unit of the municipality very close to the public, the neighbourhood can play a vital role for effective public participation on one hand and can assume responsibility for some small scale services which might be of great importance to the people on the other. The following functions are proposed for the neighbourhood units in the model:

- It shall be responsible for providing information to the city administration on the problems and quality of municipal services in its area and shall be equipped with minimum necessary personnel and tools to render directly some minor services which causes nuisance to the citizens in the daily life,
- It shall assume the role of a unit, where municipality and citizens meets directly and wishes, needs and expectations of the neighbourhood community is articulated to the higher instances of the city administration,
- This unit shall be responsible for the computer-based registration of the inhabitants in its area,
- It shall act as a civic center for social and cultural activities and adult education programs. For these activities various committees shall be formed to facilitate public participation,
- The neighbourhood unit shall cover an area with a number of inhabitants between 5-10.000(*).

Use of Modern Management Techniques

Metropolitan government and district municipalities shall set up APK (Research, Planning and Co-ordination) units. These units shall collaborate with

* In cities with standard municipal status this figure might be different

universities and management development agencies to ensure the implementation of modern management techniques in the city administration. Metropolitan government shall support the effort of the district municipalities in this matter.

In-Service Training

Metropolitan government shall urge the municipalities in its area to form an association of municipalities. This association shall undertake in-service training programs for its member authorities beside other association activities.

Other Proposals

Other proposals of this Report concerning relations with the central government, financial resources, personnel, public participation, transparency, privatization, etc. shall also be taken into consideration for metropolitan municipalities.