

MELİH ERSOY

Resmî Gazete
Cumhuriyetin 7 Ekim 1926-1929
28 ŞUBAT 1970
CUMARTESİ

**AN INTRODUCTION to the
ADMINISTRATIVE
STRUCTURE
and SPATIAL PLANNING
in TURKEY**



ODTÜ MİMARLIK FAKÜLTESİ CEP KİTAPLARI DİZİSİ 18
AN INTRODUCTION TO THE ADMINISTRATIVE
STRUCTURE AND SPATIAL PLANNING IN TURKEY

MELİH ERSOY

AN INTRODUCTION TO THE ADMINISTRATIVE STRUCTURE AND SPATIAL PLANNING IN TURKEY

*Melih Ersoy*¹

Introduction

This short paper aims to present the urban planning system in Turkey with specific emphasis on its legal and institutional structure. However, before that, I will present a brief overview of the administrative system of Turkey, particularly the relation between central and local governments.

During the Ottoman Empire, early attempts towards the re-organization of the administrative system as well as the modernization of social life began with the Tanzimat (Re-organization) Proclamation in 1839. Turkey's first experience with a constitutional, parliamentary system also goes back to the same century. The first Constitution was enacted in 1876, during the final years of the Ottoman Empire.

The Turkish nation state came into being after the fragmentation and demise of the 600 year old Ottoman Empire at the end of World War I. The 1921 Constitution was ratified during the War of Independence. After the foundation of the modern Turkish Republic a new Constitution was enacted in 1924. A year after the military coup of 1960, a new Constitution (1961) was adopted in a national referendum, which remained in effect until the existing one was enacted in 1982.

Article 2 of the Turkish Constitution states that the Republic of Turkey is a democratic, secular and social state governed by the rule of law. Turkey has a unitary system of government in which all power derives from the central government. The 1982 Constitution rests on the principle of the totality of central and local administrations.

As of 2013, Turkey's population was 76.7 million, of which 76% lived in urban areas with populations of over 10.000 people.

In order to fulfill its duties on the provincial level, the general administration is also organized in the form of provincial governments. Provincial governments consist of provinces (*il*), counties (*ilçe*), districts (*bucak*) and villages (*köy*).

These administrations can be referred to as the extensions of the central government on the provincial level. The administration of provinces is based on the principle of deconcentration. The provincial government abides by the "span of authority" principle. The span of authority principle allows the provincial governments to decide and act on their own.

¹ Prof.Dr., Department of City and Regional Planning, Middle East Technical University.

I shall proceed in the first part of the presentation by giving some detailed information about the structure of the administrative organization of provincial and local governments².

The second part will be devoted to the planning functions of the local governments.

PART I

A. Administrative Organization of Provincial Governments

A1. Provinces

The province is the major geographical subdivision of the country. The administration of the policies and programs of the central government is largely decentralized along provincial lines. The main administrative unit for central government activities is the province. Presently there are 81 provinces throughout the country and they are supervised by provincial governors (*vali*).

The provincial governor, usually but not always a civil servant, is nominated by the Ministry of Interior, appointed by the Council of Ministers, and approved by the President of the Republic. He/she is removed from office by following the same procedure. The central government can appoint anyone as governor so long as he or she is qualified to be a civil servant at the lowest level of the service, though in practice, appointments are made almost entirely from within the civil service. The post is not regarded as one that requires specific technical qualifications. Since, the political function and responsibilities of the governor as a medium of political communication is given priority, no specific training or education is required.

The provincial governor is the chief administrative and political officer in the province. Article 9 of the Provincial Administration Act reads, "The governor is the representative of government and state in the province, he is the delegate and administrative and political executive of each minister individually". He/she is basically an inspector for making certain that other government officials in his/her province perform their duties according to law. Responsibilities and duties assigned to them in the Provincial Administration Act can be grouped under five main headings, namely, (1) administration of the provincial programs, (2) inspection and audit of the field offices of central government which are organized according to provincial division, (3) coordination and planning of the operations of the central government agencies in the province, (4) maintenance of public order and safety, and (5) representation of the state and the central government.

The provincial governor, considered an official of the Ministry of Interior, is the representative of the State and the government in the province. The major government departments in each province are headed by senior members of the national civil service, and are assigned to these posts by the central government.

² For detailed introductory readings on the administrative system in Turkey, see Polatoğlu, (2000); Başa, (2008); www.migm.gov.tr.

However, being the representative of all ministries, the provincial governor is the hierarchical and administrative superior of the officials of other ministries who are employed in the province. In this capacity, the provincial governor is responsible for directing and coordinating the activities of the field units of ministries (except for the ministries of justice and national defense) and other central agencies in the province.

Provinces are divided into counties/sub-provinces, and counties are divided into districts and villages.

A2. Counties/Sub-Provinces

The county/sub-province is the administrative subdivision of the province. Presently, there are 919 counties in Turkey. They are not incorporated bodies and have no elected assemblies. They are each headed by an Administrator (*kaymakam*) who has rather similar responsibilities for county to those the provincial governors have for provinces. Administrators are appointed by the President of the republic, after nomination by the Minister of Interior and approval by the Prime Minister. The Administrator is considered an assistant of the governor and is directly responsible to him/her. The administrator is the chairman of the County Administrative Board, which in most counties consists of the clerical assistant, the finance officer, the government doctor, and the heads of education, agriculture, and veterinary services. The Board's major function is to advise the Administrator on problems and decisions.

A3. Districts

The district is the smallest provincial jurisdiction in the province. There are a total of 328 districts in Turkey. The Director (*bucak müdürü*) is the chief administrative officer of the district. He/she is appointed by the minister of interior upon the recommendation of the governor. The Director is responsible to the Administrator and through him/her to Governor.

Each district has a District Council (*bucak meclisi*) which is composed of a Director (chairman), a health officer, a veterinarian, an agricultural technician, chief teachers, one elected representative from each village council of elders, and one elected representative from each municipal council.

Districts, however, lost their effective functions during the last two to three decades. Today only a few of them have appointed Directors.

B. Regional Units

Central government agencies organize their field works through regional units with deconcentrated powers, which may be established for the purpose of carrying out specific public services.

Today there are hundreds of different regions established by ministries or other central agencies throughout Turkey -24 ministries and/or other central agencies have

348 regional directorates-. Some of them cover the whole country, such as the General Directorate of Highways, while others cover only part of it. Boundaries of regional units do not coincide with one another; every ministry and central agency has set up its own system of regions. Thus the country is divided into hundreds of regions with regional boundaries cutting across one another.

In establishing regional units and determining their boundaries and centers, there has not been any cooperation, or any kind of consultation whatsoever, among different central agencies.

Relations Between Regional Units and Provinces.

Provincial units and regional units execute their functions over the same area, the only difference being that the powers of regional units overrun the provincial boundaries and comprise more than one province. Since they do operate in the same geographical area, and they do perform different but related functions, for the sake regional and national development and to increase the efficiency and effectiveness of central administration, their activities should be coordinated.

There are, however, barriers to coordination between these two different administrative divisions. Provincial units report directly to the Provincial Governor and they are under his authority and control. But the regional units report directly to the ministry or central agency to which they belong. Although regional units operate within the boundaries of provinces, the authority of Governors over them is not clear.

In 1963, Provincial Coordination Boards were established for the purpose of insuring the coordination necessary to realize the objectives of the National Development Plans. However, the Provincial Coordination Boards proved not to be successful, and some of the problems encountered by the Boards were directly related to regional organizations. The Provincial Governors do not face any problems in regulating the relations between provincial units and the Provincial Coordination Boards because the Provincial Administration Act gave them sufficient authority over provincial units. Since regional units cannot be considered under the same authority, it has been difficult for Governors to have officials of regional organizations participate in Board meetings (Polatoğlu,2000).

C. The Administrative System of Local Governments

Turkish law distinguishes between local government and provincial government. The provincial government is considered an adjunct of the national/central government and is largely administrative in character. As mentioned before, Turkey is a unitary and centralized country under the terms of the Constitution. Very limited powers are given to the territorial administrative units, such as provinces and districts.

Article 123 of the Constitution states that "The administration forms a whole with regard to its structure and functions... The organization and functions of the administration are based on the principles of centralization and deconcentration".

Article 127 defines the local administrations, and reads "Local administrative bodies are public corporate entities established to meet the common local needs of the inhabitants of provinces, municipal districts and villages, whose decision-making organs are elected by the electorate described in law".

The formation, duties and powers of the local administration are regulated by law in accordance with the principle of decentralization. "One of the unique characteristics of the Turkish public administration system is that, the above mentioned local governments exist side by side with field units of central government." (Polatoğlu, 2000: 104)

Local governments are established as autonomous public corporate entities to meet the local common needs of inhabitants. Decision-making organs of the municipalities are directly elected by the people, and their powers and duties are specified by laws. Local governments are bound to central administration supervision that is exercised through the power of tutelage (Polatoğlu,2000).

Within this legal framework, four types of local governments can be distinguished:

1. Provincial Local Governments (PLG)/Special Provincial Administrations,
2. Municipalities,
3. Metropolitan Municipalities,
4. Villages.

C1. Provincial Local Governments

Provinces, except for the ones with a metropolitan local government, have a unique twofold character of being both arms of the central government and units of local self-government.

There are a total of 51 provincial local governments throughout the country. They carry out local government tasks in the areas beyond the municipal boundaries within their respective provinces.

The Provincial Administrative Council (*il Genel Meclisi*) is the legislative-type assembly of the province elected by the electorates living in that province for five-year terms. The Council is presided over by an elected member of the Council. The Council is responsible for the provincial government's administrative decisions, and is empowered to initiate action against officials charged with corruption. The Council is the competent authority for accepting the budget and the strategic plan of the province, as well as provincial environmental plans and development plans outside

the municipal borders. However, the Governor has the power to legally challenge any decision taken by the Council.

The Provincial Administrative Council establishes policies related to the public services rendered by the province. These services include public works activities, agriculture, education and sport, health and social assistance, culture and tourism, and communication. Duties and responsibilities of the provincial self-government are numerous; however their financial resources are rather limited. Therefore, most of these activities are undertaken by the regional agencies of different ministries.

The central government agencies perform the major part of the services rendered by the province under the direction of the Governor. The funds of the province frequently go to supplement the work that the central government's ministries are carrying out in the province. As a matter of fact, the bulk of the personnel working for these units are the civil servants employed by the field units of the central government.

The Provincial Standing Committee (*İl Daimi Encümeni*) is the executive committee of the legislative assembly and functions as an advisory body that is continuously at the side of the Governor.

C2. Municipalities

The first municipality was established in Istanbul in 1854, during the Ottoman Empire. According to law, municipalities are public legal entities with administrative and financial autonomy. Municipalities are established in settlements that have more than 5,000 people. As of 2014, there are 1,395 municipalities throughout the country. Decision-making organs of municipalities are mayors, municipal councils, and municipal executive committees.

The municipal council is the general decision-making organ of the municipality and their members are directly elected. The number of members in a council depends on the municipality's population. The council is empowered to decide on strategic plans, investments and work programs, development plans, and revisions of these plans; to adopt the budget and final accounts; enact regulations issued by the municipalities; and make decisions about borrowing, purchasing, etc.

The municipal executive committee functions as the executive organ of the municipality and is comprised of elected and appointed members. It is headed by the mayor.

The mayor is the head of the municipal administration and represents its legal personality. The mayor is elected by the inhabitants of each municipality for a period of five years. He/she implements the decisions of the council and the executive board, including budgets, and appoints municipal staff, etc.

Municipalities' revenues can be classified in three groups, namely; local resources (taxes, fees, user chargers and others), transfers from central government, and other

revenue (such as proceeds from selling land, etc). Revenues transferred from the central government make up almost half of the revenues of municipalities³

C3. Metropolitan Municipalities

In the Turkish administrative system, in addition to its ordinary municipalities, there are metropolitan municipalities. A metropolitan municipality is formed in provinces which have a population of 750.000 and more. There are such 30 metropolitan municipalities in the country, and 76% of the population lives within their boundaries. The borders of metropolitan municipalities are juxtaposed with provincial borders. Within these borders there are also county municipalities. Coordination between the county municipalities is maintained by the metropolitan municipality. In other words, there is a two-tiered municipal structure in a metropolitan municipality and the duties and responsibilities of each tier are defined in the law.

A metropolitan municipality is a public entity with administrative and financial autonomy. Their decision-making organ is formed through elections by electors living in that province. Its organs are the metropolitan council, the metropolitan executive committee, and the mayor of the metropolitan municipality.

Metropolitan municipalities have various duties, powers and responsibilities related to strategic planning, spatial planning, infrastructure, water and sewage, transportation, housing, urban transformation, cultural and natural assets, social services, licensing, etc.

While the metropolitan municipal councils are empowered to prepare and approve higher level spatial plans such as environmental and master plans at the provincial level, county municipalities have powers limited only to prepare lower level plans such as implementation plans at the county level.

C.4 Villages

Villages, on the other hand, act as local government units in rural areas with populations of less than 5,000. There are a total of 18,330 villages in Turkey. They have legal personality and have three organs, namely, the Village Association, the Council of Elders and the Village Headman (*muhtar*). Villages have no planning authority.

In short, “the contextual features of Turkey’s local governments, as identified by criteria developed by Judge, Stoker and Wolman (1995:12), can be described as follows:

1. Greater emphasis is placed on party politics rather than spatial politics;
2. Until recently enacted Municipal Laws, the direct role of central government provided a limited scope for municipalities in engaging various local services;
3. The elected mayor has a prominent role in urban politics;

³ For details see Ersoy, 1999 in <https://www.melihersoy.com>

4. The local fiscal structure is rather restricted by the law. Upper and lower local tax brackets are defined by the law, hence, local taxes and charges comprise around 1/6 to 1/5 of the total municipal tax revenue. In other words, municipalities do not rely heavily upon finance from local taxes (Ersoy, 1999);
5. Although the local governmental structure is rather fragmented, it does not encourage economic competition among localities, as in the United States, because of the huge physical infrastructure, social infrastructure, and human capital disparities between them (cited in Ersoy, 2001a).

The following table (Table 1) summarizes responsibilities, responsibility areas, administrative structure, revenue sources, and financial relation to center for each of these four types of local governments.

Table 1: Local Governments in Turkey

Local Administrations Features	Provincial Local Governments	Metropolitan (Greater) Municipalities	Municipalities	Villages
Responsibility	Preparation of Provincial Environmental Plans, public works and settlement, soil conservation, erosion prevention, culture, arts, tourism, social services, kindergartens and orphanages, land procurement for primary and secondary schools, their building constructions and maintenance works, city planning, roads, water, sewage, solid waste management, environment, emergency aid and rescue services, forestation, parks and landscape works etc.	Preparing the annual budget and strategic plans of the municipality in coordination with other municipalities, environment action plans, infrastructure, city planning and design, landscape, health, maintenance and construction of public areas, licensing and auditing for various enterprises within municipal boundaries, transportation, establishing GIS systems, various environmental protection (regarding food, health, cultural heritage etc.) issues, municipal police services, water, solid waste treatment, disaster management etc.	City planning, water, sewage, transportation, GIS systems, environment and environmental health, rescue and health services, municipal police services, cemeteries, forestation, parks and landscape, housing, culture and arts, tourism and publicity, youth and sports, social services, marriage services, vocational training, kindergartens, health etc.	Making necessary arrangements for various issues within the village such as drinking water facilities, eliminating risks factors that threaten human health within village boundaries, construction of public areas (village guest house, mosque) within villages etc.
Total Number	51	30	1.395	18.330
Responsibility Area	Areas outside municipal boundaries	Provincial boundaries	Municipal boundaries	Village boundaries
Administrative Structure	1.Governor 2.Provincial Council 3.Executive Board	1.Mayor 2.Provincial Council 3.Executive Board	1.Mayor 2.Provincial Council 3.Executive Board	1.Village head (Muhktar) 2.Council of elders

Revenue Sources	1.General tax income from Central Budget (CG) 2.Revenues from the sale of SPAs own immovable	1.General tax income from CG 2.Own revenues; taxes, charges and fees etc.	1.General tax income from CG 2.Own revenues; taxes, charges and fees etc.	1. Some minor charges 2. Bank of Provinces and SPA credits
Financial Relation to Central Government	Receive 75-80% of their budget from CG	Receive 50-60% of their budget from CG, In addition to 5 % of the total tax revenues collected in the respective province	Receive 50-60% of their budget from CG (depending on population, development level, area etc.)	No allocated budget revenue

Figure 1. Features Matrix of Local Administrations in Turkey (Revised from PAR Consultation, 2008)

Recently, as a response to European Union's accession conditions, Turkey has made a number of changes in relation to its regional policy. These include the establishment of 26 new regions in 2002 to form the provisional NUTS (Nomenclature of Units for Territorial Statistics) II classification.

NUTS is a geocode standard for referencing the subdivisions of countries for statistical purposes. The standard is developed and regulated by the European Union. NUTS is instrumental in the European Union's Structural Fund delivery mechanisms. For each EU member country, a hierarchy of three NUTS levels is established by Eurostat. In the Turkish case, NUTS III level corresponds to 81 provinces. The 9th Five-Year National Development Plan aimed to draw up the guidelines of an economic and social cohesion policy for 2007-2013, and to adopt the draft law establishing 26 RDAs for 26 new regions in 2006. (Kayasu, 2006).

The second part of this presentation is devoted to describing the brief historical development of planning functions of the central government and of municipalities in Turkey.

PART II.

A Brief History of Planning Legislations in Turkey

Historically, during the centuries following the foundation of the Ottoman rule in Anatolia and Balkans 600 years ago, all local municipal affairs were managed locally without the interference of the centre. This understanding changed drastically in the 19th century.

In the modern sense, municipalities have a history of more than one and a half centuries in Turkey. The modernization of social life began in the Ottoman Period with the Tanzimat (Re- organization) Proclamation in 1839. The first legislation in Ottoman Empire regarding urban planning – the Code on Buildings – was issued in this socio-economic milieu in 1848. However, its enforcement was limited only to the capital city of Istanbul, which was the primate city of the Ottoman Empire (Ersoy,2001a,2011).

This first legislation was limited to rather modest issues, such as the structural elements of buildings, e.g. enforcement of the construction of brick and masonry buildings; the banning of dead-end streets, the classification of the sizes of roads and heights of buildings; and some limitations related to architectural details of the buildings. The most significant achievement of the Code was the compulsory transfer of 25 percent of private land for public uses, with no compensation, in newly developed areas. The 1864 regulation, named the Code on Roads and Buildings had rules with wider coverage and extended the application of the rules to the all cities of the Empire. (Ersoy, 2001a, Ersoy, 2011) The 1882 *Ebniye* (Housing) Law was enacted following the establishment of the new local institutions, namely municipalities, throughout the Empire. It was comprised of a better organization of the previous codes' articles and, introduced a new and local implementation and supervision system by means of municipalities. (Ergin, 1995)

The planning practices at this stage were mainly local plans, rather than plans organizing the urban areas as a whole. These local plans were prepared for the development of fire disaster areas, new settlement areas, and the enlargement of transportation routes, and parks – a new land use brought by the modernization process. (Tekeli, 1998; 2010). In other words, planning was conceived merely as the physical restructuring of roads, houses, and some public spaces. There was not a word in these regulations about the planning of the cities with their adjacent areas, let alone regional plans. Therefore, different levels of plans and their hierarchy were not an issue.

The first planning law of the Republic, named the Law on Municipal Roads and Housing, was enacted in 1933, that is, ten years after the foundation of the Republic. According to law, all the municipalities within the national borders were obliged to prepare city plans within a five-year period. Though it contained rather detailed rules regarding houses and roads, the understanding concerning the role and the functions of a city plan remained the same. Plans were conceived as local physical rearrangements, without taking into consideration the environments of urban settlements, though for the first time in the planning history of the country, the scales of the maps and plans were mentioned in a hierarchy of 1/2000 and 1/500. Also, following their acceptance by the Municipal Council, plans had to be ratified by the organs of the centre (Ersoy, 2011).

A new law on urban planning was issued in 1956. It is called the “Development Law,” and it was the first legislation in the Republican period that had a rather comprehensive content in terms of planning. The law made a distinction between higher level “master plans” and lower level “implementation plans”. Implementation plans were detailed plans, and had to comply with the planning decisions brought at the level of master plans. Therefore, though still limited to urban areas rather than covering their environs as well, for the first time in planning history of the country, different levels of plans and the hierarchy between them was recognized.

Development plans accepted by the Municipal Councils had to be ratified by the Ministry before going into effect.

The Present Legislative System of Planning In Turkey

The present law on development – numbered 3194, and titled, as the previous one, the “Development Law” – was issued in 1985. Although some amendments continue to be made to the law, its basic body has remained unchanged.

Development Plans are plans that pertain to the developmental future of the city. In accordance with the Development Law, each municipality is required to create and seek approval of a Development Plan by their councils.

Urban planning (development) laws generally refer to legislation relating to zoning and land use. Land use laws generally determine which uses are permitted in which area, while zoning laws determine the characteristics of the development on a certain plot (i.e., the ratio of the plot permitted for construction and the height of the building to give floor area ratio – the total covered area on all floors of all buildings on a plot-). Both of these laws have significant influence on how the current area is developed, and, more importantly, how future areas will be developed.

However, Development Law is not the sole legislation on development issues. Today almost 20 public institutions are authorized to prepare a plan in their respective fields, which occasionally produce chaotic, unregulated situations. In addition to provincial local governments, metropolitan municipalities and municipalities, the Ministry of Environment and Urbanization, the Ministry of Food, Agriculture and Livestock, the Ministry of Development, the Ministry of Culture and Tourism, the Ministry of Forestry and Water Affairs, the Ministry of Science, the Ministry of Industry and Technology, the Ministry of Transport, Maritime Affairs and Communication, the Prime Ministry Privatization Administration, the Housing Development Administration, Regional Development Agencies, etc. are all authorized with planning rights in their fields at specified areas. However, among them Ministry of Environment and Urbanization has exclusive rights pertaining to spatial planning from regional to parcel level.

It will be appropriate at this stage to say a few words on the role of State in the development construction sector and housing policies in Turkey.

Compared to Europe the relatively late industrialization efforts of Turkey led the new Republican state in 1930's to make a choice in terms of economic development policies. Until 1980's capital formation in the country is realized by channeling investment to industry rather than housing. This deliberative policy gave rise to dramatic housing shortages in metropolitan cities particularly after WW II, due to

mass migration from rural to urban areas. State's reaction to this problem varied by periods. In the first period beginning from 1948 onwards several amnesty laws were enacted to legalize the illegal/unauthorized squatter houses. During this period, State policies were based on the understanding that the solution to housing problem should be left to those living in squatter areas. However, this approach resulted in the creation of unhealthy urban environments in cities and making development plans ineffective and worthless.

The neo- liberal policies adopted after 1980's resulted in the integration of Turkish economy into the global economic system. Accordingly the state policies changed attitude towards squatter areas. Amnesty laws enacted in 1984 and 1986 (numbered 2981 and 3290) "...not only accepted the freehold tenure in squatters but also provided the opportunity for their transformation into apartment blocks. In other words, the amnesty laws triggered a redevelopment and a regeneration process in some parts of especially the big cities. These processes of redevelopment and regeneration brought out a large volume of construction facilities" (Balaban,2008:133).

Another policy put into effect from 2000's onwards fed the growth of Turkish construction sector by strengthening the Housing Development Administration which is legally equipped with various conveniences in land production and urban renewal issues. Therefore, while the State policies of 1930's stayed away from the construction sector; contemporary policies did the opposite by fostering this sector and being the major factor in it.

Before proceeding on with discussion of the hierarchy of spatial plans in Turkey, I would like to give some information about the Housing Development Administration, (TOKİ) which became a rather active actor in urban planning during the last decade. TOKİ is established with the aim of developing land and construct housing for low- and middle-income groups by providing loans to individuals and cooperatives. Municipalities are also eligible for these loans, which are required to be used for the development of new housing projects on lands they own.

So far TOKİ has built around 600.000 housing units. Around 80 percent of these units are developed through private sub-contractors, and the goal is to construct 5 to 10 percent of the total housing need of the country. In addition to using the land stock owned by the Administration, TOKİ is also authorized to expropriate lands and buildings owned by real and legal entities. TOKİ is exempt from various taxes and fees in addition to building inspections of municipalities. Furthermore, the administration creates development plans at every scale in order to accommodate the projects TOKİ undertakes.

Hierarchy of Spatial Plans in Turkey

As mentioned above, in terms of purposes and spatial coverage, the current legislation identifies three basic levels. The highest level plans are “Regional Plans” which are followed by “Environmental Plans,” and “Development Plans,” the latter being comprised of “Master Plans” and “Implementation Plans”. Although local governments are the major authorities in making and ratifying spatial plans, various centrally-organized public authorities are also endowed with legislative powers in planning.

The table below (Figure 2) summarizes the planning hierarchy in the Turkish legislative system.

Figure 2: Planning Hierarchy in Turkey

TYPE OF PLAN	PLANNING AREA	SCALE OF THE PLAN	AUTHORITY IN REPARATION OF THE PLAN	RATIFYING AUTHORITY	LEGAL BASE
Regional Plan	Region	Not Identified	Ministry of Development and Regional development Agencies	Ministry of Development	Development Law No.3194 (1985)
Environmental Plan	Region and Basin	1/50.000 or 1/100.000	Ministry of Environment and Urbanization	Ministry of Environment and Urbanization	Environment Law numbered 2871 (1983) modified by Law no: 5491 (2006) and Decree Law Numbered 644 (2011) on the Organization and Responsibilities of the Min.of Env. And Urbanization
Provincial Environmental Plan	Area within the borders of a province	Not Identified	Provincial Special Administrations and Metropolitan Municipalities	Provincial Special Administration and the related provinces' municipality/ Metropolitan Municipalities.	Provincial Special Administration Law No. 5302 (2005); Law No:6360 On the Establishment of new Metropolitan Municipalities
Master Plan	Area within and the adjacent of the borders of municipality/ Metropolitan Municipality	1/25.000 1/5.000	Municipality/ Metropolitan Municipality	Municipality/ Metropolitan Municipality Council	Development Law No.3194 ; Metropolitan Municipality Law numbered 5216 (2004)
Implementation Plan	Area within and the adjacent of the borders of municipality	1/1.000	Municipality	Municipal Council	Development Law No.3194

Source: Ersoy, 2011.

Regional plans as a distinct planning level were legislated for the first time in 1985 by Development Law numbered 3194. In fact, before the promulgation of this article in the Law, several regional level plans had already been prepared by the State Planning Organization (SPO). However, those plans were not implemented due to lack of legal empowerment (Keles: 2006). The existing Law, on the other hand, did not specify the content and procedural issues regarding regional plans. Therefore, regional plans remained as suggestions for regional socio-economic issues, indicating sectoral development without embracing guiding spatial imperatives for lower-level physical plans. (Ersoy,2011) Only after 2006, with the establishment of the Regional Development Agencies, regional plans were prepared as strategic plans at NUTS level II.

The “Environmental Plan” is the second level within planning hierarchy. The term has been used since 1985 in the “definitions of the plans” section of the Development Law. However, it became operational only after the promulgation of the related regulation in 2001. Environmental Plans are designated as upper-scale plans within the hierarchy and defined by Law no.5491. By taking into consideration the principle of sustainability and the balance between conservation and use, these plans are designed to reduce the negative environmental impact of residential, working, recreational, and transportation needs of the urban and rural populations. According to the principle of hierarchical integrity lower level plans must be in accordance with environmental plans, which are to be prepared in regions or basins for the geographical areas consisting more than one province at the scales of 1/50.000 or 1/100.000.

Provincial Environmental Plans should also be included within the category of “upper level plans.” They are prepared by the Provincial Special Administrations for the whole province. Although the law does not specify the scale of these plans they are prepared at the scale of 1/25.000 and over.

While Environmental Plans and Provincial Environmental Plans are considered upper level plans within the hierarchy, they are concerned more with the physical development of urban areas -by identifying detailed location and areas needed for different land uses, overall distribution of physical and social infrastructure, and transportation patterns- than the sustainable socio-economic development of regions, basins or provinces.

Furthermore, as rigid and prescriptive documents, they cannot be regarded as strategic plans sufficient to provide a strategic perspective and framework for future development. In a way, they can be viewed as master plans magnified in scale.

“Development Plans” are the third level plans within the hierarchy. As their name suggests, Development Plans pertain to the developmental future of the city. They determine the types of uses permitted in different areas and the characteristics of future development. In accordance with the Development Law, each municipality is required to create and seek approval for a Development Plan. Many factors go into

the creation of Development Plans and they are comprised of Master and Implementation Plans.

Master Development Plans are prepared in accordance with the physical layout in upper-level plans. They contain strategies and decisions regarding allocation of different land uses in the planning area, as well as population and building densities.

Article 5 of the Development Law defines “Master Plan” as a plan with detailed explanatory report. It is drawn on the base maps with cadastral drawings and conforms to upper level plans. Master plans form the basis on which implementation plans are prepared. They display such matters as general form and use of land pieces, main zone types, future population and building densities of zones, development direction and size of various land uses, transport systems and solutions to transport problems.

Master plans are expected to be prepared at the scale of 1/5.000, although in metropolitan urban areas their scale may go as high as 1/25.000.

Implementation Development Plans are prepared in accordance with Master Plans, and include rules for implementation and guidelines for construction. Article 5 of the Development Law defines “Implementation Plan” as plans drawn on base maps with cadastral drawings conforming with the principles laid out in the master plan. They contain the building blocks of various zones, their density and order, transportation system, and implementation phases to form the basis for land development programs.

As pointed out above, “in the Turkish case, upper-level plans, which include Regional Plans, Environmental Plans and Provincial Environmental Plans, are expected to be strategic spatial plans. However, their preparation, content, notifications/representation, and implementation do not conform to the rules of strategic spatial planning. The planning principle of hierarchical integrity among different level of plans is often misinterpreted by bureaucrats and practicing planners, who treat lower level plans as magnified copies of higher level plans. (Ersoy, 2000).

Plan Implementation Tools

As we all know, implementation rather than preparation is the most painstaking phase of the planning process. Therefore, finally, I would like to mention a few words on the plan implementation tools in current Turkish planning legislation and its deficiencies.

“What is meant by “plan implementation tool” is the entire legal choices local governments can employ for conforming actual urban land uses with those in development plans. In general, an implementation tool can be anything that is done to achieve a goal of a plan...It can be said that three types of plan implementation tools are exerted in the planning experience of Turkey (Köktürk, 1997; Gürler, 1995).

These tools are; 1. Expropriation, 2. Allotment and Unification and 3. Land Readjustments” (Ersoy,2005).

1. Expropriation: The seizure of movable and land property belonging to private persons by public corporations and bodies to be used for public purposes without the consent of the owner in accordance with the decisions made by authorized bodies and with the cost prepaid is called expropriation. The most significant disadvantages of expropriation can be cited as follows: Firstly, expropriation is a procedure that violates land ownership right, secondly, it is rather costly for local governments, thirdly, it is not a just method since it applies only to some of the property owners. In short, expropriation is a method that is time-consuming, expensive and difficult for public sector and causes inequalities among individuals (Köktürk,1997 cited in Ersoy,2005).

Land Allotment and Unification: Items 15 and 16 of the current Development Law allow the creation of development parcels upon the request of land owners through allotment and unification. Yet, there might be some disadvantages of this tool. Accordingly, in allotment and unification procedures made on parcel basis, integrity of planning process is ruined. It becomes difficult to appropriate the open spaces needed at a neighborhood and/or city scale. Priority being given to practices in cadastral parcels where the share left for public use is minimal, results in a belief in society that plan serves as a tool making certain land owners wealthy. Furthermore changes in sizes of public service areas within cadastral parcels result in inequalities among land owners in terms of development rights. Parcel based practices may lead to creation of several residual areas not suitable for development or construction, results in inefficient urban land use (Köktürk 1997:15 cited in Ersoy,2005 APSA).

Land Readjustment: By using this tool the cadastral status of rural land is transformed to urban lots suitable for buildings or other types of land uses. During this transaction, a certain part of land assets are transferred to public in order to be used in public service areas without being paid any fee under the name of PSR (participation share of readjustment).

This method which has been used for a long time in countries such as Germany and Japan has also a long history in Turkey as well.

Procedures and transactions performed in the framework of readjustment practice can be summarized as follows:

a) Within the borders of the planning area all the lands under private and public ownership are unified (unification procedure),

b) The urban land remaining after deduction of areas reserved for public services – such as roads, open spaces, primary schools etc.- are subdivided into lots according to the provisions of the plan (Creation of Development Parcels),

c) The newly created development parcels are distributed to their former owners on share basis and registered to their names in the land office (Distribution and Registration).

Readjustment method eliminates the disadvantages of expropriation and arbitrary allotment and unification tools to a great extent. Major advantages of land readjustment are:

“a) The method is in line with social justice principles. As it makes equal deductions (40 percent of the cadastral land) from every landowner, the benefits and losses of the plan are distributed among the owners at the rate of their property size,

b) The method is economical. By readjustment, the municipalities can obtain great portion of the urban land needed for public services such as roads, squares, parks, parking lots, religious facilities, police stations and primary and secondary schools without making any payment. As the practice covers large areas, construction of infrastructural facilities is made possible and cost less.

c) The method is highly beneficial in technical terms. Above all, it is possible to implement the plan as a whole without violating its principles. In practice, since the smallest unit is one development plan lot, residual areas and cases against provisions of the regulation are eliminated.

d) Many lots are developed using the readjustment method. Thus, the balance of supply-demand is established in the land market and thus land speculations can be avoided to a certain extent” (Gürler,1995:9. cited in, Ersoy, 2000).

Yet, there are some criticisms regarding readjustment practice applied in Turkey. The basic problem is that the readjustment practice is not based on the value. In other words, although the same rate of PSR is taken from the land owners, there are big differences in terms of development rights granted to allocated lands and this is in violation of the social justice principle” (Ersoy,2005).

However, some new and more effective plan implementation tools such as transfer of development rights and others ⁴should be added to the list to facilitate the implementation of development plans. However, it should also be added that, local governments once equipped with such new tools and authority are to be controlled by the public through means beyond the conventional ones. And the citizens are to be informed through all means about both their and local governments rights and responsibilities following the introduction of new plan implementation tools.

⁴ See Ersoy,2005 for a detailed list-

REFERENCES

Balaban, O. (2008), *Capital Accumulation, the State and the Production of Built Environment: The Case of Turkey*, A Ph.D. Thesis Submitted to the Graduate School of Natural And Applied Sciences of Middle East Technical University, Ankara.

Başa, Ş. (2008), “Ülkemizde Uygulanan Mülki Yönetim Sistemi”, www.

Ergin, O.N., (1995) *Mecelle-i Umur-i Belediyeye*, v.2., Istanbul Büyükşehir Belediyesi Kültür İşleri Daire Başkanlığı, Istanbul.

Ersoy, M. “Relations Between Central And Local Governments In Turkey: A Historical Perspective”, *Public Administration and Development*, v.12, 1992, pp.325-341.

Ersoy, M. (1999) “Local Government Finance In Turkey”, *Studies in Development*, METU, Ankara.

Ersoy, M. (2001a), “A Critical Evaluation of Planning System in Turkey: Democracy Through Decentralization?” Paper Presented in the World Planning Schools Congress in Shangai, China.

Ersoy, M.(2001b) “The System Of Central And Local Administration In Turkey”, Report Prepared for DOKAP, Ankara.

Ersoy, M. (2011), “Some Observations and Recommendations on the Practice of Upper Level Urban Plans in Turkey in the Light of Sustainable Development”, Paper presented at the 10th Congress of APSA, Tokyo, Japan (see www.melihersoy.com).

Gürler, M. (1995) “İmar Planları Uygulama Yöntemleri” ,*Mülkiyet Dergisi*, 6(16).

Kayasu, S. (2006) “Institutional Implications of Regional Development Agencies in Turkey”, *42nd ISOCARP Congress*.

Keleş, R., *Kentleşme Politikası*, İmge Yayınları, 2006, Ankara.

Köktürk, E. (1997) “İmar Planı Uygulamalarında Karşılaşılan Sorunlar ve Kavramlaşma”, TMMOB Harita ve Kadastro Mühendisleri Odası, *Türkiye 6. Harita Bilimsel ve Teknik Kurultayı*, Ankara.

PAR Consulting, Mitsubishi UFJ Research and Consulting,(2008), *Basic Study On Regional Government Administration System For Public Investment Projects In Turkey*, Ankara.

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

Tekeli, İ., "Bir Modernleşme Projesi Olarak Türkiye'de Kent Planlaması", in Sibel Bozdoğan Reşat Kasaba, *Türkiye'de Modernleşme ve Ulusal Kimlik*, Tarih Vakfı Yurt Yayınları, İstanbul, 1998, pp.136-152.

Tekeli,İ., "Türkiye'de Kent Planlamasının Tarihsel Kökenleri", in *Türkiye'nin Kent Planlama ve Kent Araştırmaları Tarihi Yazıları*, Tarih Vakfı Yurt Yayınları, İstanbul, 2010, pp.26-147.

"*Local Governments in Turkey*", www.migm.gov.tr