RELATIONS BETWEEN CENTRAL AND LOCAL GOVERNMENTS IN TURKEY: A HISTORICAL PERSPECTIVE

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Introduction

As organizers of urban development in the modern sense, municipalities go back to the mid-19th century in Turkey. The main theme of this article is an analysis of trends over roughly 150 years. Three main headings are used within this framework; a) the political and administrative level; b) the level of financial policies; c) historical development of the relationship between the central and local governments with respect to the legal and institutional framework of urban planning. This relationship is fundamentally paternalistic and authoritarian. The study investigates the authenticity of the currently pronounced liberal policies and the subsequent implementation mechanisms devised by the present administration in the past eight years. Although a change of government seems imminent most of the policies implemented are considered irreversible. Emphasis is given to an assessment of the claim that the liberal governments have introduced positive changes in this structural mechanism, rather than a normative evaluation of this structural relationship.

The Central-Local Government Relationship at the Administrative and Political Level

Although the abolishment of Janissary Corps in 1826 is regarded as the first serious reformist movement during the Ottoman Empire, the earlier attempts towards a re-organization of the administrative system as well as the modernization of social life began with the Tanzimat (Re- organization) Proclamation in 1839. This re-organization coincided with the period in which liberal reactions against central authority achieved considerable momentum in the Western Europe, in contrast to the intensive struggle for unity in central and east European countries. One of the aims of the Ottoman administration in issuing this proclamation was the evasion of foreign pressures demanding the political participation of ethnic groups in the political structure of the Empire, and decentralized autonomous status to such regions. The focus was on the strengthening of the central government dominance. In other words, the attempts to institutionalize local governments were efforts towards achieving a more regular and fair taxation, better delivery of services, establishing order and economic power, rather than development of local democracy (Ortaylı, 1978:1).

During the pre-Tanzimat period, the state left municipal affairs in the Ottoman cities to its subjects. Significant institutions of this period were the 'Kadılık' and the charitable trust Foundations ('Vakıf'). 'Kadı's were appointed by the central government and had the full power in the administration of the city.'Vakıf's were responsible for establishing and operating the social and technical infrastructure of the city. Services such as water, sewage, sanitation, etc. were taken care of, by the public (Ortaylı, 1974). After the dissolution of the

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Janissary Corps, municipal functions were taken away from the 'Kadı's and given to the 'Ihtisab' ministers. Soon the 'Vakıf's lost their power and 'Ihtisab' Ministry fell short in solving the problems in cities and maintaining urban order. Therefore, these institutions were soon abolished and replaced by municipal organizations.

In 1855, the first such organization was established in Istanbul. The mayor ('Şehremini') of Istanbul was nominated by the Ottoman Cabinet and appointed by the Sultan. The City Council was formed by Ottoman subjects from all classes, and included the appointed "respectable and trustworthy" tradesmen. This new 'Şehremaneti' did not prove effective in solving any of the problems and lasted only a year.

In 1857, Istanbul was divided into 14 municipal departments but the new organization was activated only in Beyoğlu- Galata, the most developed and the modern district. The head of this department and the Council were appointed by the central government. Owning property of substantial economic value was essential condition eligibility as a council member. The same condition applied to the foreigners, in order to participate in the council as "advisers".

It was decided to expand the municipal organization in 1869 to the entire city of Istanbul. Each one of the 14 municipal departments had a mayor and a council. The council members were elected by the public for a period of two years. The department mayor was appointed among the council members by the government. The 'Şehremini' and the council members of the 'Şehremaneti' organization were appointed by the government and were flanked at the top of all other 14 departments.

In 1876 the National Assembly was formed as a practical follow-up of the proclamation of the first constitution. It passed two draft laws in succession, one for Istanbul and the other for provinces. Even though the 1876 Constitution ruled that local councils be formed by elections, the old municipal organization was kept unchanged. According to the Provincial Municipality Law ('Vilayet Belediye Yasası') a municipal organization bearing legal corporate status was to be established in every city and town. Members of the council were to be elected by the public, while the mayor was to be appointed by the government among these members.

The state of affairs of the 19th century municipality is quite articulately highlighted in Ortaylı's (1978:22-23) narration; "the municipality was developing with 'no personality of its own', due to the fact that is was understaffed and could not provide the services under the total tutelage of central government... The Ottoman municipality was born during a period when an authoritarian centralization was beginning to develop and as a part of that system... For this reason pressure from the center of local government has become a traditional practice in our country"(Ortaylı, 1978:22-23).

Early in the 20th Century, a resistance was built up in the country against the Sevres Treaty , which imposed the plan of the western imperialist powers to mutilate the Ottoman State, as defeated with its allies in the First World War. A nationalist liberation movement was

organized under the leadership of Atatürk and a parliament was formed in 1920 in Ankara, independent of the Istanbul government. The 1921 Constitution, prepared under conditions of war, based local governments on an autonomous administration, unlike the 1876 Constitution. According to the new constitution the provincial local administrations ('İl Özel İdareleri') would be autonomous administrative units with legal corporate status. There would be provincial councils ('Vilayet Şuraları') formed in place of provincial general councils ('İl Genel Meclisleri') and the council would elect its chairman itself. The executive function of the provincial local administrations would be passed on to the elected chairman and the executive committee (Gözübüyük, 1967:6). According to the constitution, districts ('bucak') composed of several villages would become local administrative units and run by administrators elected by the public.

The 1921 Constitution was democratic, in that it gave the widest autonomy to local governments. It became ineffective however, after the promulgation of the 1924 Constitution following the end of war and the foundation of the Republic.

After the proclamation of the Republic and declaration of its new capital, priority was given to Ankara in urban development and municipality problems. A system similar to that of Istanbul was instituted in Ankara by law, in 1924. The mayor and members of the city council were to be appointed by the central government. The Ministry of Interior Affairs was authorized to approve the municipal budget and to specify the staff and their salaries. The Municipal Council could be suspended, if exceeded its jurisdiction. By 1928 it was understood that the municipality of Ankara with its existing structure, could not carry out functions of urban development, and the Ankara Urban Development Directorate was established equipped with numerous powers. The Directorate was composed of members elected by the cabinet. It was responsible not the Municipality but to the central government, and more specifically to the Ministry of Interior Affairs.

In brief, the early Republican years witnessed the intensification of the centralized system in administration, in contrast to the liberal approach observed in the economy. This however, should be considered natural. As Keleş (1988:292) points out, "in countries where independence is new prime emphasis is laid upon the central government, since the power of the state is a condition for national unity".

From 1930 to 1944 was a period of single-party regime and etatist practices. In the real politics of 1930', it was difficult to distinguish local governments as a separate administrative level. Law of Municipalities enacted in 1930 replaced the previous codes. The new law introduced equality among all municipalities except in Ankara and Istanbul. In Ankara and Istanbul, the mayorship and governorship were united and put under the absolute control of the central government. Although the principle of single- stage election was introduced for the other municipalities there was a strong control mechanism of the central government on the decisions and decision-making organs of the municipalities.(Tekeli, 1978:53).

The post-Second World War period of multi-party system saw no significant change except an end to the privileged status of Ankara and Istanbul. Undemocratic rules such as the approval of chairmen elected in the city councils by the Ministry of Interior Affairs and by the direct appointments of the governors by the central government continued in effect. Multi-party system did not necessarily alter the central- local government relationship and the tendency to view municipalities as provincial organizations of the central government prevailed (Keleş, 1988:292).

With the coup-de-tat of 1960 and subsequent adoption of 1961 Constitution, democratic rights and freedoms were extended and the principle of control over the executive power by autonomous institutions was adopted. Many articles of the municipality law, not in line with the new constitution were revised. Accordingly, single-stage majority system was introduced in the election of mayors. Politically more powerful mayors were aimed at who would obtain their authority directly from the people. However, control power of the city councils was also strengthened to prevent the misuse of this power (Tekeli, 1978:191).

Another step towards democracy has been the change in the procedural rules regulating mayors' appointments. Approval of the governor or the president of the state was now considered unnecessary. The 1961 Constitution also introduced the principle that the control of acquisition or loss of status of an elected organ in the local government would be exercised only by the courts.

In short, the reduced control of the central government on municipalities, even if to a relative extent, should be viewed as an extension of the new legislation aiming at building up democracy. However, this relative improvement should not be exaggerated. It was accompanied with a wide spread administrative and financial control of the central governments. In other words, this period also witnessed a strong subordination of local government units under the tutelage of the center has been supported by the governments (Aktan, 1971).

The excuse of the 1980 military intervention was that all democratic organizations in the country had agreed "to do away with democracy, even though at varying degrees, and to establish a totalitarian socialist system in place of the multi-party democracy" (Keleş, 1988:295). This basic thinking resulted in the clamping down of all the democratic rights, freedoms and institutions that had evolved until then, and in the formation of an all-powerful state and central government. With a new constitution at hand, the central- local government relationship was partially deteriorated. The Ministry of Interior Affairs was authorized to remove from power the local government organs and their members who were under legal probation on matters relating to their functions, until a final decision was reached by court. This rule, vulnerable to political bias, remained effective until 1989. Afterwards, opposing political parties came to power in the central and local governments so as to counter-balance each other.

At the end of 1983, the new administration in power, announced that their philosophy of government derived from liberalization, private ownership and democratization principles and promised substantial legal changes to this end. Local governments were to be strengthened and centralistic tendencies would be curbed.

Despite such claims tutelage relations between central and local governments continued in the new era. An example of tutelage can be traced in the approval procedures of the 'master' and 'implementation' plans prepared by municipalities. During the 60 years of the Republic, all urban development plans as prepared or approved by the city councils could become effective only after the superior approval of the Ministry. Furthermore, the Ministry had the capacity to make changes in plans sent for approval. Therefore, it was not possible to speak of autonomous local governments with respect to urban planning (Ünal, 1990:165).

The powers of central government were further intensified with the law of 1605 enacted in 1972 and with its additional articles that became effective in 1975. It was ruled that the yearly urban development programs approved by city councils up until then, be now approved by the Ministry. Furthermore, the law authorized the Ministry, whenever it deemed necessary, to make metropolitan plans or urban development and settlement plans in part or as a whole, without consulting the related municipalities.

The 'urban planning law' prepared by the new administration and became effective in 1985, stipulates that urban development plans within the boundaries of municipalities and their adjacent areas be made and approved by municipalities. Plans falling out of these areas are made and approved by governorships. However, this power is not unlimited." Master" and "implementation" plans have to be in accordance with regional and environmental development plans prepared by the central government, if any. Thus, a coordination between local and higher level plans is aimed at. It is not against the local government principle, for the central government to practice administrative tutelage in this sense (Ünal, 1990:165).

The 1982 Constitution rests on the principal of totality of the central and local administrations. Central administration is divided into provinces, and the province into further subdivisions, as the field organization of the central government. Provincial administration is based on extended authority. If deemed necessary, the central government can use the discretionary power over the local governments. Autonomous local governments, on the other hand, function according to the principle of decentralization and can take decisions and actions independent of the central government. The central government can only exercise its power of administrative tutelage on local governments. In this sort of control, the central government approves or rejects decisions of local governments or postpones their implementation, but it cannot take a new decision itself.

With an important exception introduced to this basic principle, local governments have been hierarchically organized under the central government, which is against the Constitutional rule. Article 9 of the Planning Law stipulates that the related Ministry can revise development plans for public buildings, implement urban development plans in the case of

disasters as fires, earthquakes, etc; implement mass housing projects and 'gecekondu' (squatter houses) laws; implement metropolitan plans concerning more than one municipality and urban development plans for areas where major highways are planned, where there is an airport and/or an airway or waterway connection. The exceptions are so many that Akıllıoğlu (1982:96) rightly puts, "one can ask if it means anything to remove the condition of approval or if it has really introduced anything new".

The 'liberal' administration was not satisfied with these allowances, and the authority of the Ministry was further extended with an article added into law No. 3394 in 1987. The Ministry of Public Works and Resettlement was temporarily authorized to change plans of every scale, prepared by municipalities. This encompasses metropolitan plans down to residential block and plot details.

Legislative changes gave wide powers in physical planning to the central government after 1983. All planning activities in areas specified as "disaster areas", "special environmental conservation and tourism areas", "village settlement areas", "national parks", "mass housing areas" and "cities of GAP (Güneydoğu Anadolu Projesi-South-Eastern Anatolia Project) region" are carried out by the central government organs. In fact all physical planning activity in the country could be carried out directly by the central government whenever 'deemed necessary'.

The governmental practice of the so-called liberal period of post 1983,let alone establish strong, democratic and independent local governments, has even ignored the rule of 1982 Constitution, which itself contains substantial limitations on democratic rights. It clearly stipulates that the central government can only have tutelage control over local governments. The use of discretionary powers of local governments by the central government has entered into legislation. Therefore, it would be far from being realistic, as has been claimed from time to time, to say that policies limiting the power of central government have been in progress during the past decade.

The Relationship Between Central and Local Governments with Respect to Financial Policies (1)

The earliest legislation on municipal revenues was prepared in 1858 for Istanbul which was the capital city at the time. Legislation covering all municipalities came in 1876, but this also differentiated the capital city from others. Besides allocating more flexible revenue sources, the legislation authorized the Istanbul municipality to levy various taxes. Revenues of other municipalities were determined by the "tax sharing" method and according to proportions and amounts specified by the Central government.

The first law on autonomous municipality revenues dates back to 1914. This law forms the basis of the municipal income system that had been effective until 1980's (Ülkmen, 1960:352). The 1914 "municipality revenues law", when taken together with the 1913 law on the organization of local governments, can be seen as the beginnings of an

institutionalization process of central and local governments, shaping the national administrative structure together. In a country where strong centralistic relations existed, creation of various administrative levels should be viewed as a significant development.

With the 1914 law concerning municipality revenues, taxation of urban economic activities was transferred to municipalities. Thus the financial aspect of the new reorganization was accomplished under conditions where capitalism was far from being a dominant mode in most parts of the country.

The first legislation concerning municipal taxation of the Republican period was made one year after the proclamation of the Republic (1924). Except for some differences, the new law contained the same revenue sources as determined in the law of 1914. The novelty of this law is that it introduced a sort of local income tax into the Turkish financial system. However, this practice was discontinued in 1929 and never brought back again.

The first comprehensive law of the Republican period formulating the working principles of municipalities was enacted in 1930. The fundamental legislation that related revenues and expenditures of these organizations came however, with the Law of Municipal Revenues, put into effect in 1948.

1930s and 1940s were periods of single-party administration during which etatist policies were implemented. Therefore, differences in political preference and priorities in the administrative echelons were almost non-existent as compared with the following periods. In other words, one cannot speak of a public expenditure and revenue system which was clearly differentiated at the central and local levels. Municipalities were also integrated in the policies of state capitalist development implemented by the Government. Political infra-structure that would enable municipalities to adopt an autonomous approach on this matter did not exist. In fact, it was not considered unusual, when governors appointed by the central government took over the post of mayor in many of the larger cities.

The Law of Municipality Revenues (1948) should thus be evaluated within such a political framework. This law did not introduce anything different from the 1924 legislation, but increased the tariffs which were rendered insufficient under the Second World War conditions and as a result, performed a limited function of raising municipal revenues.

With the transition to a multi-party system in 1950, political differentiation began at the municipal level too, even if not very abruptly. The law of 1948 was used as a sanction device against municipalities. An investigation of the 1948-1960 period indicates that both the proportion of municipal revenues to state revenues and the municipal revenues per head of population increased considerably, despite the high urbanization rates during the period. However, the increase in municipal revenues could not be generalized to all the urban centers in the country. Furthermore, substantial amounts of these increases are realized through the central government transfers.

Leaving aside the special cases mentioned above, it is possible to see that municipalities began to face serious problems in delivering the basic municipal services after the 1950's. The causes of this shortcoming can be summarized under four headings:

1. The 1930 Municipality Law,(No. 1580) classified municipalities and their services according to the size of their budgets. Since the definition of budget size remained unchanged, all municipalities were soon to be aggregated in one category rendering the classification meaningless. The services originally planned for the municipalities with highest incomes (at the time when the law was enacted) thus became compulsory for all municipalities.

2. Following the end of the World War II the Truman doctrine and the Marshall aid accelerated capitalist development in rural areas. Larger urban centers experienced significant population growth owing particularly to internal migration. This led to a serious increase in the demand for municipal services. The new legislation and the organizations established in the 1950's for urban development, created new items and areas of expenditure for municipalities.

3. Tariffs specifically defined in the law of 1948 eroded considerably due to rapid inflation, making it impossible for municipalities to deliver services on the basis of their own income resources (Tekeli, 1978:249-255).

4. As previously mentioned, the 1948 law was developed as an extension of the legislation enacted in 1914 and the following years. However, the replication of the previous items of taxation in this law, without taking into consideration the new and potentially rich subjects where taxes could comfortably be levied, led the municipalities to poor financial resources. Yet the previous form of taxation was meaningful only in a pre-capitalist production set-up rather than the new era of rapid capitalization. Assessment methods which gave low estimates further caused the income levels to fall far below those that could meet the needs of a new social structure. In other words, a local income that would be congruent with capitalist mode of production was not realized. As a result, municipal incomes were more intensively dependent on the tax sharing system and the direct transfers and loans from the central government. With this practice, surviving up to the present, financial dependence of local governments on the central one has become a tradition.

After the military coup in 1960, urban development activities were curtailed and a fall took place, in both per capita municipal revenues (by about 20%) and in the proportion of municipal revenues within state revenues (by about 50%). These proportions were highest between 1950 and 1960, and were never reached again.

The period between 1960 and 1973 can be considered as a distinct period in terms of municipal affairs. During this period right-of-center political parties were in power in both the central and local government levels. The planned development method was adopted in

this period and there was a tendency of centralization in resource allocation. While the public revenues index increased by 5.5, municipal revenues increased threefold during this period (DPT (Devlet Planlama Teşkilatı-State Planning Office), 1973:943-944). Taking into consideration the growth of 7% GNP in this period, one can conclude that the share allocated to local governments was quite small.

Another interesting characteristic of the period regarding the central-local government relationship is the prevention of the transfer of shares from the national taxes. It was ruled in the related legislation that taxes could be allocated to municipalities on the basis of their share of population. Yet payments in about the same amounts were made under the name and pretext of 'grant-in-aid', according to the political preferences of the central government. Municipal revenues grew three times during this period, while the "aids" given by the central government increased by eight times making the municipalities more dependent (DPT, 1973:944-945).

Since the same political parties were in power in both levels of government, this approach of the centre, even though creating problems for the local governments, did not become the focus of political conflict, as compared to the period that followed. The following was a period of differentiation of the political parties in power.

The financial causes of the crisis in central-local government relations that appeared in 1973 and continued up to the early 1980's can be summarized in the centralization decentralization tendencies. In the former category, one can attribute all the developments at the political level.

a) The politicization process in general that rapidly matured during late 1960's, resulted with the seizure of power in local governments by the social democratic parties, especially in the larger cities in 1973. It became clear that the domination of the central government could not easily continue any longer. This stimulated the desire of the central government to exert more pressure over local governments.

b) Relations of the elected parliamentarians with their local political milieu seemed to weaken due to the nature of this political structure. The politician is likely to lose his influence in the lobbies of local politics, in a system where local government has increasingly become independent of the center. As a corollary it becomes easier to maintain this influence as dependence on the center increases (Tekeli, Gülöksüz, 1976:9).

In the second category, there are processes which give rise to a demand for decentralization. These phenomena can be summarized as:

a) The rapid population growth observed in urban areas since 1950's created material objective basis for a series of decentralization demands. It also turned into a factor of its own, increasing the demand for localization, proportionately with the absolute sizes reached.

b) The new population sizes, especially in the metropolitan centers required a series of public services that had to be carried out by the very central government. Conversely, needs which never have been felt before, could now be delivered locally in an efficient way. These conditions activated population towards increasing their tendencies for localization.

c) The metropolitan populations that were more intensively politicized as compared to pre-1973 period could now put forth their demands for urban services both in terms of priorities and quantities more explicitly. Even though this strong demand for decentralization did not result in a change in the mechanism of resource allocation, these were the years in which aspirations were expressed for total open public control and municipal discretion (Kazancı, 1982:267).

d) During this period, the metropolitan and the small peripheral municipalities turned against each other. The peripheral municipalities aggravated the problems of the central one, by the full exploitation of their means. Furthermore, this system was used by the central government as a means of resuming the powers of the local government, with the excuse of providing coordination (Tekeli, Gülöksüz, 1976:7). Both of the "integration" and "federation" solutions developed for solving this problem, are basically pro-decentralization proposals, even though they appear distinct from each other (Soysal, 1974:1).

e) The fact that the existing rules and regulations relating to municipalities remained in effect during the 1973-1980 period with no significant changes, caused on one hand the increased demand of local governments for financial autonomy, and on the other the need to increase financing the production of public goods and services, for improvements both in quantity and quality. The reform on property taxes and the increased share of municipalities should be viewed partly as a result of such demands. However, the imposition and collection of these taxes remained under the control of the central government.

The objective basis that can justify the demand for decentralization during this period can be seen very clearly when the trend of change in the structure of municipal incomes and expenditures is studied. For example, the total budgets of all the municipalities in 1980 had decreased by 28.3%, at fixed prices, as compared to the previous year (DPT, 1982:61). In a study investigating the per capita increases in the municipal incomes of a sample of municipalities for the period 1976-1981 State Planning Organization (DPT, 1987a), revealed that the increase in total revenues by population groups, changed from 4.05% to -56.07% ; while the per capita increase in municipal revenues changed between - 5.82% to -64.82% (DPT, 1987a:33). A similar trend is observed in the municipal expenditures too (DPT, 1987a:16). Municipalities have attempted to find solutions to this income deficiency in the decentralized system.

As financial crisis of local governments prevailed, a new period was faced with the military coup of 1980. All municipal administrators that had been elected at the local governments were removed from their posts and fresh appointments were made. Urban life was organized with restricted municipalities under surveillance, which turned into bureaucratic and hierarchical systems. This mechanism of functioning froze the pre-1980 crisis in every aspect. New legislation was prepared with financial considerations which as discussed below, appeared to aim at solving the revenue shortages of municipalities. These once again facilitated the control of the central government on municipalities.

Characteristics of such legislation on municipal revenues, that became effective during the military regime until 1984 can be summarized as:

a) The shares allocated to the municipalities through various legislations were replaced by the 5% of the national revenues. However, the distribution of this share was to be carried out by the Bank of the Provinces, an organ of the central government. Two ministries (The Ministry of Reconstruction and Resettlement and The Ministry of Interior Affairs) were made responsible for the apportionment of the 20% of the above mentioned tax shares to municipalities. Although, by law, the remaining 80% was to be allotted to the municipalities on the basis of their populations, the Bank had the authority to deduct the past and future municipal debts at the moment of payment. When one considers that this income constitutes about 60% of the municipal incomes (DPT, 1987b:53) as in year 1982, one can see how powerful a device this has been in the hands of the central government.

b) The Law of Municipal Revenues which had been in effect since 1948 was changed in 1981. The traditional system of municipal revenues was kept in the new legislation under new names and only the tariff levels were increased. One aspect of the new law that directly concerns us is the classification of municipalities into five categories, according to their populations and socio-economic development in which different tariffs would be applied. Since it was the government (Council of Ministers) that decided which category a municipality would be placed in, the discretionary role of the central government was retained.

c) The basic infrastructure services of municipalities such as electricity, water, etc. were turned over to specialized central organizations, without the essential changes in the 1930 Municipality Law no. 1580. This legislation also had the indirect result of contributing to the general legislation of the military regime in its distortion of the income distribution throughout the country. For example, the distribution of electricity, a major source of revenue for municipalities, was taken away and therefore was the possibility of financing the managements at deficit, such as mass transportation, which was heavily used by the lower income groups (Tekeli, 1982:322).

Having made the constitutional and legislative changes in accordance with its authoritarian system, the military regime held elections in 1983 with the newly-established political

parties in a restricted setting. In 1984, the traditional political parties were allowed to enter the local elections, but with their leading cadres banned from politics. Both elections were won by ANAP (The Motherland Party) which was established by a very small group of politicians. With the seizure of power therefore, the vital problem for this party was to form loyal political cadres and the grass roots that would support it against the traditional parties on the national and local levels. This observation is important for understanding the changes in the financing of local governments-particularly for the increase in the municipal incomes.

In the months following the 1984 local elections, a series of new legislation was enacted for increasing municipal revenues. First of all, the 5% share allotted to municipalities-besides the metropolitan ones-from the national revenues in 1981 by law no. 2380, was increased to 10.30% gradually by legislation in 1984 (Law no.3004). For the metropolitan municipalities, however, it was stipulated in law no.3030 that 3% of the national revenues collected in the province center of the municipality be allotted to that municipality. This proportion was raised to 5% in 1985. An additional income source for local governments was also provided with 9 distinct funds that were formed under the control of the central government.

As a result of this legislation, municipal incomes increased considerably in 1985. While the total incomes in 1984 had increased (at fixed prices) by only 7% as compared to the previous year, the rate of increase from the previous year was nearly 60% owing to the new legislation of 1985. The elements responsible for this increase were the share from the national revenues and the other central government forms of assistance (DİE (Devlet İstatistik Enstitüsü-State Instıtute of Statistics), 1988b; DİE,1989; İller Bankası, 1989:27).

In the same year, however, the government prepared new legislation, stating that the municipal income increases distorted the balance in the budget; and the share allotted to municipalities from the national revenues was decreased gradually from 10.30% to 9.25%, and the share given to the municipalities from 8% to 6%.

Two other acts, prepared in the same year, aimed at increasing local governments' own resources. With law no. 3239, the tariffs mentioned in the Law on Municipal Revenues (no.2464) were increased by about ten folds. The central government was authorized however, to set the minimum and maximum amounts of these tax and user charge tariffs. With legislation, municipalities were given the authority to collect the property taxes within their boundaries. However, since the system of property taxation is based on self-assessment of the tax payer and carried out once in 4 years, -in view of the high inflation- it is hard to regard this tax as an efficient one. The idea behind this new legislation was to reduce the share of the central government contributions in the municipal income and to expand the municipalities' own income resources. But, while this was accomplished, care was also taken to maintain the dependence on the central government. After all these changes, when the final municipal revenue figures for 1986 are studied, it can be seen that both the increase in the total municipal incomes (by 86% compared to 1984) and dependence on the center persisted (DİE, 1990b).

The legal framework of the income structure discussed above has arrived to the present day without undergoing significant changes. With respect to the financial policies we do not observe a release in the strict control of the central government on local ones even during the 'liberal' period, which is claimed to have strengthened the local governments. In addition to its authority mentioned above, the central government reduced the share from national revenues by adding articles in the budget laws in 1987, 1988, 1989 and 1990. Amounts thus reduced are mostly appropriated as funds under the discretion of Ministry of Finance. As a result, on one hand it becomes impossible for municipalities to make income estimates, and on the other, a powerful discriminating financial device is used according to the political preferences of the central government.

Another aspect of the 1984-1990 period is that the apparent and real distributions of the local revenues are different. Although the local revenues seem to have increased parallel to public revenues (as a result of the existing legislation) in the post-1984 period, the share of the public economy in the national budget has gradually decreased. This is basically due to the fact that approximately half of the tax revenues were transferred to 'Funds' outside the budget, to be used by the central government. Therefore, the shares apportioned to the municipalities were also relatively diminished.

Another finding which indicates that the central government has continued its power on the local governments during the 1984-1990 period, is related to the proportion of municipalities" own revenues' in their total incomes. We see a systematic decrease in this proportion during this period starting from 1984. While this figure was 33% in the year 1984, it came down to 28%, 21% and 23% in 1985, 1986 and 1987 respectively (DİE, 1986a; 1986b; 1988a; 1990a).

Before concluding this section, the most important structural problem that should be mentioned, which goes beyond and above political attitudes, is that no relationship has been established between the functions and responsibilities of municipalities and their income structures. It is our belief that as one of the most important aspects of the problem this deficiency is persistently ignored.

Urban Development Legislation in a Historical Perspective

The earliest attempt at urban planning was 'Ebniye Nizamnamesi'(Regulation of Buildings 1848) which was prepared for Istanbul, the imperial capital. The regulation ruled expropriation and demolition in order to widen streets; specified maximum dimensions for streets and buildings; introduced the obligation of obtaining permits for building; and of the construction of certain sections of houses of bricks and stone. The main purpose of the regulation was to reduce the risk of fires, a very serious problem, to a minimum.

When 'Ebniye Nizamnamesi' proved insufficient, 'Turuk ve Ebniye Nizamnamesi' (Regulation of Roads and Buildings) was prepared in 1864, making the previous one

ineffective. This is the first comprehensive and integrated legislation of the imperial period. It is observed that the concept of planning is not developed yet, but there is an attempt to give form and direction to growth by means of a number of articles. The purpose is beautification and an attempt to achieve modern Western European cities (Türksoy, 1988).

According to Ortaylı (1974:134), this regulation is a kind of metropolitan plan. With its articles, streets were classified according to their widths; relationship was formed between street widths and height of buildings; in a very limited sense, compulsory re-plotting was practiced; maximum measurements of projections such as balconies and bay windows, from the ground were specified according to the widths of streets.

The Law of Buildings ('Ebniye Kanunu') was put into effect in 1882 and with it the 1864 regulation was made ineffective. This law which, according to some researchers, "provided quite a comprehensive and logical framework for construction legislation... and was a turning point in the history of Turkish urban planning" (Türksoy, 1988:57). According to others (Vardar, 1978) however, it "was not much different from the previous regulations, except for several points". With this code, new organizations were introduced for city squares and open areas; widths of roads were specified; certain proportions were introduced between street widths and height of buildings; and detailed rules were introduced relating to plot shapes and for proposed buildings.

This law banned the construction of cul-de-sac, imposed compulsory planning for areas which experienced conflagration and gave citizens the right to object the plans. More significant than these, is the obligatory transfer of some part of land subject to development for public use, in the case of conversions from agricultural to urban use.

Along with the positive articles, the Law of Buildings seems to attempt "an urban physical form inspired by the western city and does not take into account the formation factors of the traditional Turkish and Islamic city. Similar tendencies are also observed in its implementation (Akçura, 1982:52).

The new law, too, viewed the city as a phenomenon comprising only of buildings and roads. In this framework, it contained rules related to buildings and roads as detailed as could be integrated in a by-law. It is expected that these rules could be implemented in a similar manner in all territories of the extensive Empire.

No serious attempt took place until 1930's, in relation to municipal affairs and urban development. Ankara was proclaimed as the capital of the new Republic in 1924. The most important attempt in urban development activities during this period, were the efforts towards creating a capital city of western standards that could serve as a model for the whole country. However, no need was felt to prepare a new and comprehensive urban development law and modify the legislation in effect, which was an Ottoman residue. An important development was the requirement of urban development plans as a function of the Directorate of Urban Development in Ankara, established in 1928. Two years later, with the

Law of General Public Health, this requirement was extended to cover all municipalities with population over 20.000.

By 1930s, a new urban development law was enacted. The purpose of the new Republican administration was once again the creation of the western image.

The Law on Buildings and Roads, which came into effect in 1933 is "a continuation of the 'Ebniye' Law with respect to the subjects it covers and its stipulations" (Akçura, 1982:52).

The law was taken from an urban development by-law of a German city (Tekeli, 1978:76). Therefore, it introduced very detailed and rigid urban development rules which had a strong potential for constraining plan decisions. Although these rules aimed at shaping all the settlements according to an "ideal" city, in its proposition it led to a single model of physical relations. This law went down to such details as to shape blocks; determining dimensions and number of storey, height of buildings, distance between buildings, exclusion of cul-de-sac; projections, façades, fences, chimney dimensions, rain pipes, windows and door dimensions, etc. of buildings; and stipulated that the same standards be used in all buildings used for the same purpose. A maximum of five storied and a standard of 65 m2 per head of population were given.

Despite its restrictions, the law numbered 2290 also provided the methods for avoiding these restrictions. For example it had rules which stated that "plans could be made according to characteristic of the urban center". We can see that the foreign planners exploited these possibilities, but the urban development plans made by local planners until the 1940's were confined to specifying roads and building blocks and the formation of a square where there were public buildings (Duyguluer, 1989:27).

Such rigid rules gave rise to serious problems even under the very limited urban development potential in 1930's and 1940s. Following a long preparation period, a new urban development law (no.6785) was put into effect in 1956. In the preamble, it stated that the law in effect since 1933 was more like a by-law for urban development. Many rules of the old law were thus left to by-laws with the new code. Significant flexibilities were given to planners for proposals suitable for local conditions. The new law did not go into the details of development conditions and chose to solve them with reference to by-laws, Article 25 of the new law, left it to the discretion of municipalities to prepare by-laws and carry out implementation in accordance with their local conditions on matters such as the number of storey, height, depth and projections, distance from neighbors, distance to roads and seaside, the dimensions of the frontage of the plot and the maximum construction area of buildings and establishments.

While the main frame of the prototype by-law of 70 articles was prepared by the Ministry of Public Works, the contents were to be prepared by municipalities themselves, taking into consideration the "local characteristics". The municipalities however, adopted the Ministry's prototype and the expected diversity was not achieved. In brief, the local definitions and

further rules to be devised by municipalities on the basis of local needs and requirements were never introduced (Duyguluer, 1989:42). The new legislation took a further step and introduced the concept of 'planner's note' in the urban development literature, by means of an article introduced in the prototype by-law. This article stated that rules in the by-laws would be implemented unless there was nothing contrary to them in the “planner's note” of the urban development plan. These notes, which could include physical specifications, conditions or explanations thereby, acquired a legal status superior to the by-law. This point, which had some problems related to legal technicalities, was made part of an article in the law of 1972.

This legislation provided a wide range of possibilities for planners. The professional practice was given a very powerful device to create plan rules which could serve to achieve harmony with the characteristics of the area being planned.

In spite of these positive points, a restriction introduced with article 43 of the by-law (1957) had negative effects on the Turkish urban planning practice. An urban "plot" is defined as a piece of land, on which only one building can be constructed in line with the construction regulations. This brought in the approach of "single building per plot" and, while it was only a definition, it had numerous consequences (2). For example, land division procedures increased; separation of plots into smaller units was stimulated; the need to restrict construction on small plots arose; construction was speeded up and sufficient open space could not be created. Further conditions of subdivision were made available through an evolution of ownership as controlled by capital accumulation processes; construction practices became stereotyped, block of flats became common under" flat ownership" (Balamir,1975).

In short, the outline of the urban development procedures as enacted in 1956 had the approach of 'a flexible urban development concept'. However the following by-laws and the general implementation, instead of dealing with the basic problems, tended to freeze the contents and the shaping of urban development plans and to restrict the power of local governments in the preparation of plans. Hence, the most flexible planning law prepared so far, was not utilized to create a new understanding in planning practice taking into consideration the local differentiations. The responsibility of this tendency belongs not to the law but to political factors, on one side, and to the administration and the related bureaucrats and technocrats on the other. Briefly, central rather than local powers continued to shape urban planning practice in the country.

With revisions in the urban development law (No.1605) in 1972, the requirement of a minimum of 7 m2/person of green area was introduced. The gaining of extra floor space by means of excavating below the neighboring sidewalk level, was banned. Rules were stipulated concerning the conservation of buildings which are of historical and architectural value. No buildings were allowed within 10 meters from the seaside. These points did not necessarily harm the flexibility of the urban development law (No.6785).

The law No. 6785, which was in effect for 29 years, was replaced by urban development law of 3194 during the "liberal" government period, for "abstract" reasons such as "to make radical changes for present and future needs" and "to organize systematically the planning procedures". In addition to giving municipalities the authority to make and approve urban development plans, as discussed above in the first section, we can cite the following as among the important rules of the new law: changes in the standard for green areas (a minimum of 7 m2/person) from an article of law to a by-law article; introducing the possibility of constructing more than one building on a single plot, and increasing the share of municipalities from 25% to 35% in the case of private development. However, the most important point regarding our topic is to quest to what extent the new law takes into account the local conditions in construction and urban development and how much flexibility it leaves for planners.

As has been discussed above, laws numbered 6785 and 1605 recognized substantial flexibility both by giving municipalities the authority to prepare by-laws according to their own conditions and also through the planner's 'explanatory notes' on development plans. Unlike law no.1605 which clearly specified the place of planner's note in the legal hierarchy with a code article, the new law ignores such a hierarchy between the by-law and the urban development plan.

The new legislation introduces a very rigid practice with respect to options provided for the by-law. Unlike the old ones, local governments gave no flexibility in the new by- law. No longer "loop-holes" exist as in the previous "prototype by-laws" that allow municipalities to act as the local conditions demand. All municipalities have to abide urban development by-laws as prepared by the central government.

The by-laws indicate that no lessons were learnt from our history of urban development procedures and it was as though there was a special effort to create'by-law architecture'. This will be remembered as the beginning of a period of highest number of restrictions in the history of urban development regulations (Duyguluer, 1989:56).

To summarize, the administration that came to power with the banner of "liberalization in all aspects of life", did not work toward realizing this abstract concept in the case of local development plans. The law no.3194 imposed restrictions on the flexibilities given to both local governments and urban planners as compared with the laws numbered 6785 and 1605. Contrary to the advocated views, the rigid centralistic approach of the 1930 -which was understandable then-, was resumed in the urban development activities with centrally prepared regulations.

Conclusion

During the past 150 years in Turkey, local government maintained its existence even though very different political regimes were experienced, such as absolute monarchy, parliamentary monarchy and the Republic. This is true even perhaps for the 68-year period of the Republic,

where numerous economic and political models were applied from etatism with a single-party, to liberal policies of a multi-party system.

Relations between central and local governments during this period could be identified as a structural one. This relationship has been of a centralistic, authoritarian and paternalistic nature, even though modifications according to the model implemented were experienced. In other words, local governments were never allowed to develop independent policies free from the strict control of the central government.

In this study, we have chosen to emphasize this aspect of the relationship between central and local governments. The investigation of why this relationship is of a structural nature, as well as an evaluation of economic and political circumstances calls for a more comprehensive study.

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NOTES

1. This section was prepared by Emre Tekinbaş, lecturer in the Gazi University in Ankara.
2. An alternative explanation considers that this condition is prepared by the Turkish Civil Law (1926) and that in turn by one of the basic principles of the Roman Law "solo cedit superficies" (Balamir,1992).

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