AN ANALYSIS OF TURKEY REGARDING THE DECENTRALIZATION AND LOCAL GOVERNMENT REFORM

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Abstract:

In the post-80s, within the context of liberalization and globalization a reform on the local governments was called for all around the world. In line with this trend, reforms were put into practice in Turkey. However, these reforms were not systematically implemented up to 2000s. After the Justice and Development Party came to power, local governments were financially and administratively strengthened. Local governments have begun to come to the fore within the administrative structure in terms of authority, duties and responsibilities. In the last decade they have been the driving force of the economic production being in harmony with the market. Apart from this general picture of transformation, the government has carried out two important policies. The first one is the closure of minor local government units (municipalities and villages). The second policy is the enlargement of the borders of metropolitan and provincial municipalities. In many settlements, the process of enlargement has been implemented to include the first policy. At the end of the year 2012, a law which epitomized these decade-long reforms on local governments was passed and with this law the outline of this reform process was drawn and concretized. This paper aims at briefly explaining the mentioned reform process and evaluating it from different perspectives.

Key Words: Turkey, Local Government Reform, Boarder Enlargement, Metropolitan Municipality

INTRODUCTION

Following 1980, Turkey adopted a socio-economic order based on a free market economy. In those years, neo-liberalism which began to dominate the whole world also extended its influence over Turkey. Since then, Turkey began to pursue an expansion policy especially within the economic sphere. Since 80s the mixed economy approach has been abandoned, a free

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exchange rate system has been adopted, and an economy based on exportation has been aimed for. During these years, state-owned enterprises have begun to be privatized, asserting that state must be withdrawn from direct production. From a neo-liberal perspective an efficient but a minimal state that respected the market economy that supported its functioning and did not interfere with it was intended to be built.

These changes in economic and political life have begun to be reflected on the administrative structure. The transformations in the administrative sphere have not taken place as far as the changes in other fields. In 2002, when the Justice and Development Party (AK Party) came to power, the administrative structure has undergone drastic changes. From a neo-liberal perspective, the 'public administration' approach was tried to be replaced by the 'public management' approach.¹ During the AK Party period, concrete steps were taken regarding different approaches on the state such as 'regulating and supervising state' and 'pro-governance state' which were being discussed in mid-90s. Central administration has begun to hand over its administrative and financial responsibility over decentralized organizations, especially the local governments.²

1. THE GENERAL FRAMEWORK OF THE TRANSFORMATION

From the mid-2000s new regulations were put into force, replacing local government regulations that were in force for a long time. With these regulations, local authorities were granted general competence regarding common local needs, instead of having secondary authority following the central government. Their powers and responsibilities have increased and the income structure has been transformed. Local governments have begun to work with the private sector in a more intensive manner than before. The scope and intensity of the tutelage supervision exercised by the central government and its extension, the provincial administration over local governments were reduced (Keleş 2012: 265-268, 343-361, 377-413, 417-429, 470-482).

¹ For transformation of public administration field, see: Christopher Hood (1991), "A Public Management for All Seasons?", *Public Administration*, 69 (1): 3-19; Andrew Gray and Bill Jenkins (1995), "From Public Administration to Public Management: Reassessing a Revolution?", *Public Administration*, 73 (1): 75-99; Norma M. Riccucci (2001), "The 'Old' Public Management Versus The 'New' Public Management: Where Does Public Administration Fit in?", *Public Administration Review*, 61 (2): 172-175; Yılmaz Üstüner (2000), "Kamu Yönetimi Kuramı ve Kamu İşletmeciliği Okulu", *Amme İdaresi Dergisi*, 33 (3): 15-31; Uğur Ömürgönülşen (1997), "The Emergence of a New Approach to the Public Sector: The New Public Management", *Cemal Mıhçıoğlu'na Armağan: AÜ SBF Dergisi*, 52 (1-4): 517-565; Selime Güzelsarı (2004), "Kamu Yönetimi Disiplininde Yeni Kamu İşletmeciliği ve Yönetişim Yaklaşımları" in M. Kemal Öktem and Uğur Ömürgönülşen, ed., *Kamu Yönetimi: Gelişimi ve Güncel Sorunlar*, 85-137, Ankara: İmaj.

² For a general evaluation of the reform process in Turkey, see: Law on the Basic Principles and Reorganization of the Public Administration (No. 5227); Birgül Ayman Güler (2003), "İkinci Dalga: Siyasal ve Yönetsel Liberalizasyon (Kamu Yönetimi Temel Kanunu)", *Kamu Yönetimi Reformu İncelemeleri: Mülkiye'den Perspektifler*, 1-34, Ankara: AÜ SBF GETA Tartışma Metinleri, No. 59; Ruşen Keleş (2012), *Yerinden Yönetim ve Siyaset*, İstanbul: Cem, 521-542; H. Gül (2005), "Kamu Yönetimi Temel Kanunu Tasarısında Adem-İ Merkezileşme - Küreselleşme Dinamikleri ve Yönetimi Geliştirme Açılarından Bakış", in Hüseyin Özgür and Muhammet Kösecik, ed., *Yerel Yönetimler Üzerine Güncel Yazılar I*, 41-46, Ankara: Nobel; Selim Çapar (2011), "1980 Sonrası Türk Kamu Yönetiminin Değişim ve Dönüşümü", *İller ve Belediyeler Dergisi*, 757: 12-17.

Different reform efforts were undertaken on the basis of these legal changes aiming at decentralization. Overcoming the lack of administrative capacity, ensuring the integrity of the planning, the prevention of unplanned urbanization, achieving financial savings and ensuring efficient and productive services constitute the essence of these initiatives. During this period, minor municipalities were intended to be shut down, the borders of metropolitan municipalities and the province and sub-province municipalities were expanded, and as a result of the expansion of the borders many municipalities and villages were closed and converted into neighborhood units.³

In this study, mostly the applications of border change and closure of local government units will be taken into consideration.

2. THE CLOSURE OF MINOR LOCAL GOVERNMENT UNITS

In 2005, the fundamental law organizing the authority and responsibilities as well as the structure and functions of the municipalities was amended. In the Municipality Law No. 5393, the population condition of being a municipality was upgraded from 2.000 to 5.000. Therefore, government upgraded the population condition that was required for being a municipality. With this amendment, the government legally revealed a negative attitude towards the existence of minor municipalities. Moreover, the government based its negative attitude on the municipalities' not having sufficient income and qualified public servant, not performing the service responsibility as it should be done.

The government gave the first signal of this policy in 2003. 349 municipalities that was found to be fewer than 2000, was demanded to be closed by transforming them into villages with the Law No. 5025. This law was sent back to The Grand National Assembly of Turkey (TBMM) by the current president due to the soon-to-be-held 2004 National Local Government Elections and didn't enter into effect.

The government didn't give up the policy of closing minor municipalities because of the population condition and put forth this again with the Law No. 5747 in 2008. The government again proposed the transformation of 862 municipalities into villages whose populations were detected to be fewer than 2000. However, taking into consideration the legal conditions, a different interpretation from the previous situation is obvious. With the new municipality law of 2005, the population condition became 5.000. Although the population condition was 5.000, the government, probably due to the thought of the necessity that the number of municipality to be closed should not grow, determined a list according to the provisions of the previous municipality law stipulating the population condition as 2,000.

³ For evaluations on this issue see: Legal grounds of Laws No. 5216 and 6360, Legal ground of the Article 11 of Law No. 5393; Tayfun Çınar, Can Umut Çiner and Ozan Zengin (2009), *Büyükşehir Yönetimi: Bütünleştirme Süreci*, Ankara: TODAİE Pub. No. 352; Tayfun Çınar, Bülent Duru, Can Umut Çiner and Ozan Zengin (2013), *Belediyenin Sınırları*, Ankara: TODAİE Pub. No. 370; Keleş 2012: 259-266; Muhammet Kösecik and Hüseyin Özgür (2005), "Yerel Yönetimlerde Reform: Geleneksel Modelin Değişim Süreci", in Hüseyin Özgür and Muhammet Kösecik, ed., *Yerel Yönetimler Üzerine Güncel Yazılar I*, Ankara: Nobel, 1-13.

The provision of the Law No. 5747 stipulating the closure of municipalities also didn't enter into effect. Main Opposition Party, Republican People's Party, sent this provision of the law to the Constitutional Court. Constitutional Court enabled an exception for the municipalities that would object to the population census results. As a result of the lawsuit filed by a municipality considered to be closed, against the circular on the implementation of Law No. 5747; 836 municipalities were saved from getting closed in accordance with the decision unity among higher judicial boards (Çınar, Çiner and Zengin 2009: 128-137).

When the government couldn't put this law into effect as of 2009 which is the envisaged date, the government brought it up again in 2012 with the Law No. 6360. Repeatedly, the municipalities whose populations were accepted as under 2.000 and weren't closed formerly, was listed in order to be closed. In addition, due to the provisions of the Law No. 6360 stipulating the enlargement of the border of metropolitan municipality to the provincial borders, 1.076 municipalities and 16.500 villages will be closed by being converted into neighborhood units except the district municipalities that are included within the borders of the metropolitan municipality.⁴ The Main Opposition Party, sent also this law to the Constitutional Court; however, this time court didn't annul the provisions related to the law (The Constitutional Court 2013). With the 2014 National Local Government Elections, municipalities and villages whose numbers are given above, will lose their legal personality; in another sense, will be closed.

3. BORDER ENLARGEMENT

The studies related to the border enlargement started in 2003. The government tried to expand the borders of current 16 metropolitan municipalities with the law (No. 5019) based on the population size. It was envisaged that the borders of metropolitan municipalities was expanded with radius circles drawn according to populations. According to the mentioned regulation, the borders of the two metropolitan municipalities (İstanbul and İzmit), will be expanded to the provincial border; while other municipality borders will be enlarged to 50 km, 30 km and 25 km. However, the outcome of this policy was similar to that of the Law No. 5025 and due to the soon-to-be-held elections it couldn't enter into effect since it was sent back by the President.⁵

This policy that is known as the 'Compass Law' in public, became valid with the (new) Metropolitan Municipality Law (No. 5216) enacted in 2004.⁶⁷

Table 1: Borders of Metropolitan Municipalities (2004-2014)

Metropolitan Municipality Provincial Border 50 km 30 km 20 km

⁴ With the Law No. 5747, dated 2008, the tier municipal system made up of (1) metropolitan municipality (2) district municipality and (3) first-lower tier municipality was abandoned and with the 2009 Elections a dual system was adopted with the first-lower tier municipalities left out.

⁵ For a detailed study on this subject see: Çınar, Çiner and Zengin 2009: 65-71.

⁶ The 25 km distance was reduced to 20 km.

⁷ For a detailed study on this subject see: Çınar, Çiner and Zengin 2009.

1	Adana			Х	
2	Adapazarı/Sakarya*				Х
3	Ankara		Х		
4	Antalya				Х
5	Bursa			Х	
6	Diyarbakır				Х
7	Erzurum				Х
8	Eskişehir				Х
9	Gaziantep				Х
10	Istanbul	Х			
11	Izmir		X		
12	Izmit/Kocaeli*	Х			
13	Kayseri				Х
14	Konya				Х
15	Mersin				Х
16	Samsun				Х

The second wave of expansion came in 2012. The government enacted a law (i.e. the Law No. 6360) that upgraded the metropolitan municipality numbers from 16 to 30 and expanded all metropolitan municipality borders to the provincial borders towards the end of the year mentioned. According Metropolitan Municipality Law in effect, the exceptional status that was given to İstanbul and Kocaeli Metropolitan Municipalities, was also given to all metropolitan municipalities together with the 14 metropolitan municipalities to be founded. Therefore, metropolitan municipality border-provincial border expansion could no more be called as an exception.

4. HYBRID CASES

Hybrid cases can be observed regarding on one hand the expansion of borders and on the other hand the closure of minor local government units. First instance of such a case can be noted in 2003. In this year, a law (No. 5026) was passed regarding Denizli Municipality. With this law, the field of authority belonging to Denizli Municipality was planned to be expanded by the annexation of relatively minor municipalities and villages adjacent to the Denizli Municipality. This law also was not put into effect just as the Laws No. 5019 and 5025.

What could not be accomplished in 2003 began to be implemented as of 2006 via joint decrees. With joint decrees, minor municipalities and villages surrounding many provincial and district municipalities that were not metropolitan municipalities were added to these municipalities as neighborhood units.⁸

^{*} Following the Law No. 5747 dated 2008, Adapazarı Metropolitan Municipality (MM) began to be called as Sakarya MM; whereas İzmit MM began to be called as Kocaeli MM.

⁸ Both on the expansion of borders and the closure of minor local government units, see: Çınar, Çiner and Zengin 2009; Çınar, Duru, Çiner and Zengin 2013; Hüseyin Özgür (2007), "Orta Ölçekli Kentsel Alanların Yönetimine

Table 2: Minor Municipalities and Villages Added to Provincial and DistrictMunicipalities Since 2006 (Çınar, Duru, Çiner and Zengin 2013: 142-144)

Provincial and			
District	Municipalities whose legal	Villages whose legal personalities are ceased	
Municipalities	personalities are ceased		
2006			
Balıkesir	-	Kocakonak	
	Akkale, Bereketli, Gümüşler,	Bozburun, Eskihisar, Goncalı,	
	Kayhan, Kınıklı, Servergazi	Hisar, Kadılar, Karakurt,	
Denizli	Hallaçlar, Üçler, Korucuk,	Saruhan, Şirinköy, Güzelköy	
	Bağbaşı, Başkarcı, Gökpınar,	(Yiğenağa), Karakova	
	Göveçlik		
	-	Ağaçköy, Çalca, Yeni Bosna,	
		Siner, Alayunt, İkiyüzük, Zığra,	
		Perli, Kırkıllı, İnköy,	
Kütahya		Parmakören, Bölcek,	
		Dumlupınar, Kirazpınar,	
		Güveçci, Okçu, Sofu, Aydoğdu,	
		Kumarı	
Kırıkkale	Hacılar, Ahılı, Çullu,	-	
NIIIKKale	Aşağımahmutlar, Hasandede		
Aksaray	Aratol	-	
2007			
Antalya (Serik	-	Gedik, Cumalı, Kürüş	
District)			
2008			
Molotvo	Dilek, Hanımın Çiftliği, Konak,	-	
Malatya	Orduzu, Topsöğüt		
Aksaray	Hamidiye		
	Konuralp	Bostanyeri, Beslanbey (Akınlar)	
Düzoo		Sarayyeri, Çamköy, Esenköy,	
Düzce		Darıcı, Dedeler, Yukarı	
		Yahyalar, Sallar, Kazukoğlu,	

İlişkin Alternatifler", in Hüseyin Özgür and Muhammet Kösecik, ed., Yerel Yönetimler Üzerine Güncel Yazılar II, Ankara: Nobel, 100-142; Hüseyin Özgür (2008), "Belediye Sayısının Azaltılmasının Tarihsel Serüvenine Dair Bir Deneme", Yerel Siyaset, 27: 43-50; Yasin Sezer (2007), "Belediyelerde Birleşme ve Katılma Uygulamaları", in Hüseyin Özgür and Muhammet Kösecik, ed., Yerel Yönetimler Üzerine Güncel Yazılar II, Ankara: Nobel, 143-165.

		Çavuşlar
Denizli	Kızılcasöğüt	İğdir, Yeşilyaka
Bursa (İnegöl	Alanyurt	
District)		
Kahramanmaraş	Karacasu, Kavaklı	Kılavuzlu, Hasancıklı
Kütahya	Çukurköy	Beyköy, Dedeler
	Karacasu	Alpağut, Karaağaç, Berk, Civril,
		Çakmaklar, Dodurga, Doğancı,
Bolu		Kasaplar, Kılıçarslan,
DOIU		Küçükberk, Ovadüzü, Paşaköy,
		Salıbeyler, Sandallar, Sarıcalar,
		Seyitköy ve Yukarısoku
Karabük		Belen
2009		
Aydın	İsabeyli	Dallıca, Ocaklı, Bozyurt,
Ayum		Sevindikli, Güzelköy, Durasallı
Antalya (Alanya	Cikcilli, Oba, Çıplaklı, Tosmur,	Asmaca, Paşaköy, Mahmutseydi
District)	Kestel	
2010		
Kütahya	-	Andız, Geven, Enne, Civli, Yoncalı
	Akyazı, Akoluk, Çağlayan,	Ağıllı, Ayvalı, Akkaya,
	Çukurçayır, Gürbulak, Pelitli,	Aktoprak, Beştaş, Bulak,
	Yalıncak	Çamoba, Çilekli, Çimenli,
		Düzyurt, Dolaylı, Doğançay,
Trabzon		Fatih, Geçit, Gölçayır, Gözalan,
11402011		Gündoğdu, İncesu, Karakaya,
		Kavala, Karlık, Kireçhane,
		Kutlugün, Subaşı, Tosköy,
		Yeşilbük, Yeşiltepe, Yeniköy,
		Yeşilyurt
2011		
Kahramanmaraş	-	Hacımirza, Yantepe, Çağlayan
2012		
Niğde	Fertek	Kumluca, Hamamlı

5. THE REGULATION OF METROPOLITAN MUNICIPALITIES EPITOMIZING THE ESSENCE OF THE TRANSFORMATION

The Law No. 6360 which expands the borders of the metropolitan municipality to include provincial borders; establishes more metropolitan municipalities totaling 30; foresees the

conversion of municipalities with a population lower than 2,000 into villages; and removes Special Provincial Administrations, a local government unit working on the provincial level, in these 30 provinces can be regarded as a regulation of the AK Party period, epitomizing the reform process that has been going on for a decade.⁹

Year	Legal Regulation	Municipality
1984	Law No. 3030	İstanbul, Ankara, İzmir
1986	Law No. 3306	Adana
1987	Law No. 3391,	Bursa, Gaziantep, Konya
	3398 and 3399	
1988	Law No. 3508	Kayseri
1993	Statutory Decrees	Antalya, Diyarbakır, Erzurum, Eskişehir, İzmit (Kocaeli), Mersin,
	No. 504	Samsun
2000	Statutory Decrees	Adapazarı (Sakarya)
	No. 593	
2014	Law No. 6360	Aydın, Balıkesir, Denizli, Hatay, Malatya, Manisa,
		Kahramanmaraş, Mardin, Muğla, Ordu, Tekirdağ, Trabzon,
		Şanlıurfa, Van

Table 3: Establishment Dates of Metropolitan Municipalities

The legal ground of the Metropolitan Municipality Law No. 5216 and Law No. 6360 sets forth in a clear and precise manner how these regulations fit into the big picture. In the legal ground the metropolitan provinces are defined as areas of growth. According to the legal ground,

- Metropolitan cities play a major part in the international trade apart from the foreign investments. Metropolitan cities, located within the global and regional network, have bigger transportation and communication networks. In short, cities are considered a large market within global economy, a trade center, and the engine of the national economy.
- According to the government, metropolitan cities are settlements containing a large city and many satellite cities surrounding it. An evaluation of a city based solely on its city center may prove misleading. A fundamental characteristic of a metropolitan city is that it is an agglomeration of population within a wide geographical area, consisting of those living at the city center and those that live far from the center yet somehow stay connected to that agglomeration. In this sense, metropolitan cities cover a wide area.
- The authority and financial resources required for the settlement of provincial problems are distributed among many local government units. These local

⁹ For the opinions and stance of the Government and the Union of Municipalities of Turkey on the Law No. 6360, see the special volume on this issue: *İller ve Belediyeler Dergisi*, 774-775 (2012); Hayrettin Güngör (2012), "Yeni Büyükşehir Yönetimi ve Geçiş Nedenleri", *İller ve Belediyeler Dergisi*, 774-775: 19-31.

government units working for the metropolitan city yet lacking coordination fail to overcome the problems that they encounter due to inefficient financial resources and service capacity. Due to the fact that multiple units are authorized for the provision of services inconsistencies arise, thus scale economy cannot be sustained resulting in the waste of sources. It is essential to ensure the efficiency and productivity of services.

The population for which metropolitan municipality is responsible in terms of service provision have increased due to the enlargement of municipal boundaries. Parallel to this, the services of the municipality which is the one and only authority have also increased both in quantity and quality. Under these circumstances, metropolitan municipalities must be strengthened in terms of incomes in order to fulfill their responsibilities. For this reason, the government has amended the income regulations. The tax revenue that is distributed to local government units except the metropolitan municipalities is reduced while tax revenue share of metropolitan municipalities doubles. Moreover municipalities' share of the revenue of tax collection within the metropolitan cities is increased by 1/5.

6. EVALUATION

Local governments are administrative units that address to the needs of people stemming from living in a certain place via their organizations formed through elections. They are recognized as institutions that dignify and encapsulate democracy as a form of administration based on a mechanism of election. At the same, they are regarded as structures establishing efficient and productive administration since they the demand for services at the local level is met through these local units. In this sense, the strengthening of the local governments stands for a roadmap leading to a more democratic and efficient administrative structure.

Although the local government reforms in the past decade are primarily linked to the above-mentioned issues, these reforms are also based on grounds such as the waste of resources, providing services, and ensuring the integrity of the plan as well.

Aside from general assumptions about local governments, it is impossible not to acknowledge these administrative and financial justifications. In line with the concept of populist politics in Turkey, several settlements were given the title of municipality although they do not meet the qualifications of a municipality. These artificial municipalities have faced with some serious problems in balancing the income and expenses of municipalities, employing enough qualified personnel, and in fulfilling the responsibilities regarding the services. Due to fast ruralurban migration and the decrease in population many municipalities that had a deep-rooted history have undergone a similar fate. In line with the migration issue, rapid growth and enlargement trends can be observed in cities of Turkey that possess an economic potential. Small-scale local government units are established around or along the border of the municipality that is deemed central following a rapid growth phase. These coinciding borders have led to both quantitative and qualitative differences in the provision of services within the same settlements and difficulties in retaining the integrity of planning.

Although these reforms may have aforementioned justifications, they have also led to a number of problems in terms of local authority and local democracy. These reforms have been evaluated from an economic point of view by taking into account issues such as globalization, attracting foreign investors, the process of incorporation etc., aiming at creating big cities that are centers of attraction. The government holds a strong opinion as to the necessity of clearing the way for such cities. Within the framework of such an understanding, the fact that at the very essence of local government lies fragmentality and the recognition of the right of selfgovernment to small accommodation units has been overlooked. As seen in the reform of municipality, the principle of subsidiarity has been set aside. Moreover, a substantial number of small municipalities and villages were included within the borders of the extended metropolitan municipalities and thus closed without consulting them or without going to referendum. Many municipalities and villages that have shared a common life and history of administration were added to the metropolitan municipality contrary to the understanding of local democracy and local autonomy. Due to the fact that the provincial borders and metropolitan municipalities' borders overlap, the rural-urban distinction is lost. Regarding services, the provision of rural services is an issue of concern since metropolitan municipalities have never had experience in rural regions to the present day, especially on agriculture and animal husbandry. The policy of shutting down half of the small settlements framed with some administrative and financial justifications and formulated from a point of view that largely pays regard to big cities is open to debate.

Local governments and their reforms must be carefully studied under specific historicalsocial circumstances with emphasis put on questions based upon dichotomies such as big-small, fragmentality-consolidation, democracy-efficiency and autonomy-centralization/collectivism. It is inevitable to face negative economic, administrative, and political consequences when a balance cannot be struck. On the other hand, when a balance is struck, the local government system can prove to be manageable.

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