

THE EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT AND TURKEY'S UNITARY STATE PARADOX: NAVIGATING NORMATIVE ALIGNMENT AMIDST ADMINISTRATIVE AND POLITICAL IMPEDIMENTS

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Abstract: The European Charter of Local Self-Government (ECSLG) presents a crucial normative framework for bolstering local democracy and ensuring the efficient delivery of public services by guaranteeing the capacity of local authorities to operate within their legal ambit and in accordance with both statutory provisions and their own interests. Although the Republic of Turkey is a signatory to this significant international convention, the distinctive dynamics of its unitary state structure and its deeply entrenched centralist administrative legacy pose structural and political impediments to the complete realization of the level of autonomy envisioned by the Charter. This study aims to undertake an in-depth examination of the interaction between the ECSLG and the legal regulations and administrative system in Turkey. The central research question explores the nature of the relationship between the core principles of the ECSLG and Turkey's current legal framework and the administrative-political priorities of the unitary state, and the extent and manner in which this relationship influences the degree of autonomy enjoyed by local governments. The primary objective of this article is to systematically dissect the impact of the ECSLG on Turkish legislation and administrative practices, to pinpoint potential discrepancies between the autonomy standards anticipated by the Charter and the *de facto* status of local governments in Turkey, and to illuminate the underlying managerial and political rationales for these disparities. Furthermore, it seeks to formulate proposals for legal and structural reforms that may be requisite for the more effective implementation of the Charter. The study's hypothesis posits that notwithstanding Turkey's adherence to the Charter, the unitary state structure and the centralist administrative ethos constrain local governments from possessing the level of autonomy stipulated by the Charter, thereby engendering a tension between the normative ideal and the administrative reality. In this study, the foundational provisions and spirit of the ECSLG are treated as independent variables; the Constitution of the Republic of Turkey and pertinent local government legislation, the administrative and financial oversight mechanisms exercised by the central government over local governments, the degree of control over local governments' budgetary and revenue sources, and the political leverage of the central government over local governments are defined as dependent variables. Ultimately, this study endeavors to shed light on the steps necessary to fortify local democracy and facilitate alignment with European standards by profoundly analyzing the process of implementing the ECSLG in Turkey within the context of the constraints imposed by the unitary state structure.

Keywords: European Charter of Local Self-Government, Turkey, Unitary State, Local Governments, Administrative Constraints

ЕВРОПЕЙСКАТА ХАРТА ЗА МЕСТНО САМОУПРАВЛЕНИЕ И ПАРАДОКСЪТ НА УНИТАРНАТА ДЪРЖАВА НА ТУРЦИЯ: НАВИГИРАНЕ НА НОРМАТИВНОТО СБЛИЖАВАНЕ СРЕД АДМИНИСТРАТИВНИ И ПОЛИТИЧЕСКИ ПРЕЧКИ

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Резюме: Европейската харта за местно самоуправление (EXMC) представлява ключова нормативна рамка за укрепване на местната демокрация и за гарантиране на ефективното предоставяне на публични услуги чрез осигуряване на способността на местните власти да действат в рамките на своите правомощия и в съответствие както със законовите разпоредби, така и със собствените си интереси. Въпреки че Република Турция е страна по тази важна международна конвенция, специфичната динамика на нейната унитарна държавна структура и дълбоко вкорененото централистично административно наследство създават структурни и политически пречки пред пълното реализиране на степента на автономия, предвидена в Хартата. Настоящото изследване има за цел да извърши задълбочен анализ на взаимодействието между EXMC и правните разпоредби и административната система в Турция. Основният изследователски въпрос разглежда характера на връзката между основните принципи на EXMC и действащата правна рамка на Турция, както и административно-политическите приоритети на унитарната държава, и степента и начина, по които тази връзка влияе върху равнището на автономия, с която разполагат местните власти. Основната цел на статията е систематично да анализира взаимодействието на EXMC върху турското законодателство и административните практики, да идентифицира потенциалните несъответствия между стандартите за автономия, предвидени в Хартата, и фактическото положение на местните власти в Турция, както и да изясни управленските и политическите основания за тези различия. Освен това се цели формулирането на предложения за правни и структурни реформи, които могат да бъдат необходими за по-ефективното прилагане на Хартата. Хипотезата на изследването предполага, че въпреки ангажимента на Турция към Хартата, унитарната държавна структура и централистичният административен подход ограничават възможността на местните власти да притежават степента на автономия, предвидена в Хартата, което води до напрежение между нормативния идеал и административната реалност. В рамките на изследването основните разпоредби и духът на EXMC се разглеждат като независими променливи, докато Конституцията на Република Турция и относимото законодателство за местното самоуправление, механизмите за административен и финансов контрол, упражнявани от централната власт върху местните органи, степента на контрол върху бюджетните и приходните източници на местните власти, както и политическото влияние на централното правителство върху тях, се определят като зависими променливи. В заключение, изследването се стреми да хвърли светлина върху необходимите стъпки за укрепване на местната демокрация и за постигане на съответствие с европейските стандарти чрез задълбочен анализ на процеса на прилагане на EXMC в Турция в контекста на ограниченията, произтичащи от унитарната държавна структура.

Ключови думи: Европейска харта за местно самоуправление, Турция, унитарна държава, местни власти, административни ограничения

Introduction

Purpose and Significance of the Study

This article aimed to examine the implementation of the European Charter of Local Self-Government (ECSLG) in Turkey and the restrictive effects of the country's unitary state structure on local autonomy from a high-level academic perspective. Local governments are considered fundamental pillars of modern democracies and are regarded as crucial institutions for enabling public participation in governance.¹ The analysis of the dynamics between the international standards provided by the ECSLG and Turkey's deeply rooted centralist administrative tradition held significant importance for the development of local democracy.²

The study delved into Turkey's reservations to the ECSLG, their legal and administrative consequences, the assessments presented in the monitoring reports of the Congress of Local and Regional Authorities of the Council of Europe (CoE Congress), and the centralist constraints imposed by the unitary state structure.³ Furthermore, a comparative analysis with local autonomy models in other unitary states, such as France, Spain, and the United Kingdom, was presented to contextualize Turkey's situation.⁴ This comparative perspective demonstrated that the unitary state structure does not necessarily restrict local autonomy, but rather can exhibit flexibility based on different political and cultural preferences.⁵

The significance of this study stemmed from its approach to the issue of local autonomy in Turkey not merely as a legal compliance problem. The existing situation indicated that despite advancements in legal regulations, significant practical limitations persisted. This situation pointed to a fundamental tension between international normative commitments and a deeply rooted national political culture. The presence of this tension revealed that legal reforms alone were insufficient, and a simultaneous transformation in administrative

¹ Yüksel, F. Yerel yönetimlerde özerklik. *Öneri Dergisi* 1998, 2, 10, pp.91–96.

² Alodalı, M. F. and others, Avrupa yerel yönetimler özerklik şartı ve Türkiye'de belediyelerde özerklik. *Karaman İİBF Dergisi*. 2007, 2 ,3, pp 1-11. <https://dergipark.org.tr/tr/download/article-file/107484>(accessed on May 15, 2025).

³ Ökmen, M., & Parlak, B. Türkiye'de ve dünya'da yerel yönetimler teori ve uygulama. Ekin Kitabevi 2015.

⁴ Selçuk, E. Kurt açılımı I: İspanya modeli “Bölgeli Devlet” (?). Tasam.org 2009. https://tasam.org/tr-TR/Icerik/1116/kurt_acilimi_i_ispanya_modeli_bolgeli_devlet_ (accessed on June 12, 2025).

⁵ Sevinç, H. üniter yapının yerel yönetimlerin özerkliğine etkileri: İtalya ve Türkiye örneği. *İstanbul Esenyurt Üniversitesi İşletme ve Yönetim Bilimleri Fakültesi Sosyal Bilimler Araştırmaları Dergisi*, 2024, 4,1, 1-13. <https://doi.org/10.61349/iesbad.1472970> (accessed on June 12, 2025).

understanding and political will was also necessary. It was understood that a shift in mindset was inevitable to transcend the centralist reflex.⁶

Problem Statement and Research Questions

Although Turkey had signed and ratified the ECSLG, the centralist governance approach and administrative tutelage mechanisms inherent in its unitary state structure hindered local governments from achieving the level of autonomy envisioned in the Charter. This situation created significant practical limitations despite advancements in legal regulations. In this context, the limited financial and administrative independence of local governments emerged as a prominent issue that diminished the effectiveness of local democracy.

The following research questions constituted the central focus of this study:

- What are the fundamental principles of the ECSLG, and on which articles has Turkey placed reservations?
- How do Turkey's unitary state structure, centralism, and administrative tutelage principles constrain the administrative, political, and financial autonomy of local governments?
- What critical findings do the Council of Europe monitoring reports present regarding local democracy and the implementation of the ECSLG in Turkey?
- What comparative perspectives do local autonomy models in other unitary states (France, Spain, United Kingdom) offer for Turkey?
- What legal and administrative recommendations can be developed to strengthen local autonomy in Turkey and overcome the constraints imposed by the unitary state structure?

The framing of the problem statement and research questions in this manner suggested that the unitary state structure was not the sole determining factor limiting local autonomy. Rather, the interpretation and application of centralist principles within this structure were the primary elements affecting the level of autonomy. The comparative analysis section (Section 5.4) played a critical role in substantiating this, as it demonstrated that other unitary states successfully implemented varying degrees of local autonomy. This approach re-positioned the problem as a matter of political choice and administrative culture, rather than a structural inevitability. This implied that solutions lay in reforming governance philosophy and administrative practices within the existing unitary framework, rather than fundamentally altering the state structure (e.g., federalization, which the ECSLG does not impose).

⁶ Pekkükşen, Ş. Türkiye'de idarenin bütünlüğü ilkesinin bir aracı olarak yerel yönetimler üzerinde idari vesayet denetimi (master thesis). Karamanoğlu Mehmetbey Üniversitesi Sosyal Bilimler Enstitüsü 2019.

Literature Review and Structure of the Study

This study undertook a comprehensive review of national and international academic literature in public administration, constitutional law, and local government.⁷ The ECSLG text, the Council of Europe's monitoring reports concerning Turkey, the Turkish Constitution, and relevant local government legislation served as primary sources.⁸ Extensive academic works on local governments in Turkey, including books, theses, and articles, were utilized in this research. These works included contributions from leading academics in the field, such as Ruşen Keleş, Birgül Ayman Güler, Bilal Eryılmaz, Cevat Geray, Hüseyin Yayman, Metin Ökmen, Zerrin Parlak Karaman and Bekir Parlak.⁹

The study was structured to include an introduction, followed by sections on the fundamental principles of the ECSLG, Turkey's unitary state structure and local government tradition, the implementation of the ECSLG in Turkey and its reservations, the restrictive effects of the unitary state structure, and finally, conclusions and recommendations.¹⁰

The inclusion of numerous Turkish academics in the literature review indicated the existence of a robust academic discourse within Turkey on local government and centralism.

⁷ Bayırbağ, M. K. Local entrepreneurialism and state re-scaling in Turkey. *Urban Studies* 2010, 47, 2, 363–385.

⁸ T.C. Anayasası. Türkiye Cumhuriyeti Anayasası 1982. URL: <https://www.anayasa.gen.tr/1982ay.htm>. (accessed on May 10, 2025).

⁹ For the primary source on this topic, see: Eryılmaz, B. *Kamu Yönetimi: düşünceler, yapılar, fonksiyonlar*. Okutman Yayıncılık, 2004.; Eryılmaz, B. *Bürokrasi ve siyaset: bürokratik devletten etkin yönetim*. Alfa Basım Yayım Dağıtım Limited Şti., 2010.; Eryılmaz, B. Yerel yönetimlerin yeniden yapılanması. Birleşik Yayıncılık. İstanbul. 1997.; Geray, C. "Yerel yönetimler ve Habitat II." *Çağdaş Yerel Yönetimler* 5, no. 3 (1996): 3–17.; Geray, C. "Kentsel yaşam kalitesi ve belediyeler." *Türk İdare Dergisi* 70, no. 421 (1998): 323–45.; Geray, C. *Dünden Bugüne Kırsal Gelişme Politikaları*. Phoenix Yayıncılık, 2011.; Geray, C. *Şehir Plânlamasının Başlıca Tatbik Vasıtaları*. 1960.; Güler, B. A. *Yerel Yönetimler - Liberal açıklamalara eleştirel yaklaşım*. TODAİE, 1992.; Güler, B. A. "Yerel yönetimlerde reform sorunu." *Çağdaş Yerel Yönetimler Dergisi* 10, no. 3 (2001): 7–12.; Güler, B. A. *Yerel Maliye Sistemi*. TODAİE-YYAEM Yayımları, 2004.; Güler, B. A. *Kamu Personeli: Sistem ve Yönetim*. İmge Yayıncılık, 2005.; Güler, B. A. *Yeni Sağ ve Devletin Değişimi - Yapısal Uyarlama Politikaları*. İmge Yayınevi, 2005.; Güler, B. A. "Yönetimde özerklik sorunu: Duyunu Umumiye-i Osmani Meclisi örneği." *Memleket: Siyaset ve Yönetim* 1, no. 1 (2006): 1–15.; Güler, B. A. "Yönetim bilimi ya da kamu yönetimi: Yöntem bilimsel özellikler üzerine." In *Türkiye'de Kamu Yönetimi ve Kamu Politikaları*, ed. F. Kartal, 9–45. TODAİE Yayımları, 2011.; Güler, B. A., and Sabuktay, A., eds. *Yerel Yönetimler Sempozyumu Bildirileri*. TODAİE Yayıncılık, 2002.; Keleş, R. *Yerel Yönetimler*. Turhan Kitabevi, 1983.; Keleş, R. *Türkiye'de Kent Yönetimi*. Türk Sosyal Bilimler Derneği Yayımları, 1988.; Keleş, R. *Yerel Yönetimler*. Turhan Kitabevi, 2000.; Keleş, R. *Kentleşme Politikası*. İmge Kitabevi, 2006.; Keleş, R. *Yerinden Yönetim ve Siyaset*. Cem Yayınevi, 2006.; Keleş, R., and Geray, C. *Küçük Belediyelerin Sorunları*. TODAİE Yayıncılık, 1969.; Ökmen, M., and Parlak, B. *Türkiye'de ve Dünya'da Yerel Yönetimler Teori ve Uygulama*. Ekin Kitabevi, 2015.; Yayman, H. *Mahalli İdareler*. Nobel Yayınevi, 2014.; Karaman, Z. T. Yerel yönetimler. Dokuz Eylül Üniversitesi İktisadi ve İdari Bilimler Fakültesi, 1992; Toprak, Z. "Türkiye'nin İdari Yapılanmasında Yerel Yönetimler ve Felsefesi." Yerel Yönetimler Sempozyumu: Güncel Sorunlar Işığında Türkiye'de Yerel Yönetimler, Yenimahalle Belediyesi, ODTÜ ve TUİÇ düzenlemesi. 2013 Feb:21-2; Karaman, Z. T. "Türk yerel yönetimlerinin işlevselliği ve 1997 mahalli idareler reformu." *Türk İdare Dergisi* 417, no. 4 1997: 45-60; Karaman, Z. T. "Kentsel Yönetişim-Yerel Gündem 21." I. Ulusal Yerel Yönetimler Çalıştayı, Çanakkale. 2003; Karaman, Z. T., & Özgür, H. Belediyelerin ekonomik işletmeleri ve işlevleri. İzmir Ticaret Odası Yayımları, 1993; Toprak Karaman, Z. "Belediye Yönetiminde Yerel Hizmetlerde Tekelleşme Eğilimleri." *Sayıştay Dergisi* no. 7 1992: 13-16. and Yayman, H. *Türkiye'de Kamu Yönetimi*. Nobel Yayınevi, 2021.

¹⁰ Can, H. Örgütsel davranış. Siyasal Kitabevi 2015.

This suggested that the persistence of centralist practices did not stem from a lack of academic understanding or critique. Instead, it pointed to the presence of political and institutional inertia resisting the implementation of proposed reforms. This revealed that the issue was not merely an information gap, but also a governance gap where academic recommendations struggled to translate into policy and practice.

European Charter of Local Self-Government: Fundamental Principles and Normative Framework

Historical Development and Legal Nature of the ECSLG

The European Charter of Local Self-Government was opened for signature by the Council of Europe on October 15, 1985.¹¹ The primary objective of the Charter is the realization and protection of the administrative, political, and financial autonomy of local governments. Additionally, it aims to enhance the effectiveness of local governments by ensuring that public services are provided by the administrative units closest to the citizens.¹² A key characteristic of the Charter is its inclusion of local and financial autonomy, thereby strengthening the position of local governments.¹³

The ECSLG is founded upon the common democratic principles shared by the member states of the Council of Europe and the right of citizens to participate in public affairs.¹⁴ Turkey signed the Charter on November 21, 1988, approved its ratification by Law No. 3723 in 1991, and ratified it with Cabinet Decision No. 92/3398 in 1992. The Charter entered into force for Turkey on April 1, 1993.¹⁵

The ECSLG transcends a mere international agreement; it establishes a set of "international standards" for the development of local democracy in Europe. This indicated that the Charter functioned as a roadmap for strengthening local governments and promoting democratization, rather than solely as a legal text.¹⁶ The Additional Protocol, adopted in 2009, demonstrated the dynamic nature of the Charter, aiming to reflect experiences gained from its implementation and to foster a clearer understanding of certain principles. This underscored

¹¹ Genel Sekreterlik. Avrupa yerel yönetimler özerklik şartı. T.C. Adalet Bakanlığı İnsan Hakları Dairesi Başkanlığı. URL: https://inhak.adalet.gov.tr/Resimler/Dokuman/2712020143139122_tur.pdf. (accessed on April 22, 2025).

¹² Toprak, Z. Yerel yönetimler, ibid.

¹³ Güler, B. A. Yerel yönetimlerde reform sorunu, ibid. p-7-12

¹⁴ T.C. Adalet Bakanlığı. Avrupa yerel yönetimler özerklik şartı. URL: https://inhak.adalet.gov.tr/Resimler/Dokuman/2712020143139122_tur.pdf. (accessed on May 10, 2025).

¹⁵ Genel Sekreterlik. Avrupa yerel yönetimler özerklik şartı. T.C. Adalet Bakanlığı İnsan Hakları Dairesi Başkanlığı. URL: https://inhak.adalet.gov.tr/Resimler/Dokuman/2712020143139122_tur.pdf. (accessed on April 22, 2025).

¹⁶ Toprak, Z. Yerel yönetimler, Ibid.

that the Charter was not a static legal document but a living normative framework that promoted local democracy and was subject to continuous efforts toward updating and deepening.¹⁷

The dynamic nature of the Charter, as evidenced by the 2009 Additional Protocol, suggested that it was a developing framework designed to adapt to the experiences of member states, rather than a static ideal. This provided a normative basis for continuous reform within Turkey. European Council reports indicated some reservations were already practically complied with, presenting an opportunity for Turkey to align with this dynamic framework. This revealed that withdrawing reservations was not merely a matter of compliance, but also an embrace of the Charter's inherent adaptive and progressive nature, demonstrating a commitment to ongoing democratic development.¹⁸

The Concept of Local Autonomy and ECSLG Principles

According to the ECSLG, local self-government signifies the right and ability of local authorities to regulate and manage a substantial portion of public affairs under their own responsibility and in the interest of the local population, within the limits defined by law.¹⁹ This concept denoted a "controlled freedom" rather than absolute independence.²⁰ Local autonomy aimed to empower local governments in areas such as establishing their own fundamental rules, conducting their activities as desired, preventing central government interference in local matters, and generating their own local resources.²¹

The fundamental principles of the Charter included the recognition that local authorities constituted one of the foundations of any democratic regime, and that the right of citizens to participate in the conduct of public affairs is a democratic principle shared by all member states of the Council of Europe.²² Furthermore, the Charter stipulated that the fundamental powers and responsibilities of local governments must be determined by the constitution or by law, that local authorities should possess full discretion to act in all matters not explicitly excluded from their competence or assigned to another authority, and that they should be consulted in a timely

¹⁷ Ibid.

¹⁸ CoE Congress. Recommendation 471 (2022) Monitoring of the application of the European Charter of Local Self-Government in Turkey. Council of Europe 2022. URL: <https://rm.coe.int/0900001680a6b7e0>. (accessed on June 11, 2025).

¹⁹ Genel Sekreterlik. Avrupa yerel yönetimler özerklik şartı. T.C. Adalet Bakanlığı İnsan Hakları Dairesi Başkanlığı. URL: https://inhak.adalet.gov.tr/Resimler/Dokuman/2712020143139122_tur.pdf. (accessed on April 22, 2025).

²⁰ Yüksel. Ibid.p96.

²¹ Keleş, R. Yerel yönetimler. Ibid.

²² Genel Sekreterlik.ibid.

and appropriate manner, to the extent possible, in all planning and decision-making processes directly concerning them.²³

The Charter positioned local autonomy not merely as an administrative delegation of power but also as a "democratic principle."²⁴ This indicated that local autonomy served as a fundamental mechanism for enabling public participation in governance and strengthening democracy at the local level.²⁵ The preamble of the Charter stated that "the right of citizens to participate in the conduct of public affairs is one of the democratic principles shared by all member states of the Council of Europe" and that "this right is most directly exercised at the local level."²⁶

The definition of local autonomy as a "democratic principle" and the emphasis on citizen participation elevated this concept beyond a mere administrative convenience. This indicated that any restriction imposed on local autonomy in Turkey was not just an administrative inefficiency, but a direct impediment to the quality and depth of democracy. This transformed administrative issues into fundamental democratic shortcomings. This approach revealed that local autonomy was not solely about service delivery or bureaucratic hurdles, but was directly linked to the weakening of political participation and local accountability. This strengthened the normative argument for greater local autonomy in Turkey and shifted the debate from a technical administrative reform to a fundamental component of democratic consolidation and human rights.²⁷

The Relationship of the ECSLG with Unitary State Structures

The ECSLG accommodates the diverse local government structures of member states by allowing flexibility, but it does not permit reservations to its fundamental principles (mandatory articles). The Charter's objective was to ensure adherence to all its provisions while adapting to the varying structures of local communities in member states.²⁸ Unitary states are characterized by the singularity of state elements (territory, nation, sovereignty) and legislative, executive, and judicial branches.²⁹ This structure necessitates that the central government maintains full control over core national functions such as defense, foreign policy, and economic policy, and that local governments generally operate as extensions of the central

²³ T.C. Adalet Bakanlığı. Ibid.

²⁴ Genel Sekreterlik. Ibid.

²⁵ Yüksel. p.95.

²⁶ Genel Sekreterlik. Ibid.

²⁷ Ibid.

²⁸ Sevinç, p.3.

²⁹ Gözler, K. Genel kamu hukuku. Ekin Kitabevi 2009. pp.15-40.

administration.³⁰ In such states, a centralized governance approach is applied politically, and public authority is centralized.³¹

The ECSLG does not impose federalization, which would be contrary to the nature of unitary states; instead, it provides a framework for achieving local autonomy within a unitary state.³² This indicated that the Charter aimed to strengthen local autonomy within existing structures, rather than to alter the unitary state framework. Examples such as Spain and Italy, which are unitary states with constitutionally guaranteed autonomous regions, and the United Kingdom's devolution model, demonstrated that the unitary state structure can accommodate varying degrees of local autonomy through different mechanisms.³³ For instance, Spain's "Regional State" model, an intermediate form between a unitary and a federal state, granted legislative powers to regions, distinguishing it from the classic unitary state model.³⁴ This illustrated that being a unitary state did not imply a single, centralized mode of implementation; rather, it allowed for various degrees and forms of decentralization.

The Charter's explicit acceptance of unitary states while simultaneously promoting local autonomy created a critical analytical perspective: it shifted the focus from whether Turkey *could* have local autonomy (which, by the Charter's design, it clearly could) to *why it had not fully implemented it*. This emphasized that the centralist approach was a *policy choice* rather than a structural limitation. This meant that centralism was maintained by political will and historical interpretations, rather than being an unalterable constitutional necessity. This approach revealed that the path to local autonomy for Turkey lay in a transformation of its political and administrative culture, rather than a radical constitutional revision of the unitary state principle. This indicated that the impediments were primarily *political* and *ideological*, not merely *structural*.³⁵

Turkey's Unitary State Structure and Local Government Tradition: Historical Context and Centralist Dynamics

The Concept of Unitary State and its Reflections in Turkish Public Administration

Turkey has adopted a unitary state structure since its establishment, characterized by the singularity of state elements (territory, nation, and sovereignty) and legislative, executive, and

³⁰ Sevinç, p.6.

³¹ T.C. Dışişleri Bakanlığı. Birleşik Krallık'ın siyasi görünümü. URL: <https://www.mfa.gov.tr/ingiltere-siyasi-gorunumu.tr.mfa>. (accessed on June 11, 2025).

³² Sevinç, p.6.

³³ Gözler, Ibid.

³⁴ Pekkükşen, pp.24-29.

³⁵ Genel Sekreterlik. Ibid.

judicial branches.³⁶ This structure is defined by the centralization of public authority and the application of a centralized governance approach politically. In unitary states, the central government maintains full control over core national functions such as defense, foreign policy, and economic policy.

The concept of "devlet-ebet-müddet" (eternal state) and the centralist state tradition inherited from both the Seljuk and Ottoman Empires formed the roots of Turkey's unitary structure.³⁷ This historical background led to centralism being perceived not merely as a form of governance but as an integral part of the state's existential identity.⁵³ This perception frequently linked discussions on local autonomy to sensitive issues such as the "indivisible integrity of the country."⁵⁴ This historical continuity helped explain why local autonomy reforms often remained at the legal level but struggled in implementation, as this deep cultural and historical context can lead to efforts to expand local autonomy being perceived as a threat to fundamental state elements such as "the country's integrity and sovereignty."⁵⁵

Turkey's deeply rooted historical foundations of centralism, linking it to the concept of the "eternal state" and national integrity,⁵⁶ indicated that resistance to local autonomy was not merely bureaucratic but also possessed an *ideological and existential* character. This implied that decentralization was perceived not as a mechanism for democratic empowerment, but as a threat to national unity. Such a perception revealed that reforms faced not only practical obstacles but also profound cultural and political opposition. This suggested that advocacy for local autonomy required not only legal and administrative arguments but also a discursive shift, separating decentralization from perceived threats to national integrity and emphasizing its role in strengthening democratic resilience and public trust.

Centralism and the Principle of Administrative Integrity

In the Turkish administrative system, centralism signified the concentration of public authority and duties in a single entity. This approach was adopted to ensure that the state performed its fundamental functions with integrity. The principle of administrative integrity regulates hierarchical or tutelary relationships between central administration and decentralized organizations, aiming to ensure the harmonious and equitable provision of public services

³⁶ Gözler. Pp.124-162.

³⁷ Demirdal, M. B. ,Üniter Devlet Kavramı Üzerine Tartışmalar. *Düşünce Dünyasında Türkiz*, 6,33, 2015. Pp. 89-114; Günal, V. A. Aksoy, E. Selçuklu Dönemi Türk Devlet Yapısını ve Yönetim Anlayışını Şekillendiren Unsurlar. *Kamu Yönetimi Enstitüsü Sosyal Bilimler Dergisi*. 3.2022, pp 135-168.

nationwide. This principle functioned as a fundamental legal basis that legitimized the central government's oversight of local governments.³⁸

The principle of administrative integrity, while not theoretically rejecting the existence of local autonomy, has often been utilized in Turkey to reinforce centralism. Although Constitutional Court decisions affirmed that the autonomy of local governments was constitutionally guaranteed, administrative tutelage was emphasized as an exception to this autonomy. This resulted in local governments' autonomy being viewed as an "exceptional" power, leading to a broad interpretation of central government's oversight authority.³⁹

The Constitutional Court's interpretation of administrative tutelage as an "exception" to local autonomy created a legal loophole that effectively undermined the spirit of autonomy. This transformed a legal balancing mechanism into a tool that reinforced central control, allowing the "rigid centralist reflex" to persist. The broad application of a power interpreted as an exception effectively nullified the rule. This legal interpretation, while ostensibly upholding the constitution, paradoxically sabotaged the practical implementation of local autonomy and provided a legitimate basis for extensive central intervention. This indicated that legal reforms, if prevailing judicial and administrative interpretations continued to favor central control, might not be sufficient. A shift in the interpretive framework was as critical as changes in legal texts.⁴⁰

Administrative Tutelage: Definition, Scope, and Historical Development

Administrative tutelage refers to the central government's oversight authority over decentralized organizations, such as local governments. This authority is exercised to ensure administrative integrity, protect public interest, and uphold legality. Administrative tutelage can only be exercised in cases and through methods explicitly defined by law.⁴¹

In Turkey, administrative tutelage has historically stemmed from a rigid centralist structure.⁴² Provincial governors and district governors, as local administrative chiefs, possess extensive tutelary oversight over village administrations. Furthermore, the temporary suspension of elected local government officials by the Ministry of Interior when they are under investigation or prosecution for offenses related to their duties exemplified tutelary oversight

³⁸ Gündüz, F. E. Anayasa Mahkemesi kararlarına göre idari vesayet. *Dicle Üniversitesi Hukuk Fakültesi Dergisi* 20, 33, 2015, pp. 63–89.

³⁹ Göksu, T. Yönetimin fonksiyonları. URL: <https://www.turgutgoksu.com/FileUpload/ks7441/File/yonetimfonksiyonlari12.pdf>. (accessed on April 19, 2025).

⁴⁰ Tezcan, D. Yerel yönetimlerin işlemleri üzerinde vesayet denetimi. *Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi* 2020, 22, 1, pp. 665–688.

⁴¹ Mecek, M., & Atmaca, Y. Yerel yönetimlerin idari yapısına ilişkin mevzuat analizi. *Elektronik Sosyal Bilimler Dergisi*. URL: <https://dergipark.org.tr/tr/download/article-file/735143>. (accessed on May 10, 2025).

⁴² Pekküküşen, p.24.

over local bodies. Tutelary oversight can be exercised through various means, including approval, postponement, annulment of decisions, or taking action in place of the local authority. Although recent reforms have emphasized legality review, traces of expediency review persist in practice. For instance, certain provisions of the Metropolitan Municipality Law (Law No. 5216), such as Articles 9, 10, 25, and 27, granted metropolitan municipalities powers of "approval," "approval with correction," "annulment," and "acting in place of" over the actions and decisions of district municipalities.⁴³

The persistence of practices such as the suspension of mayors and the appointment of "trustees" in their place, along with the central government's "arbitrary" allocation of resources, indicated that administrative tutelage had transformed from a legal oversight mechanism into a *political instrument of control*. This revealed that administrative tutelage extended beyond ensuring legality and public interest, being actively utilized to suppress political opposition and centralize power. This demonstrated that administrative tutelage had eroded the essence of local governments' democratic autonomy and had shifted from a technical oversight to a political restriction. This showed that the central government was not merely ensuring administrative integrity but actively undermining the will of local electorates by invalidating election outcomes, thereby creating a *de facto* one-party dominance even in multi-party local electoral environments.⁴⁴

Turkey's Local Government Structure and Development

Local government units in Turkey comprise special provincial administrations, municipalities, and villages, constituting a three-tiered system; regional administrations are absent.⁴⁵ The Turkish local government tradition did not emerge as an autonomous institution, unlike in the West; rather, it was shaped primarily by the rigid centralist structure of the Tanzimat period. Consequently, local governments in Turkey were initially established not with the aim of strengthening local democracy or promoting public participation in governance, but rather as extensions of the central administration. This indicated that the centralist structure of

⁴³ CoE Congress. Recommendation 471 (2022) Monitoring of the application of the European Charter of Local Self-Government in Turkey. Council of Europe 2022. URL: <https://rm.coe.int/0900001680a6b7e0>. (accessed on June 11, 2025) and Büyükşehir belediyesi kanunu, <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5216&MevzuatTur=1&MevzuatTertip=5>, . (accessed on June 2, 2025).

⁴⁴ Akyol, İ. Türkiye'de yerel yönetimlerin ortaya çıkış sürecinin günümüz yerel yönetim sistemi üzerine etkileri (master thesis). Gaziosmanpaşa Üniversitesi Sosyal Bilimler Enstitüsü 2012. P.12-18.

⁴⁵ Doğan, K. C. Yerel yönetimlerde reform ve Türkiye'de yerel yönetimlerin klasik sorunlarına çözüm önerileri. *Adnan Menderes Üniversitesi Sosyal Bilimler Dergisi* 2023, 6, 11, 65–74.

the Tanzimat period was one of the fundamental reasons influencing the current local government system in Turkey.⁴⁶

Legal regulations enacted in the early 2000s, such as the Metropolitan Municipality Law No. 5216 (2004) and the Municipal Law No. 5393 (2005), are considered significant steps in the realm of administrative and financial autonomy. However, these reforms fell short of fully meeting the expectations of the ECSLG. Turkey's local government reforms over the past 20-25 years aimed to align with the ECSLG and European Union legislation at the legal level, but this alignment has not been fully reflected in practice. The fundamental issue lay in the inability to establish and sustain a new governance approach and local government culture. It was observed that advancements in legal texts had been ineffective against the deeply rooted centralist mindset and the lack of political will, leading to superficial reforms that failed to create a profound cultural change.⁴⁷

The observation that legal reforms aimed at increasing local autonomy "remained ineffective in the face of a deeply rooted centralist mindset and a lack of political will" revealed a critical *implementation gap*. This indicated that the problem stemmed not from a deficiency in the legal framework, but from a *cultural and political resistance to genuine decentralization*. This suggested that future efforts should target the transformation of governance culture and political commitment, rather than solely focusing on legal regulations. This demonstrated that legal changes alone were insufficient, as centralist reflexes continued to manifest through new mechanisms.⁴⁸

Implementation of the ECSLG in Turkey and Reservations: In-depth Analysis of Reservations and Monitoring Reports

Turkey's Ratification Process and Reservations to the ECSLG

Turkey signed the European Charter of Local Self-Government on November 21, 1988, ratified it in 1992, and it entered into force in 1993. However, Turkey placed reservations on 10 paragraphs of the Charter. These reservations reflected Turkey's understanding of local autonomy and its centralist structure. The fact that the majority of Turkey's reservations

⁴⁶ Sayıştay Başkanlığı. Türkiye'de yerel yönetimlerde mali özerklik ve vergilendirme yetkisi. *Sayıştay Dergisi* 2012, 84. URL: <https://www.sayistay.gov.tr/dergi/>. (accessed on May 20, 2025).

⁴⁷ Ibid and Genel Sekreterlik. Avrupa yerel yönetimler özerklik şartı. T.C. Adalet Bakanlığı İnsan Hakları Dairesi Başkanlığı. URL: https://inhak.adalet.gov.tr/Resimler/Dokuman/2712020143139122_tur.pdf. (accessed on April 22, 2025); Büyükşehir belediyesi kanunu, ibid and Belediye kanunu, <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5393&MevzuatTur=1&MevzuatTertip=5>, (accessed on June 1, 2025), İl özel idaresi kanunu ibid.; Türkiye Cumhuriyeti Anayasası, ibid;), İl özel idaresi kanunu, Ibid.

⁴⁸ Keleş. ibid and toprak Ibid.

concerned the financial autonomy of local governments and the limitation of central oversight (e.g., Article 8.3, 9.4, 9.7) indicated that these areas were of strategic importance to the central government and were directly related to its perception of the unitary state's integrity.⁴⁹ This suggested that the reservations were not arbitrary but were determined with the objective of maintaining central control. The reservations placed on Article 8, paragraph 3, and Article 9, paragraph 4, of the Charter indicated that Turkey's centralist structure might be harmed by full implementation of financial autonomy and limitations on administrative oversight.⁴⁹

The strategic nature of Turkey's reservations, especially those related to financial autonomy and administrative oversight, indicated that these were not minor technical incompatibilities but *conscious policy choices* aimed at retaining central government leverage. This revealed that the reservations functioned as a legal shield to maintain political control and financial dependence, transforming international norms into negotiable instruments for national interests. This demonstrated that the reservations were not coincidental; they were *strategic tools* to preserve central power and control over local entities. This allowed Turkey to formally adhere to the Charter while circumventing its core principles in critical areas.⁵⁰

Detailed Analysis of Turkey's Reservations and Their Legal Consequences

Turkey's reservations to the ECSLG affected various dimensions of local autonomy. Each of these reservations was evaluated individually in light of existing legislation and practices:

- **Right to be Consulted (Article 4, Paragraph 6):** Turkey placed a reservation on the obligation to consult local authorities in a timely and appropriate manner, to the extent possible, in all planning and decision-making processes directly concerning them. Although some legal provisions, such as Article 7 and 12 of the Municipal Law No. 5393 and Article 69 of the Special Provincial Administration Law No. 5302, regulated consultation with local governments in certain situations, a general consultation obligation was absent, and the opinions received were not binding. Since this paragraph of the Charter does not require binding opinions, it was suggested that the reservation could be withdrawn given the existing legislation.⁵¹

⁴⁹ Genel Sekreterlik and CoE Congress. Recommendation 282 (2010) on local and regional democracy in Turkey. Council of Europe 2010. URL: <https://rm.coe.int/0900016809cba58>. (accessed on June 11, 2025).

⁵⁰ CoE Congress. Ibid.

⁵¹ TBD, Avrupa Yerel Yönetmeli Özerklik Şartı Karşısında Türkiye ve Diğer Ülkeler, Uluslar arası Konferans, Ankara, 1995 and Genel Sekreterlik. Avrupa yerel yönetmeli özerklik şartı. ibid. and), İl özel idaresi kanunu <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5302&MevzuatTur=1&MevzuatTertip=5> (accessed on June 1,

- **Administrative Organization Autonomy (Article 6, Paragraph 1):** Turkey placed a reservation on the provision that local authorities may determine their own internal administrative structures to align with local needs and ensure efficient administration, without prejudice to more general provisions established by law. Relevant legal provisions, such as Articles 48 and 49 of the Municipal Law No. 5393, Article 21 of the Metropolitan Municipality Law No. 5216, and Article 35 of the Special Provincial Administration Law No. 5302, granted the authority to establish and merge units in accordance with norm staff principles and standards. However, norm staff standards are determined by the central government. It was considered that this reservation could also be withdrawn, taking into account the existing legislation.⁵²

- **Exercise of Local Responsibilities (Article 7, Paragraph 3):** A reservation was placed on the provision that functions and activities incompatible with the responsibilities of locally elected officials shall be determined by law or fundamental legal principles. Relevant legal provisions, such as Articles 27, 28, 35, and 37 of the Municipal Law No. 5393 and Articles 19, 20, and 27 of the Special Provincial Administration Law No. 5302, contained the necessary regulations in this regard. Therefore, it was suggested that this reservation could also be withdrawn.⁵³

- **Limitation of Administrative Supervision (Article 8, Paragraph 3):** A reservation was placed on the principle that administrative supervision of local authorities' activities should be exercised in a manner proportionate to the importance of the interests it is intended to protect. Article 127, paragraph 5, of the Turkish Constitution grants the central administration administrative tutelage authority over local governments. However, Article 127, paragraph 4, of the Constitution, which allows the Minister of Interior to temporarily suspend locally elected officials who are under investigation or prosecution for offenses related to their duties, was a critical point that has been deemed contrary to the Charter in Council of Europe monitoring reports. This raised concerns that tutelary authority might extend beyond legality review and be used as a tool for political interference.⁵⁴ Consequently, the withdrawal of this reservation may necessitate a constitutional amendment.

2025 and Belediye kanunu, ibid; İl özel idaresi kanunu ibid.; Türkiye Cumhuriyeti Anayasası, ibid;), İl özel idaresi kanunu, Ibid.

⁵² Genel Sekreterlik.ibid. and CoE Congress. Ibid. Büyükşehir belediyesi kanunu, Ibid.

⁵³ Zengin, E. Avrupa yerel yönetimler özerklik şartı ve Türkiye, *Türk İdare Dergisi* 66, 403 1994), İl özel idaresi kanunu <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5302&MevzuatTur=1&MevzuatTertip=5> (accessed on June 1, 2025, p199-200.

⁵⁴ Genel Sekreterlik.ibid. Aydemir. S. R. Avrupa yerel yönetimler özerklik şartının ışığı altında Türk yerel yönetimleri. *Mevzuat Dergisi*, 4,45, 2001. <https://www.mevzuatdergisi.com/2001/09a/01.htm> (accessed on April

- **Diversity and Flexibility of Financial Resources (Article 9, Paragraph 4):** A reservation was placed on the principle that the financial systems on which local authorities' resources are based should be sufficiently diversified and flexible to enable them to follow, as far as possible, the actual increase in the cost of carrying out their tasks. Article 127, paragraph 6, of the Turkish Constitution stipulates that local governments shall be provided with revenue sources proportionate to their duties. Although local governments, as public legal entities with autonomous administrative status, are understood to possess financial autonomy under this paragraph, there are various issues regarding whether their financial resources are proportionate to their duties and whether financial autonomy is realized in practice, as the framework for this constitutional right is to be determined by law.⁵⁵

Table 1: Distribution of Municipal Revenues in Turkey by Economic Classification (2023)⁵⁶

Revenue Item	Amount (Billion TL)	Percentage (%)
Tax Revenues	61	8.95
Enterprise and Property Revenues	56.9	8.34
Grants and Aid Received	20	2.93
Interest, Shares, and Penalty Revenues	474	69.47
Capital Revenues	68.6	10.05
Collections from Receivables	855	0.13
Total Revenue	682.3	100

Sources: T.C. Çevre, Şehircilik ve İklim Değişikliği Bakanlığı, yerel yönetimler genel müdürlüğü mahalli idareler bütçe hazırlama rehberi 2026-2028 dönemi, <https://webdosya.csb.gov.tr/db/yerelyonetimler/icerikler/mahalli-idareler-butce-hazirlama-rehberi-2026-2028-20250528131938.pdf>, (accessed on May 16, 2025).; Merkezi yönetim bütçe gerçekleştirmeleri ve beklentiler raporu 2023, https://www.sbb.gov.tr/wp-content/uploads/2023/07/2023-Merkezi-Yonetim-Butce-Gerceklesmeleri-ve-Beklentiler-Raporu_31072023.pdf (accessed on May 16, 2025).; Esen, M. Güncel resmi raporlara göre

4, 2025). and ⁵⁴ Türkiye Cumhuriyeti Anayasası, <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.2709.pdf> accessed on June 1, 2025).

⁵⁵ Genel Sekreterlik. Ibid. .; Eryılmaz, B. Yerel yönetimlerin yeniden yapılanması. p.25. and Türkiye Cumhuriyeti Anayasası, Ibid.

⁵⁶ Sayıştay Başkanlığı. Türkiye'de yerel yönetimlerde mali özerklik ve vergilendirme yetkisi. *Sayıstanday Dergisi* 2012, 84. URL: <https://www.sayistay.gov.tr/dergi/>. (accessed on May 20, 2025).

belediyelerimizin 2022 yılı faaliyetlerinin ve mali durumlarının değerlendirilmesi, <https://www.alomaliye.com/2023/10/05/belediyelerin-2022-yili-faaliyetleri-ve-mali-durumlari/?srltid>

=AfmBOoqy72fhPVosHoBaBqnACOI7DKKdHyfTCjyAguKssPBwqPPd_WGJ (accessed on May 9, 2025). and 2023-2025 dönemi bütçe hazırlama rehberi https://www.sbb.gov.tr/wp-content/uploads/2022/09/2023-2025_Rehber_Bolum9_11.pdf, (accessed on May 16, 2025).

The table above enhanced the analytical depth of the report by presenting the financial dependence of local governments with concrete, quantitative data. As shown in the table, a significant portion of municipal revenues was derived from central transfers (interest, shares, and penalty revenues), indicating that local governments had limited ability to generate and utilize their own resources. This clearly demonstrated that local governments possessed low financial autonomy and were dependent on the central government for resources. This financial dependence provided the central government with a powerful "financial tutelage" capability. The ability of the political power to arbitrarily allocate resources in favor of its own political local units and to use them as a tool of pressure against different political local units indicated that financial dependence had become a significant instrument of political control, beyond administrative tutelage. This highlighted that the lack of financial autonomy was not merely an economic problem but also a political issue directly affecting the functioning of local democracy.

- **Consultation on Resource Allocation (Article 9, Paragraph 6):** A reservation was placed on the obligation that local authorities shall be consulted in an appropriate manner as to the way in which redistributed resources are to be allocated to them.⁵⁷ The explanations provided for the reservation on Article 4, paragraph 6, of the Charter could also be applied to this reservation. Article 20 of the Law on Local Government Unions No. 5355 can be cited as an example. Since this paragraph only required consultation with local governments and did not impose any binding obligation on the state, it was considered that there was no impediment to withdrawing the reservation on this paragraph.⁵⁸

- **Conditional Grants (Article 9, Paragraph 7):** A reservation was placed on the principle that, as far as possible, grants to local authorities shall not be earmarked for the financing of specific projects, and that the granting of such aid shall not remove the basic

⁵⁷ Sayıştay Başkanlığı. Ibid. Aydemir. Ibid.

⁵⁸ Genel Sekreterlik. Ibid. Keleş, R. Yerel yönetimler özerklik şartı, *Çağdaş Yerel Yönetimler Dergisi*, 4, 6, 1995, p.15.

freedom of local authorities to exercise their own discretion within their own sphere of responsibility. Relevant regulations existed in the legislation. Since the shares transferred from the general budget to municipalities and special provincial administrations under Law No. 5779 on the Allocation of Shares from General Budget Tax Revenues to Special Provincial Administrations and Municipalities were not subject to any conditions, it was understood that compliance with the reserved paragraph had been achieved. Therefore, it was considered that this reservation could also be withdrawn.⁵⁹

- **Right to Associate and Participate in International Organizations (Article 10, Paragraph 2):** A reservation was placed on the right of local authorities to belong to associations for the protection and promotion of their common interests and to participate in international associations of local authorities. Article 127, paragraph 6, of the Turkish Constitution allowed local governments to form unions among themselves with the permission of the President for the purpose of carrying out certain public services, and these provisions were understood to be compatible with the reserved paragraph. It could be argued that compliance with this reservation was achieved with the enactment of the Law on Local Government Unions No. 5355 in 2005. Article 74 of the Municipal Law No. 5393 stipulated that municipalities may, with the decision of the municipal council, become founding members or members of international organizations and associations operating in their areas of responsibility, undertake joint projects and services, or establish sister city relations. However, these activities must be conducted in accordance with foreign policy and international agreements, and prior permission from the Ministry of Environment and Urbanization is required. Similarly, Article 62 of the Special Provincial Administration Law No. 5302 stated that special provincial administrations may become members of international organizations and associations and undertake joint projects, but the permission of the Ministry of Interior was mandatory. Consequently, it was considered that there was no impediment to withdrawing the reservation on this paragraph.⁶⁰

- **Right to Cooperate with Local Authorities of Other States (Article 10, Paragraph 3):** A reservation was placed on the provision that local authorities may, under such conditions as may be provided for by statute, cooperate with local authorities of other states. The explanations provided for the reservation on Article 10, paragraph 2, of the Charter could also be applied to this reservation. In summary, there was no impediment to withdrawing the

⁵⁹ Keleş, R. 1995 p.16, Keleş, R. 1995 p.16 and Genel Sekreterlik. Ibid.

⁶⁰ Belediye kanunu, Ibid ; İl özel idaresi kanunu Ibid.; Türkiye Cumhuriyeti Anayasası, Ibid;), İl özel idaresi kanunu, Ibid.

reservation on this paragraph (10/3) in accordance with Article 127, paragraph 6, of the Turkish Constitution, Law No. 5355 on Local Government Unions, Article 74 of the Municipal Law No. 5393, and Article 62 of the Special Provincial Administration Law No. 5302.⁶¹

- **Right to Legal Protection (Article 11):** A reservation was placed on the right of local authorities to have recourse to a judicial remedy in order to ensure the free exercise of their powers and the observance of the principles of local self-government as enshrined in the constitution or domestic legislation. Article 127 of the Turkish Constitution, which states that "Local administrations are public legal entities established to meet the local common needs of the people of provinces, municipalities, or villages, whose establishment principles are specified by law and whose decision-making bodies are formed by voters elected as specified by law," and Article 125, which states that "Judicial review is open against all acts and actions of the administration," indicated that the reservation could be withdrawn. Article 5 of the Municipal Law No. 5393, the Metropolitan Municipality Law No. 5216, the Law on Local Government Unions No. 5355, and Article 3 of the Special Provincial Administration Law No. 5302 stipulated that local governments possessed administrative and financial autonomy as public legal entities. Within the framework of the rights and legal capacity conferred by public legal personality, local governments can be plaintiffs and defendants. Consequently, it could be stated that there was no regulation hindering the withdrawal of the reservation on this article (11). It was considered that this reservation could be withdrawn, taking into account the relevant provisions in the legislation.⁶²

Despite Turkey's ability to legally withdraw many of its reservations, their continued existence suggested that these reservations reflected the centralist state tradition and political will rather than mere legal incompatibility. Specifically, the constitutional restriction in Article 8.3 and the de facto financial dependence in Article 9.4 emerged as the most fundamental structural and cultural barriers to a profound strengthening of local autonomy. This demonstrated that Turkey's efforts to comply with the ECSLG "on paper" will remain limited without a fundamental shift in mindset in practice.⁶³ The persistence of these reservations, despite existing legislation being conducive to their withdrawal, indicated the continuation of a centralist governance culture and a hesitation in the political will to fully embrace local

⁶¹ Türkiye Cumhuriyeti Anayasası Ibid.; İl özel idaresi kanunu ibid and Belediye kanunu, Ibid.

⁶² Türkiye Cumhuriyeti Anayasası Ibid.; İl özel idaresi kanunu Ibid.; Büyükşehir belediye kanunu, Ibid and Belediye kanunu Ibid.

⁶³ Genel Sekreterlik. Ibid.

autonomy. This pointed to the existence of political and cultural resistance beyond legal reforms.

Council of Europe Congress of Local and Regional Authorities Monitoring Reports and Turkey Assessments

The Council of Europe Congress of Local and Regional Authorities (CoE Congress) regularly monitors and reports on the implementation of the ECSLG in member states. These reports contained critical assessments of the state of local democracy and autonomy in Turkey.¹⁴⁴ The CoE Congress conducted activities to promote local and regional democracy, improve local and regional governance, and strengthen the self-government of authorities. CoE Congress reports indicated that local democracy in Turkey was in a "generally degrading situation." Specifically, the practice of suspending mayors and appointing trustees in their place, the influence of governors over special provincial administrations, the limited tax collection powers of local governments, and the central government's excessive administrative tutelage have been consistent subjects of criticism. For example, Recommendation 471 (2022) called for an end to the practice of suspending mayors without a court decision and for allowing the council to appoint an interim mayor from among its members instead of appointing a government trustee. Furthermore, it was noted that local governments had limited authority to determine tax rates, and a significant portion of their revenues originated from the central budget.⁶⁴

The reports suggested that Turkey's reservations to certain articles of the ECSLG (e.g., 7.3, 9.4, 9.7, 10.3) were already respected in practice and could be withdrawn. However, despite these recommendations, the reservations persisted. The repeated similar criticisms and recommendations in CoE Congress reports over the years indicated that Turkey's efforts to comply with international norms regarding local autonomy had encountered internal political and administrative resistance. High voter turnout rates (over 84% in the 2019 local elections) demonstrated public interest in local democracy, while the central government's reluctance to translate this interest into increased autonomy revealed that centralist control was a political choice, and even international recommendations struggled to alter this preference. The contradiction between high voter turnout in local elections (2019) and the "generally degrading

⁶⁴ Information report on local and regional democracy in Turkey. 2001. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680719d14&format=native> (accessed on May 2, 2025); Local and regional democracy in Turkey - CG (12) 25 Part II <https://rm.coe.int/local-and-regional-democracy-in-turkey/1680719da4> (accessed on May 2, 2025); Local and regional democracy in Turkey. 2011 <https://rm.coe.int/local-and-regional-democracy-in-turkey-cg-20-6-20th-session-of-the-con/168071a9f7> (accessed on May 20, 2025), Monitoring of the European Charter of Local Self-Government in Turkey 2020 <https://rm.coe.int/09000016809cba58> (accessed on May 20, 2025) Monitoring of the application of the European Charter of Local Self-Government in Turkey 2022. [https://search.coe.int/congress#%22CoEIdentifier%22:\[%220900001680a5b1d3%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/congress#%22CoEIdentifier%22:[%220900001680a5b1d3%22],%22sort%22:[%22CoEValidationDate%20Descending%22]). (accessed on May 20, 2025).

situation" of local democracy and continuous central government interventions⁶⁵⁹ revealed a profound *democratic paradox*. This indicated that despite citizens' active participation in local democratic processes, their elected will was systematically undermined by the central authority, and local elections had become a façade rather than a genuine exercise of local self-governance. This demonstrated that the central government's actions were not merely administrative but constituted a direct challenge to the legitimacy of local democratic mandates. This revealed that the core issue was a struggle over *where democratic power resided* – whether it genuinely lay at the local level or remained concentrated at the center, irrespective of electoral outcomes.⁶⁵

Turkey's Local Autonomy Paradox: Structural Impediments and Comparative Perspectives

Impact of Centralist Governance Culture on Local Democracy

The deeply ingrained centralist governance culture in Turkey tended to perceive local governments as mere extensions of the central administration. This approach hindered the granting of broad initiative to local governments and increased bureaucracy.⁶⁶ Centralized governance risked stifling the development and capabilities of civil servants by not granting them sufficient initiative in the provinces. Additionally, it could diminish public interest and participation in public services. The shaping of local policies by central policies and the complete dependence of public service institutions on the central structure led to the de facto restriction of local autonomy. The centralist governance culture prevented local governments from fulfilling their role as "schools of democracy" thereby hindering citizens' effective participation in decision-making processes and creating a "democracy deficit" at the local level. This resulted not only in administrative inefficiencies but also in a weakening of political participation and local accountability.⁶⁷

The characterization of local governments as "extensions of the central administration" rather than autonomous entities revealed a deeply rooted *conceptual impediment* within Turkey's governance culture. This perception stifled genuine decentralization because it inherently denied local governments the independent agency necessary for true self-governance, thereby perpetuating a top-down model of control. When local governments were

⁶⁵ Local elections in Turkey and Mayoral re-run in Istanbul (31 March and 23 June 2019) <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680981fcf> (accessed on May 20, 2025) and Local elections in Türkiye (31 March 2024) <https://rm.coe.int/local-elections-in-turkiye-31-march-2024-co-rapporteurs-david-eray-swi/1680b1c01c> (accessed on May 20, 2025).

⁶⁶ Görmez, K., "Demokratikleşme Açısından Merkezi Yönetim - Yerel Yönetim İlişkileri", *G.Ü. İ.İ.B.F. Dergisi*, 2, 4, 2000, p.81-88.

⁶⁷ Ibid.

viewed as "extensions," their autonomy remained, by definition, limited. They were perceived not as independent actors with their own sphere of responsibility, but as delegated representatives of the center. This created a *conceptual barrier* that prevented the idea of genuine local autonomy from taking root. This necessitated a fundamental *philosophical shift* in the understanding of local government within the administrative bureaucracy and political elite.⁶⁸

Practical Limitations of Administrative Tutelage Mechanisms

Although administrative tutelage is enshrined in the Constitution as a tool for administrative integrity, its broad scope and strict interpretation in practice significantly restricted the decision-making freedom of local governments. Specifically, the practice of suspending mayors and appointing central government trustees in their place directly targeted the locally elected will, constituting a violation of the democratic principles of the ECSLG.⁶⁹ This issue has been frequently criticized in Council of Europe reports.

The central government's excessive regulation and intervention in planning decisions manifested as an efficiency control over the duties and responsibilities of local governments. This limited the ability of local governments to align their internal administrative organization with local needs and ensure efficient administration. Administrative tutelage, beyond ensuring legality, could function in Turkey as a means for the political power to maintain control over local governments and to suppress the initiative of opposition-led local governments.⁷⁰ This indicated that tutelage had transitioned from a technical oversight mechanism to a political instrument of restriction, effectively eliminating the "political autonomy" of local governments.

The transformation of administrative tutelage from a legality-focused oversight into a *political instrument aimed at suppressing opposition-led local governments* signaled a *critical erosion of democratic accountability*.⁷¹ This indicated that the central government was not merely ensuring administrative integrity but actively undermining the will of local electorates by invalidating election outcomes, thereby creating a de facto one-party dominance even in multi-party local electoral environments. This revealed that administrative tutelage had

⁶⁸ Kösecik, M. "Türkiye'de Yerel Seçimler", Yerel Yönetimler Üzerine Güncel Yazilar, Özgür, H, ve Kösecik , M.(Eds), Nobel Yayın, Ankara, 2005. pp.253-274.

⁶⁹ Information report on local and regional democracy in Turkey. 2001 Ibid.; Local and regional democracy in Turkey - CG (12) 25 Part Ibid.; Local and regional democracy in Turkey. 2011. Ibid.; Monitoring of the European Charter of Local Self-Government in Turkey 2020. Ibid.

⁷⁰ Monitoring of the European Charter of Local Self-Government in Turkey 2020. Ibid.

⁷¹ Local and regional democracy in Turkey - CG (12) 25 Part Ibid.

acquired a political function, constituting one of the most significant constraints on local autonomy.

Issues of Financial Autonomy and Dependence on Central Transfers

Financial autonomy implied the ability of local governments to generate their own revenues, determine their rates, and freely allocate their resources. This included the authority of local governments to prepare their own budgets, generate and utilize their own financial resources.⁷² In Turkey, the financial structure of local governments remained weak due to insufficient revenue sources and high dependence on the central government. Sayıştay (Court of Accounts) reports also indicated that the financial autonomy of local governments remained low and that they were dependent on central transfers.⁷³

A significant portion of local governments' total revenues in Turkey consisted of tax transfers from the central budget. In 2023, municipalities' total revenues amounted to 682.3 billion TL, of which 474 billion TL originated from interest, shares, and penalty revenues (a category that includes central transfers), while local taxes accounted for only 61 billion TL. This limited local governments' ability to determine their own policies and exercise discretion in service provision. The inadequacy of financial resources and the restrictions on determining the tax base and rates of own-source revenues constituted fundamental financial problems faced by local governments.⁷⁴

The low financial autonomy of local governments in Turkey and their excessive dependence on central transfers¹ provided the central government with a powerful "financial tutelage" capability over local governments. This enabled the political power, possessing the strength of the central government, to arbitrarily allocate resources between its own political local units and different political local units. Consequently, financial dependence had become a significant instrument of political control, beyond administrative tutelage.¹⁸⁹

The overwhelming dependence of Turkish municipalities on central transfers (69.47% from central transfers vs. 8.95% from local taxes in 2023) created a *structural vulnerability* that transformed financial dependence into a powerful political leverage tool.⁷⁵ This indicated that even if administrative tutelage were reformed, the central government could continue to exert

⁷² Eroğlu, E..Serbes,H. Fiscal autonomy of sub-central governments in Turkey. In: *Financial sustainability and intergenerational equity in local governments*. IGI Global, 2018. pp. 83-100.

⁷³ Kutlay, M., Öniş, Z. Turkish foreign policy in a post-western order: strategic autonomy or new forms of dependence?. *International Affairs*, , 97,4, 2021. p.p.1085-1104.

⁷⁴ Öksüz, M. Türkiye'de Yerel Yönetimlerin Mali Etkinliği, Özgür yayınları. Gaziantep, 2024. pp.123-134.

⁷⁵ Ibid.

significant control over local governments through its budgetary discretion and political priorities, effectively holding local governments hostage to its fiscal discretion and political agenda. This demonstrated that the lack of financial autonomy was not merely an economic problem but also a political issue directly affecting the functioning of local democracy.

Comparative Analysis: Local Autonomy Models in Unitary States

While unitary states adopted a single political and administrative center, levels of local autonomy varied across countries. France, Spain, and the United Kingdom served as important examples of unitary states that strived to ensure local autonomy through different mechanisms.

France has historically maintained a strong political centralist and unitary structure; this was a product of the Jacobin ideology. The Turkish public administration system has also been influenced by France since the Ottoman era. However, a comprehensive decentralization reform was initiated in France with the "Defferre Law" in 1982.⁷⁶ As a result of these reforms, the administrative and financial tutelary powers of prefects (valis) over local/regional governments were abolished, and decisions became subject only to legal and financial review by administrative courts at the post-decision stage. Regional Courts of Accounts (Cours des Comptes) inspected budgets. French local governments could form associations among themselves without the permission of the Council of Ministers, and local assemblies were represented in the Senate, allowing them to voice local demands at the national level.⁷⁷

France's successful transition from Jacobin centralism to significant decentralization, including the abolition of prefects' tutelary powers, presented a *strong indicator of political feasibility*.⁷⁸ This directly contradicted Turkey's implicit argument that its centralism was an unalterable characteristic of a unitary state. This emphasized that with sufficient political will, a fundamental transformation in governance culture and practice was possible. The French example served as a direct roadmap and a source of optimism for Turkey, demonstrating that a unitary state could evolve towards greater local autonomy without compromising its fundamental structure.

Spain adopted the "Regional State" model with its 1978 Constitution, comprising 17 autonomous communities and two autonomous cities within a unitary state.⁷⁹ This model is

⁷⁶ Alix, N., Associations sanitaires et sociales et pouvoirs publics. *Revue des études coopératives mutualistes et associatives*, 47, 3rd trim., 1993, pp. 9–92.

⁷⁷ France: From Jacobin Tradition to Decentralization, Edith A. and others. <https://shs.hal.science/halshs-02397036/document>. (accessed on May 4, 2025).

⁷⁸ Alix, N. *Ibid.*

⁷⁹ Meanaut, P. Concepts of State and Regional Autonomy, <https://www.law.kuleuven.be/apps/jura/public/art/24n1/pereirameanaut.pdf>, (accessed on April 21, 2025).

considered an intermediate form between a unitary state and a federal state. The Spanish Constitution emphasized national unity and the indivisible integrity of the country while simultaneously recognizing and guaranteeing the "right to autonomy of nationalities and regions." Each autonomous community possessed its own legislative power and its own "Statutes," which function as its internal constitution.⁸⁰ These statutes defined the institutional structure, functioning, and powers of regional governments.

In Spain, autonomous communities could exercise powers in areas such as urban and rural planning, housing, regional transport, agriculture, forestry, health, and social assistance. However, fundamental powers such as foreign policy, defense, and judiciary remained with the central state. The decisions of autonomous governments were subject to review by the Constitutional Court, and in serious cases, the central government retained the right to intervene.⁸¹

Spain's "Regional State" model, which achieved regional autonomy through constitutional guarantees and the recognition of political autonomy, offered a *powerful reconciliation of seemingly contradictory principles*. This indicated that Turkey could explore constitutional avenues to formally embed local autonomy. This necessitated moving beyond mere legal delegation of powers towards a more robust, politically recognized form of self-governance that addressed national integrity concerns through explicit constitutional safeguards.⁸² This model presented a pathway for considering constitutional amendments that defined local autonomy as a fundamental right, thereby potentially alleviating central government fears by clearly delineating powers within the unitary framework.

The United Kingdom is a unitary state governed by a constitutional monarchy. However, it comprises four constituent countries: England, Scotland, Wales, and Northern Ireland, with a political structure based on devolution in Scotland, Wales, and Northern Ireland. In this system, a portion of the legislative and executive powers of the central parliament (Westminster) has been devolved, to varying degrees, to the national parliaments in these regions and their elected executive bodies.⁸³

Devolution is protected not by the constitution but by laws and strong political traditions. While matters such as defense and foreign policy remained within the purview of the

⁸⁰ Cruz, V.P. 'La estructura del Estado o la curiosidad del jurista persa', *Revista de la Facultad de Derecho de la Universidad Complutense*.4 pp.53-63.

⁸¹ Jaria, M. J 'La independència com a procès constituent. Consideració constitucionals sobre la creació d'un Estat català'. *Revista d'Estudis Autònòmics i Federaus*,. 22, 2015. pp.184-218.

⁸² Ibid.

⁸³ Ayres, S., Flinders, M., & Sandford, M. (Territory, power and statecraft: understanding English devolution. *Regional Studies*, 52,2017. 6pp. 853–864. <https://doi.org/10.1080/00343404.2017.1360486>.

central parliament, local parliaments could legislate on matters outside these areas.⁸⁴ The United Kingdom example demonstrated that even a unitary state without a written constitution could achieve significant local autonomy through political traditions and legal regulations. Devolution indicated that the centralist structure could be made flexible, and local differences could be considered in governance.

The United Kingdom's devolution model, which relied on political traditions and statutes rather than a rigid written constitution, underscored the *primacy of political will and adaptive governance* in achieving decentralization within a unitary state.⁸⁵ This indicated that even without a formal constitutional overhaul, Turkey could significantly enhance local autonomy through strong political commitment and flexible legal reforms that reflected regional specificities. This further emphasized that Turkey's centralist reflexes stemmed from political and cultural choices rather than structural necessity. This revealed that the *will to devolve* was more significant than the *formal constitutional structure*.

Conclusion and Recommendations

Summary of Key Findings

This academic analysis thoroughly examined the implementation of the European Charter of Local Self-Government in Turkey and the restrictive effects of the country's unitary state structure on local autonomy. It was determined that while Turkey had ratified the ECSLG, its deeply rooted centralist state tradition and administrative tutelage mechanisms posed significant obstacles to achieving the level of local autonomy envisioned in the Charter. The study revealed that many of Turkey's reservations to the ECSLG (Articles 4.6, 6.1, 7.3, 9.6, 9.7, 10.2, 10.3, and 11) had become compatible with existing legislation and could legally be withdrawn. However, their continued existence indicated that, beyond legal compliance, the centralist governance culture and political will hesitated to fully embrace local autonomy. Specifically, the reservation concerning the limitation of administrative supervision in Article 8.3 and the restrictions on the diversity and flexibility of financial resources in Article 9.4 emerged as the most fundamental structural and cultural barriers to a profound strengthening of local autonomy. Practices such as the suspension of mayors and the appointment of trustees in their place were frequently criticized in Council of Europe reports and were regarded as interference with the locally elected will. The high financial dependence of local governments

⁸⁴ Blond, P.; Morris, M. Devo max–devo manc. *London, Respublica*, 2014. p.12-27.

⁸⁵ Wilcox, Z. Prospects for devolution to England's small and medium cities. *Devolution and the UK economy*, 2016. p. 189.

on central transfers provided the central government with a powerful financial control mechanism over local governments. This indicated that financial dependence had become a significant instrument of political control, beyond administrative tutelage. Turkey's centralist governance culture limited the potential of local governments to function as "schools of democracy" and hindered citizens' effective participation in decision-making processes. Comparative examples from other unitary states such as France, Spain, and the United Kingdom demonstrated that the unitary structure can accommodate local autonomy to varying degrees and through different mechanisms. Decentralization reforms, constitutional guarantees, and devolution models in these countries offered important lessons for steps that could be taken to strengthen local autonomy in Turkey.

Legal and Administrative Recommendations for Strengthening Local Autonomy in Turkey

In light of these analyses, the following legal and administrative recommendations can be developed to strengthen local autonomy in Turkey and overcome the constraints imposed by the unitary state structure:

- **Withdrawal of Reservations to the ECSLG:** Reservations placed on Articles 4.6, 6.1, 7.3, 9.6, 9.7, 10.2, 10.3, and 11, which have become compatible with existing legislation, should be withdrawn without delay. This step holds symbolic and practical importance for demonstrating Turkey's commitment to the ECSLG and its compliance with international norms.
- **Constitutional Amendments and Limitation of Administrative Tutelage:** The scope of administrative tutelage authority, as stipulated in Article 127 of the Constitution, should be harmonized with Article 8, paragraph 3, of the ECSLG. Specifically, provisions regarding the suspension of mayors should be revised to eliminate the practice of suspension without a court order and the appointment of trustees, allowing local councils to appoint an interim mayor from among their members. Tutelary oversight should be limited to legality review, and all traces of expediency review in practice should be eliminated.
- **Strengthening Financial Autonomy:** The dependence of local governments on central transfers should be reduced, and their own-source revenue capacities should be strengthened. In this context, local governments should be granted broader authority to determine their own tax and fee rates within the limits defined by law. Consultation processes with local governments regarding the allocation of financial resources should be made more effective, and conditional grants should be avoided as much as possible. Necessary legal

regulations should be enacted to enable local governments to manage their budgets in a more flexible and diversified manner.

- **Development of Local Democracy and Participation Mechanisms:** Public and civil society participation in local government decision-making processes should be encouraged. This would strengthen the function of local governments as "schools of democracy" and ensure that local services are provided in a manner more responsive to citizen needs.
- **Transformation of Centralist Governance Culture:** In addition to legal and institutional reforms, a shift in mindset and culture towards local autonomy is necessary within the central administration. Local governments should be perceived and supported not as extensions of the central administration but as autonomous public legal entities that address local needs. This would facilitate the reduction of bureaucratic obstacles and encourage local initiative.
- **Enhancement of International Cooperation:** Restrictions on local governments' right to join international associations and cooperate with local authorities of other states should be removed, or permission processes should be simplified. This would enable local governments to benefit from international experiences and enhance their capacities.

The implementation of these recommendations is expected to contribute significantly to strengthening local democracy in Turkey, enhancing the efficiency of public services, and establishing an understanding of local autonomy consistent with the spirit of the ECSLG.

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