

## THE EUROPEANIZATION OF TURKEY: REFORM IN LOCAL GOVERNMENTS<sup>1</sup>

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### ABSTRACT

A longstanding pre-candidate and relatively recent candidate to join the EU, Turkey has experienced many ups and downs with the EU. The period that begins with the recognition of its status as a candidate in 1999 and ends with the general elections held in 2007, that is to say, the recent period marked by the first interval of the AKP government, is probably the most significant of these highs where it would be possible to evoke a process of Europeanization. This article aims to study the impact of the process of integration in Turkey in the context of local administration reform, which constituted the last section of the reform process and to demonstrate that it did not bring a substantial legal and institutional transformation.

**Keywords:** Europeanization, Turkey, local government, reform.

**JEL Classifications:** H79

## TÜRKİYE’NİN AVRUPALILAŞMASI: YEREL YÖNETİMLERDE REFORM

### ÖZ

AB ile uzun ve inişli-çıkışlı bir üyelik süreci içinde bulunan Türkiye, 1999 yılında aday ülke statüsü kazanmıştır. Bu tarihten başlayarak 2007 genel seçimlerine kadar süren ve AKP’nin iktidardaki ilk dönemine rastlayan yıllar ise Avrupalılaşma bağlamında değerlendirilebilecek en önemli adımların atıldığı yıllar olmuştur. Bu yazı kapsamında Türkiye’de kamu yönetimi ve yerinden yönetim alanında yapılan reformlar Avrupalılaşma çerçevesinden ele alınmakta, yasal ve kurumsal anlamda gerçekleştirilen dönüşümün kapsamı ve içeriği sorgulanmaktadır.

**Anahtar kelimeler:** Avrupalılaşma, Türkiye, yerel yönetim, reform.

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## 1. Introduction

In Turkey, a comprehensive administrative reform agenda has emerged due to both domestic and international factors. Turkey's drive towards European Union membership has been the key element at the national level. Domestically, the economic crisis at the beginning of the decade has brought an unprecedented sense of urgency for reforms. (OECD, 2002: 7). The reforms that have been launched, in particular in 2000 and in the first part of 2001, were assessed as very substantial in scope by the OECD review on Turkey. Indeed, Turkey has also started to attach increased priority to reforming the government and public administration. It is realized that the country needs to modernize its public institutions and regulatory framework in order to provide favourable conditions for the growing private sector, in order to deliver better services and finally to improve its prospects for EU entry (OECD, 2002: 7).

In this study, we focus on the Europeanization of domestic public policy in the field of local authorities in Turkey. As an EU candidate country, Turkey is a conducive and interesting field of study to observe the impact of the accession process, in other words, Europeanization. To study the mechanisms that generate Europeanization in this country, it is essential to understand how these changes are occurring, who the interested players are in Turkey's accession to the EU, and who has an interest in transferring certain matters to the European level. Our aim is to analyse the internal transformation process, and the appropriation of the external constraint, in addition to how the process is shaped by national state or non-state actors and what kind of variations have occurred as a result of the exogenous and endogenous factors. The implementation of reform thus depends on how domestic actors respond to the pressures of adaptation. The national actors (political, institutional or social) can position themselves as for the transformation or against this process. We show that in the Turkish case, the reform of public administration has been a conflictual process between political and social actors with different visions of the application of fundamental principles of the organization of administrative institutions and in the context of European integration.

## 2. Europeanization: Theoretical Framework

Europeanization is usually defined as 'the reorientation or reshaping of politics (and governance) in the domestic arena in ways that reflect policies, practices or preferences advanced through the EU system of governance' (Bache&Jordan, 2006: 30; Bache, 2010: 3). The EU imposes conditions through its mechanisms of application and formulates goals to be achieved by candidate countries (Coman, 2006) in social, economic, legal and even 'political' domains. According to Börzel (1999), Europeanization constitutes 'a process by which domestic policy areas become increasingly subject to European policymaking'. Thus it means the homogenizing influence exerted by the European bureaucracy over the European member states and citizens. Research shows that the phenomenon of Europeaniza-

tion is not only restricted to member countries. Changes in the organization of economic, institutional and administrative domains are also observed in the Central European countries and Croatia (Grabbe, 2003).

The first cross-national studies on Europeanization (Börzel, 1999) observed that the impact of the EU may differ depending not only on the level of adjustment pressure to which domestic institutions are subjected but also on the attitude adopted by domestic actors, i.e., the nature of the national context and whether it is favourable or hostile to European requirements. For Europeanization to occur, first, there must be incompatibility between European rules and regulations, on the one hand, and the institutional structures of the state on the other (Börzel, 1999; Börzel&Risse, 2000). This institutional misfit constitutes adaptational pressures for change and 'goodness of fit' between the European and domestic levels and determines the degree of pressure (Risse et. al, 2001). The second condition concerns the presence at the national level of a number of actors or institutions who respond to these constraints' adaptation (Börzel&Risse, 2000). When a pressure to adapt exists, the country's ability to respond depends largely on the policy preferences of national actors (political, social), and the ability and willingness of the institutions of state to accept the transformation required (Börzel, 2002). Méndez et. al. (2006: 586) argue that the implementation stage may be a possibility to 'fine-tune' EU requirements to match Member States' particular preferences. Andersen (2004), talks about the 're-contextualising' of the pressures of Europeanization while Jacobsson et. al (2003: 119-125) mention a similar 'translation perspective', advocating that domestic actors seek to translate, interpret and edit Europeanization pressures in order to protect their strategic interests.

Radaelli discusses the limits of the "goodness of fit" perspective and explains that it is relevant when a EU model exists to be implemented (Radaelli, 2003; Featherstone, 2003: 16-17) but he also demonstrates that the impact of the EU can also be observed via other mechanisms. For example the EU may have an impact on national policy by creating policy forums and socialization processes that lead to cognitive convergence. The 'goodness of fit' must be qualified according to the type of domestic institutional setting that exists (Radaelli 2003; Featherstone, 2003).

Indeed, concerning the local government reform in Turkey, on one hand, one should emphasize that the Commission does not officially impose any model of decentralization on Turkey as well as other member countries and the EU has no requirement for the territorial organization of the member countries. However, in its conditionality towards candidate countries, the European Commission systematically addressed a particular kind of administrative uniformity in territorial organization, which was reflected in the uniformity of conditions imposed by the EU during the pre-accession of Central and Eastern European countries (Ertugal, Strategies..). The reform process of local administration in Turkey has also been watched and supported by the EU through the external aid programmes managed by the EC in the context of Turkey's pre-accession process. The first phase of the EU funded project under the title

of Support to Local Administration Reform Programme, which had been launched at 2005 has been completed in 2007 and the second phase will be completed in 2011 (see UNDP Turkey; Marcou, 2006).

On the other hand, domestic actors attempt to interpret and modify Europeanization pressures in order to defend their strategic interests. Therefore, the Europeanization process in Turkey faces constraints and contradictions arising from the Turkish political system. "These constraints are in the form of a security conscious centralized state, weak civil society, patronage relations and Turkey's traditional approach to regional disparities and regional development" (Ertugal, Strategies..) The Turkish authorities have used Europeanization pressures mainly to legitimize reforms that are basically linked to domestic political dynamics.

Radaelli proposes that research on Europeanization should specify 'what is Europeanized and 'how much change' has been brought about by Europeanization. He suggests a taxonomy for the empirical investigation of these two dimensions. According to the taxonomy proposed by Radaelli (2003: 35), three domains where the effects of Europeanization are supposed to materialize have been observed; domestic structures, public policy and cognitive and normative structures. Domestic structures integrate political and legal structures of a country (institutions, public administration, intergovernmental relations and legal structure), and structures of representation and cleavages (political parties, pressure groups, societal-cleavage structures). The Europeanization of public policy can be observed in different forms and it affects all elements of public policy such as actors, policy problems, style, instruments and resources. Radaelli (2003: 36) states that cognitive and normative structures of Europeanization should be evaluated distinctly as Europe influences also norms and values, discourses, political legitimacy, identities, state traditions, understanding of governance, policy paradigms, frames and narratives. '[They] may trigger transformative effects on all the elements of politics and policy. For example, discourse may change interpretation of a political dilemma facing a political party. It may alter the perception of what is at stake in a policy controversy. It may transform the interests and preferences upon which negotiations are structured. Further, policy discourses can be decisive in terms of securing legitimacy for choices in line with EU policy' (Radaelli, 2003: 36).

Basing our analysis on Radaelli's taxonomy, we tried to explain the relationship between Europeanization and administrative reform in Turkey and to assess the level of EU impact and the adaptational pressure. The main legal texts, the EU Commission's progress reports about Turkey, the EU harmonization reform packages drafted by the Turkish Parliament, OECD-SIGMA reports and administrative reform texts have provided the empirical data, to reveal the nature of the institutional change due to the administrative reform in Turkey. Secondly, we endeavoured to analyse the discourses and strategies of different domestic actors (government, opposition and the civil society) to explain how these pressures have been managed at the domestic level. The party programs and local election manifestos of CHP (the

Republican People's Party), the main opposition party, as well as studies and reports prepared by different actors during the reform process have been consulted. This is because, as the theory sociological institutionalism suggests, the historical and political context within which the major political actors interact with each other has a significant impact on the institutional setting. The texts of drafts laws and actual laws have also been examined to identify the substance of transformation at the legal and administrative level.

Radaelli discerns four possible outcomes, namely retrenchment, inertia, absorption and transformation to measure the policy change caused by Europeanization. They cover both the magnitude of change and its direction. Retrenchment describes a very paradoxical effect in which national policy becomes less European than it was originally, thus it is an example of 'negative' Europeanization (Radaelli, 2003: 38). Inertia describes a situation of lack of change, which may occur when the EU political architectures, choices, models or policy have been considered too dissimilar to domestic practice. Inertia, which may take the forms of lags, delays in the transposition of directives, implementation as transformation, and sheer resistance to change, can however become impossible to sustain economically and politically (Radaelli, 2003: 37). Absorption signifies change as adaptation. A mixture of resiliency and flexibility defined by domestic structures can result in the absorption of certain non-fundamental changes but these structures maintain their core. Radaelli's understanding of 'transformation' is similar to what Hall calls paradigmatic change (Hall, 1993), and occurs when the fundamental logic of political behaviour changes (Radaelli, 2003: 37-38).

### 3. Turkey-EU: A Long History

During the period that begins with the recognition of its status as a candidate and ends with the general elections held in 2007, Turkey has pursued an unprecedented reform process challenging the structure of government of the republican regime. In fact, the relations between Turkey and the EU gained significant momentum after the Helsinki Summit of the European Council in December 1999, confirming Turkey's candidate status. Turkey started to try to align its institutions, legislation and policies with the EU system, and received annual Commission Progress Reports, evaluating the domestic developments needed to fulfil EU criteria. The first Accession Partnership was prepared in March 2001, and the Council of Ministers adopted the National Program for the Adoption of the Acquis in March 2001 which was subsequently revisited in July 2003 and 2008 (Avrupa Birliği Genel Sekreterliği).

Substantial transformations have been realized in the fields of the economy, foreign policy, democracy and human rights. The framework agreement with Armenia in 2009, the Kurdish opening and a new policy based on a 'zero problems with neighbours' philosophy could not be imagined without a prospect of EU accession (Aydın&Açıkmeşe, 2007). However, the reform momentum began to decelerate

since 2004 and has almost stopped altogether since 2006. Whereas, at the 17 December 2004 Brussels summit the European Council praised the steps taken, and determined that Turkey had complied 'sufficiently' with the Copenhagen political criteria so that the accession process could officially begin in the autumn. Paradoxically, as the 3 October 2005 date set by the EU to formally launch accession negotiations drew closer, the ruling party increasingly displayed signs of 'reform fatigue', hesitating to push hard for implementation and enforcement of the rights-based reforms that it had so assertively legislated (Patton, 2007: 339-340).

In contrast, the AKP's (the Justice and Development Party) coming to power in the November 2002 election had marked a major breakthrough for Turkish-EU relations. AKP initiated a reform process through harmonization packages to redress its shortcomings vis-à-vis the Copenhagen criteria, based on the hope that the EU would open accession negotiations with Turkey. These reforms constitute in fact a very important phase of a series of legal and administrative amendments realized after Turkish candidacy had been formally recognized at Helsinki in 1999. Especially during its first two years in office, the AKP government concentrated its political agenda on obtaining a date to open accession negotiations and rapidly pushed major constitutional amendments and new legislation through parliament to this end (Patton, 2007: 344). Public administration reform has been realized at the end of this period. Indeed, the AKP government stated three overriding priorities that needed administrative reform: European integration, economic development, and deepening democracy and made the administrative reform a component of its program for EU membership (Belgenet, 2002). The program contained three intertwined issues, namely the reform of central administration, of local governments and of the legal regime for public personnel. The main reform areas affected are the following: decentralization; financial control; anti-corruption; taxation and public revenues; strengthening of accountability; creation of a national ombudsman; reform of the judiciary; and civil service reform, including reform of the salary scheme and revision of the financial transfers from central government to municipalities (SIGMA, 2008). In 2004, Turkey became a partner of the SIGMA program, which is a joint initiative of the OECD and the EU, principally financed by the EU.

#### **4. Domestic Political Context of Reform**

In Turkey the public administration reform had already been on the political agenda since the 1960s (see MEHTAP and KAYA reports, [http://www.todaie.gov.tr/ky/todaie\\_kyr.asp](http://www.todaie.gov.tr/ky/todaie_kyr.asp)) but had not been realized due to lack of political willingness (Ertugal, 2010: 105). The first significant reforms of the Republican era concerning local administrations took place in the 1980's. The creation of two tier metropolitan municipalities, the transfer of urban planning powers and the increase in financial resources of municipalities constituted the basis of these reforms. However, the need for further comprehensive reforms has been emphasized thereafter by many circles (TODAIE, 1992; Özden&Alada, 2006; TESEV). Several attempts for local government reforms had been made in the last decades but could not be realized.

Therefore that local government reforms were on the political agenda even before the EU accession process and thus, the reform process pursued by the AKP government could not only be explained by the accession process and the pressure of the EU. Subsequent governments have recognized the shortcomings in the way Turkey is governed and attempted to amend them.

The AKP government inherited the reform momentum created by previous government and most particularly the economic reforms designed by Kemal Derviş, Economics Minister in the previous government in 2001 and certainly benefited from the positive results of these transformations that drastically restructured the Turkish economy (Müftüler-Baç, 2005: 25). However, it is also evident that prospective accession with the EU allowed the AKP government a great liberty of movement in the domestic political arena, as well as with a certain strength and comfort to undertake these reforms. Saurugger&Radaelli's (2008: 215) claim concerning 'the use of European rhetoric in the establishment of an "area of freedom, security and justice" to justify their own agenda at the national level' by domestic actors is also valuable in the Turkish case.

It is paradoxical that a party rooted in the Islamist movement became the new carrier of the Republican dream of European integration. AKP, which claims to be not an 'Islamist' but a 'conservative democratic party', akin to Europe's Christian Democrats, adopted a discourse that downplayed the party's religious roots, and emphasized support for market liberalism and democratic political reforms (Çınar, 2006). Adoption of a conservative democratic political identity provided credibility to the party's claim to occupy the centre-right of the political spectrum, and the party's discourse defending the limitation of state power and promoting societal pluralism during its first years in office enabled it to appeal successfully both to a pro-Islamist community and to cosmopolitan liberal voters (Patton, 2007: 343) as a liberal party aiming to establish a less statist system.

According to Ertugal (2010, p.105) "the political power of the AKP at the local level coupled with its Islamic roots distinguishes it from other mainstream political parties with regards to its position visà-vis decentralization". AKP does not see the decentralization a threat to the territorial integrity of the country as some state elites do (Ertugal, 2005). Significantly, AKP is one of the few Turkish political parties which initially came to power in the local governments (particularly in municipal elections) before progressing to the national level. As a matter of fact, Recep Tayyip Erdoğan was the mayor of Istanbul (1994-1998) before becoming the Prime Minister in 2003. In the 2004 local elections AKP came to power in the majority of municipalities and provinces. For that reason, power transfer to the local authorities did not mean losing authority to adverse political forces but rather keeping them inside the party. These domestic political dynamics as well as the European dimension have been crucial in initiating the reformation of local authorities (Massicard, 2009: 20).

Mecham (2004) claims that the AKP's successful entry onto the political stage was grounded in an extended process of political learning that encouraged strategic moderation in the political Islamist movement. Patton (2007: 343-356) also asserts that 'in that way, the AKP has made its political survival contingent on the EU integration process' and it 'does not have credible or viable alternatives to the EU reform process'. However, the further slowdown of the reform fervour demonstrates that this may not be the case.

Local administration reform has largely benefited from that particular social and political conjuncture. The relationship with the EU has been decisive over the attitudes of domestic actors. With reference to the policy change model proposed by Radaelli, it is possible to claim that, depending on these endogenous and exogenous factors, the Europeanization initiated different consequences; an absorption phase followed by an inertia phase in Turkey. The absorption phase corresponds to the early years of the first AKP government (2002-2005) during which this party was looking for an internal legitimisation via the EU. Although it had been comforted by a 34,4% victory in the general elections of 2002, the political and military classes in Turkey saw the AKP as a threat to Turkish democracy and the state (Casanova, 2006) and accused it of having a hidden Islamist agenda (Müftüler-Baç, 2005: 25). Consequently, during the first years in power, AKP government had to face a severe legitimacy deficit. The substantial local administration reform should be seen in that context, as the party sought legitimacy in the Turkish political arena as the precursor of the adhesion process. However, one should also remember that during the first years of its first mandate, many commentators claimed that AKP has been ruling but not governing<sup>1</sup>. So, AKP's search for democratic legitimacy may also be interpreted as a quest for being a real government<sup>2</sup>. Indeed, the period of what may have been called 'inertia' during which the reform momentum began to decelerate corresponds to a phase where, as stated by Dağı<sup>3</sup>, AKP has believed that it is in power. Another sign, which supports that idea, is the crisis over who would succeed Ahmet Necdet Sezer as Turkey's 11<sup>th</sup> president in April 2007. Coming to the position of Head of State in August 2007, Abdullah Gül, the Foreign Minister and the AKP's deputy, rising over the objections of the military establishment and Statist-laicist opposition may be seen as an indicator of the obsession of the Party to consolidate its power. This is why the slowdown of the reform following the 17 December 2004 Brussels summit (at which the European Council praised the reform steps taken and determined that Turkey had complied 'sufficiently' with the Copenhagen political criteria so that the accession process could officially begin in the autumn) may not be so unexpected. Indeed some authors believe that a commitment to reform and EU accession is the most effective means for AKP to lift up its legiti-

<sup>1</sup> See Yetkin, M. (2003) 'Hükümet başka iktidar başka' [Government and power are different], *Radikal*, 11 March.

<sup>2</sup> See Ulagay, O. (2010) 'AKP'nin hedefi demokrasi mi mutlak iktidar mı?' [Is AKP's target democracy or absolute power?], *Milliyet*, 3 January.

<sup>3</sup> See Düzel, N. (2004), 'Interview with İ. Dağı' *Radikal*, 17 May.

macy vis-à-vis the international community and the Statist-laicist bloc in Turkey. A repositioning of the party in the sense of turning away from the reform agenda would confirm doubts that the AKP has an Islamist agenda and is defending democracy only for itself (see Patton, 2007: 339-340; Tocci, 2005: 80). However, in the actual domestic political arena, the alteration of the roles between AKP and the traditional defenders of the Republican modernization occurred in such a way that Europeanization seems not to bring any credit to AKP. With reference to the public opinion sentiments that seem to go in the other direction, Saurugger&Radaelli (2008: 216) argue that it is not at all certain that the EU can be used to produce more legitimacy at home. Hence policy makers may find it impossible to rely on the EU to generate legitimacy if the EU produces hostility and opposition instead. This seems to be the case for AKP.

One should also emphasize the negative impact of the endogenous factors coming from the EU on Turkish political elite and public opinion. The debate in Europe concerning an eventual accession of Turkey, particularly during the referendums organized for the Constitutional Treaty, the post-referendum surveys indicating a resistance against Turkey's membership, the calls to stop or at least to postpone the negotiations with Turkey coming from Austria, Poland, Greece, Holland, Austria, and Denmark, Sarkozy's declaration that 'not all countries have a vocation to be in Europe' and the 'privileged association' formula proposed by Christian Democrats in Germany have been perceived as a disguised refusal of Turkey. Moreover, although it started the talks as scheduled, the European Commission has set a much tougher framework of negotiations. The commission has added a special clause stating that the talks can be suspended at any time if there is 'a serious and persistent breach' in the political criteria. The commission also emphasized that the negotiations would not necessarily end in full membership, adding dubiously that the European Union's 'absorption capacity' would need to be taken into account (Casanova, 2006). In the light of these developments, it is certain that short and medium-term stimulus to keep up the velocity of reform have faded away because the payoff, i.e. EU entry, was at 2014 earliest, and the final outcome uncertain (Tocci, 2005). A further explanation has been proposed by Kubicek (2005) concerning the slowdown of the reform momentum, which is that time is needed for the norms, values and practices embedded in the reforms to be internalised.

Another important factor is the polarization of the political scene in Turkey between AKP and the Statist-laicist camp. This polarization has also given way to what Patton called 'one of the supreme ironies of Turkish politics' which 'is the turnabout in advocacy roles regarding EU membership' (Patton, 2007: 341) '[T]he distortions of political representation in the traditional republican order, its structure based on the hegemony of Statist-laicist forces, the deep suspicion these forces harbour against the majority of the society, and, in more general terms, the transformation of the authoritarian project of modernization from above that is almost contemporaneous with the republic into a more rigid conservatism, gave the

AKP an opportunity to act as a democratic movement and to constitute a social force of attraction without abandoning its conservative posture and values. The AKP was able to claim with sufficient credibility that it had achieved a developmentalist, moderately solidaristic synthesis between free enterprise and conservative values' (Insel, 2003). United around the principles of secularism and nationalism, Statist-westernizing elites, who were the traditional defenders of the modernization and westernisation of the Republic, became EU-sceptics. On the other hand AKP, the representative of Islamic identity, turned out to be the major actor of Europeanization. Another outcome of this polarization was the rising nationalist opposition to the accession process and a precipitous decline in support for EU membership in public opinion. According to the anti-EU bloc, in demanding so many concessions, EU membership would compromise national sovereignty and undermine the secular character of the regime and the territorial unity of the state. 'From the perspective of domestic politics, EU finger shaking, negative criticisms and nonreciprocal EU demands have given Turks the impression that their country is a supplicant at Europe's door, generating feelings of humiliation and indignation which nationalist hard-liners have been quick to turn to their advantage, placing the spotlight of blame on the AKP for its government's pro-EU policies' (Patton, 2007: 345). Finally, the AKP government's enthusiasm for reform has been broken.

In the 24 March 2004 local elections AKP had great success, which gave leverage to the reform process. Whereas, the 29 March 2009 local elections were widely considered as the first electoral setback of the AKP. Although the AKP government has declared that the accession process will be given priority after 2009 elections, it is difficult to confirm that this claim has been realized up to the present time, as the process seems to be suspended and uncertain today. Radaelli (2003: 37) claims that this inertia can become impossible to sustain economically and politically, however, in Turkey, it would not be wrong to say that it dominates Turkey-EU relations today. However, one should also underline that the restructuring of public administration has not been achieved and needs to be completed. The need for further (constitutional) changes has been emphasized by EU institutions and domestic actors. The European Parliament suggested a new constitution 'as a further and probably necessary reflection of the very fundamental nature of changes required by EU membership' and stated that 'a modern constitution may form the basis for the modernization of the Turkish State, as called for in the Copenhagen criteria' (European Parliament, 2003; OECD, 2006: 2).

### **5. Public Administration Reform: Actors and Debates**

Starting from 2004-2005, AKP has launched a public administration reform composed of a draft of framework law on public administration and a series of laws on decentralization and local administration, namely, the laws on municipality, metropolitan municipality, special provincial administration, and local administration unions. They have further been complemented by the law on the (regional) devel-

opment agencies and the law on the revenues of local administrations<sup>1</sup>. The reform project has triggered a series of debates particularly over the content of the framework law on public administration, the powers of governors, regionalisation and local autonomy. The positions taken by the other actors of Turkish political life, namely, the main opposition party and the civil society during these debates would be very revealing to understand the administrative reform process launched in a perspective of adhesion to the EU.

The major opposition party, CHP (Republican Populist Party) has severely criticized the reforms, in particular the framework law on public administration, for being against the principle of integral unity of administration as stated in the Constitution. The framework law on public administration, special provincial administration law and law on municipalities as well as the law on development agencies have been taken to the Constitutional Court by CHP. In fact, inherited from the founders of the Republic and ardent defender of the republican values, this party has traditionally been the precursor of the modernization and westernisation in Turkey. Situated at centre left and a member of the socialist international, CHP has been defending for state reform and restructuring of local administration and more autonomy for local administrations before the AKP's accession to power. The party manifesto for the 1999 local elections is very revealing in showing how this party has changed position vis-à-vis the reform process (CHP, 1999). A sharp dividing line can be observed between the period before and after the 1999 elections regarding the philosophy and strategies of the party. Indeed, the local election manifesto prepared for the 1999 local elections proposes a reform agenda with remarkable parallels with the future reform agenda of AKP government. The manifesto suggests substantial reforms, comprising a new power distribution between the central and local administrations, a new and more autonomous provincial council which will replace the existing 'general provincial councils'. The governor will no longer lead the council but a council head elected by members of the council. However, later when AKP opted for an elected council head for special provincial councils, CHP deputy Oyan claimed that the restructuring of provincial administration would give way to a federal system. The real objective of those (AKP) who designed this system was to create regional administrations with elected governors and their own revenues coming from their own taxes<sup>2</sup> in the long run. Oyan states that the draft law on regional development agencies which was about to be sent to Parliament at that time was actually a step in the realization of regionalisation (Oyan, 2004: 110).

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<sup>1</sup> Respectively, n° 5393 adopted in 3 July 2005, n° 5216 adopted in 10 July 2004, n° 5302 adopted in 22 February 2005, n° 5355 adopted in 26 May 2005, n° 5449 adopted in 25 January 2006 and n° 5779 adopted in 2 July 2008.

<sup>2</sup> Although Turkey ratified the European Charter of Local Self-Government, Turkey does not comply with article 9, paragraph 3 on local tax power, which is considered contrary to the Constitution by the Constitutional Court.

The CHP manifesto also proposed a detailed division of responsibilities between the central government and local administrations. Akin to the vetoed framework law of AKP government, the duties and competences of the central government are named (internal affairs, external affairs, national defence, justice, finance, social security, public works, transportation, energy, as well as some services of health and education, general planning activities at national level, coordination and control) in order to leave all the remaining domains to local governments. But, later, CHP would oppose to the framework law, the strategic orientation of which was to leave to local governments the provision and management of all services except those assigned to central government. The Party claimed that the objective of the public administration reform of AKP was to serve not only AKP's own agenda but also the political interests of international power centres (Oyan, 2004: 109). Nevertheless, CHP grounded its campaign for local elections in December 2004 entirely on a critic of the public administration reform.

CHP no longer mentioned this substantial reform agenda after the 1999 local elections. On the contrary, in the preamble of the 2004 manifesto (CHP, 2004), it is stated that 'the structural reforms should not be initiated by external prompting but should be in the ways that are demanded by domestic conditions and with domestic dynamics'. It is evident that the 'external prompting' is an allusion to EU pressure and hence the anti-EU position taken by CHP becomes obvious. Another preoccupation which could not be seen in the 1999 manifesto is the accent put on an eventual 'threat to the unity of the state' through state reform. Indeed, the 1999 proposals on the new provincial council, the elected head of the provincial council, and redefined powers of governor have been totally abandoned. Without any mention of state reform or restructuring, the 2009 local election manifesto (CHP, 2009) makes claims for 'a local administration which respects the basic principals and conditions of the 1980 constitution'. It is almost confusing to see a social democrat party demanding respect for a constitution inherited from a putsch regime. In its 2008 party program (CHP, 2008), although CHP underlines many times the need for making some amendments to the Constitution, it avoids attacking it in its entirety.

Behind this transformation in CHP's local politics one can see the suspicions and the lack of confidence in the sincerity of AKP government. Indeed, CHP once aspired to civilize the country by modernization and westernisation, have interpreted these efforts as attempts to weaken the Kemalist-laicist state. Moreover, the political dominance of AKP at local elections increased mistrust of AKP government (Çelenk, 2009: 51-52). Local administration reform in general, and a perspective of improved local autonomy in particular, have been considered not only as a means of consolidating its electoral bases but also promoting an Islamic community life in all of society. This is why CHP has been firmly opposed to the amendments limiting governors' powers, who are meant to be the keepers of republican values. This situation can be considered as a reflection of the polarization between the statist-laicist elite represented by the CHP, among others, and AKP.

During the process of Europeanization pursued in Turkey, the pressure coming from various civil society groups was an important component. The secularly-oriented and influential civil society organizations supporting the Europeanization-westernisation process especially because they have an economic interest in integration with the EU, such as TUSIAD (Turkish Industrialists' and Businessmen's Association), backed up AKP and reforms in a general sense. TOBB (Turkish Union of Chambers and Bourses), and the pro-Islamic Association of Independent Industrialists and Businessmen, MÜSIAD, which is ideologically opposite from TUSIAD, were in accord in supporting efforts of the government to restructure public administration. TODAIE, (Public Administration Institute of Turkey and Middle East), University of Bilgi, TESEV (Turkish Foundation of Economic and Social Studies), and the IULA (International Union of Local Administrations) have been participants in the reform process<sup>1</sup>. These groups organized round tables, participated in working groups, discussed draft laws, explained their points of view to public opinion and sometimes opposed the reforms by judiciary means. An insistent defender of Europeanization, TESEV, in its report on the draft laws also criticized the insufficiencies of these laws for barely promoting cooperation, consensus, accountability and participation of civil society. Whereas, TMMOB (Turkish Union of Chambers' of Architects and Engineers) opted for a much more critical position over public administration reform and brought a lawsuit in the Council of State against the regulation on development agencies. The labour unions have formed an anti-EU bloc and organized a meeting in Ankara to protest against the draft law about public administration. Three grand labour unions (DISK, TURK-IS, KESK) have supported this action and pointed the finger at the EU pressure behind the reform process as a negative impact, threatening social and labour rights<sup>2</sup>.

'These [civil society] organizations have pursued both different and overlapping agendas, ranging from civil and socio-political rights, to collective and individual human rights, to religious rights and freedoms, gender issues, environmental concerns and so on. The method of work of civil society actors has been both through dialogue with, and opposition to, the official establishment. As well as aspiring to be subjects in the reform process, civil society actors have also been objects of the reform agenda, particularly as far as reforms in the areas of freedom of expression and of association are concerned' (Tocci, 2005: 81). This flourishing sphere of civil society finds some reflections, although timid, in public administration reform. The representation of non-governmental organizations in development agency councils has been decided by the law on development agencies (article 8). The law on municipality (article 76) proscribed the establishment of city councils in

<sup>1</sup> <http://www.memurlar.net/haber/2572/>.

<sup>2</sup> See Radikal, (2004). 'Kamu yönetimi yasa tasarısını onbinler protesto etti' [Thousands protested against public administration draft law], 6 March. One of the mottos of the meeting was 'No to so-called Public sector reform imposed by exterior'.

all municipalities, gathering the representatives of civil society under an umbrella platform in order to uphold citizen participation.

It is also interesting to note that the Court decisions had a decisive role on the reform process although it would not be appropriate to consider the Courts as actors. As some authors (Börzel&Risse, 2003: 58) point out '[t]he existence of *multiple veto points* in a country's institutional structure can empower actors with diverse interests to avoid constraints and, thus, effectively inhibit domestic adaptation'. In the Turkish case, the President of the Republic, the Constitutional and State Court did not interpret the laws and regulations from a reformist point of view and instead used 'veto power' to resist change.

### 5.1. Framework Law on Public Administration

The AKP government targeted a comprehensive public administration reform setting a series of new rules and principles to harmonize Turkish practice with EU norms. The draft law on public administration defined these rules and principles, entailing a major change in the separation/distribution of the duties and services performed at the local and central level. Giving a very large scope to the local administration competences (a general competence definition), the law was leaving to them the provision and management of all kinds of duties, competences and responsibilities, together with services related to common local needs. Although the competences were defined generally at the local level, the duties and responsibilities of central government were precisely enumerated (justice, national defence, and security, external affairs, finance, treasury, economy, social economic and physical planning at the national level, national education, religious affairs, social security, land and population registers, emergency and civil defence) and thus limited. Also, the duties and responsibilities initially assigned to central government and its branches at the local level under the authority of governors of provinces and districts were transferred to the local authorities. However, severely criticized, the government had to withdraw the article about the transfer of the provincial organization of the Ministry of Education to special provincial administrations, before sending the draft law to Parliament on 29 December 2003.

Although voted on and accepted in Parliament, the draft framework law on public administration was vetoed by the President of the Republic, Mr. Sezer on the grounds that it was contrary to the unity and integrity principle of the state as specified in the Constitution. Although AKP government had the necessary majority to revoke and effect the framework law, it preferred not to do so, probably because the framework law would in any case be annulled by the Constitutional Court. Indeed, articles of the Constitution over local authorities (123 and 127) do not mention general competences. However, according to some authors (Marcou, 2006), the reference to local needs in article 127 of the Constitution is actually very close to this idea. This interpretation deserves to be debated. However, the concerns brought by some state bodies and some parts of public opinion regarding threats to the secular

state and polarization between the pro-EU bloc and Nationalist-laicist bloc aborted this possibility. As mentioned before, even CHP had proposed the same reorganization of powers between the central and local administrations and made the draft law its major target to attack AKP. On the other hand, in its progress report on Turkey issued in 2007, the Commission regrets that there has been no progress on the adoption of the Framework Law on Public Service, which aims to reform the central administration and to delegate certain powers to local governments. But given the Commission does not officially impose any model of decentralization on member countries, the EU pressure on this issue may be seen as an example of severe evaluation of Turkey's progress by the European Commission. Another measure planned by the draft framework law was the establishment of an ombudsman system. However, it was suspended by the Constitutional Court in November 2006. In its progress report on Turkey, the European Commission (CEC, 2007: 2009) urges the creation of an ombudsman system, which imposes a Constitutional amendment.

## 5.2. Regionalisation

The Kurdish question makes almost impossible a healthy discussion on regionalisation in Turkey. This is why territorial administration at the regional level is a very sensitive issue, which sparks deep concerns about an eventual danger of division particularly in the Statist-nationalist bloc. However, it is also one of the areas where EU pressure led to a transformation at the domestic level. Indeed, in reality, the EU has no requirement for the territorial organization of member countries, but regional policy and the EU structural fund management have encouraged member countries to create regional governments even in smaller countries like Greece (Marcou, 2006). EU funding for regional development motivated the establishment of (regional) development agencies in Turkey. First, Turkish NUTS, i.e., the classification of the regions in the country according to the classification criteria of the EU, were created in 2002<sup>1</sup>. Later, with the publication of the Law on Development Agencies<sup>2</sup>, Turkey has shown that it could not remain indifferent to the socio-economic pressure for regionalisation. Reducing regional and intra-regional disparities as well as ensuring a balanced development have always been the fundamental goals of the Republican era and have been highlighted in all the five-year plans. However, newly created regional entities, i.e. development agencies are not decentralized regional administrations. An agency is created at NUTS2 level in accordance with the European Commission resolution and with the decision of the Cabinet. Coordinated by the Organization of State Planning and thus strictly controlled by central government, a development agency incorporates primarily local authorities, NGOs and associations of businessmen under the chairmanship of the governor(s) of the region in question. In its National Programs for the Adoption of the Ac-

<sup>1</sup> Official Gazette, 22 September 2002.

<sup>2</sup> It is interesting to note that in the early texts of draft law on development agencies, they were entitled 'Regional Development Agencies'. The term 'regional' was then removed to eliminate any connotation of regionalisation.

*quis* (2001; 2003; 2008), Turkey has assured that it would bring its regional policy into line with EU practice in the long run. Successive programs have set the major targets of Turkey on that issue as creation of Turkish territorial statistical units, preparation of regional development plans and development strategies, institution of the legal and organizational framework for regional development, reinforcement of administrative capacity at local and regional level and realization of local administrative reforms, and accomplishment of the creation of development agencies.

The law establishing regional development agencies has been criticized by a number of civil actors as well as the major opposition party CHP. CHP filed a lawsuit in the Constitutional Court, alleging that 12 articles of the law violate the Constitution and the establishment of these agencies would undermine the territorial integrity of Turkey. The funding for both of the pilot development agencies based in Izmir and Adana has been suspended pending the ruling of the Constitutional Court on their legality. Although the Constitutional Court annulled 2 articles of the law in 30 November 2007, the law stayed at vigour. Later, the regulation about the implementation of the law has also been brought to the Council of State Court by TMMOB and several articles of the regulation have been invalidated<sup>1</sup>. However, after the decision of the Constitutional Court in 2007, the government relaunched the establishment of development agencies, the number of which reached 26 in August 2009.

In the first two Progress Reports on Turkey published by the European Commission in 1998 and 1999, the administrative reform in Turkey had been discussed within the context of regional economic differences. The need to develop decentralized and differentiated regional development policies and the importance of establishing an appropriate administrative structure for such regional development policy was emphasized by both reports. However, the 2000 and 2001 Progress Reports tended to treat administrative reform within the context of political criteria and criticized the tutelage of the centre over local administrations. Insisting on the importance of institutional structure for regional development, the EU underlined the need for administrative reform in these reports. The public administration reform process launched by AKP government has found a very positive echo on the EU side and the progress reports published since 2004 recognized the importance of administration reform attempts and stated that realization of these reforms would modernize the Turkish administrative system, bring it up to EU standards and facilitating Turkey's accession to the EU. However, in the progress reports published since 2006, Turkey has been invited to complete and ameliorate the reform process, to achieve the democratisation and accession of the country to the EU. The 2007 report on the progress of Turkey stipulated that at the regional level, administrative capacity remains extremely weak, particularly given the lack of progress in the implementation of the regional development agencies law. Also the process of creation of

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<sup>1</sup> See decision of the Court; Dec no: 2009/1879.

structures linked to the implementation of regional policy measures must be reactivated. The report also stresses that although the State Planning Organization has established and coordinated interdepartmental working groups, no formal mechanism, such as an interministerial committee for regional development, has been launched. However, the 2009 Progress Report recognizes the progress made with the institutional framework. The establishment of development agencies in all provisional NUTS II-type regions and involvement of relevant local and regional stakeholders in establishing the budgets of individual development agencies have been appreciated by the Commission. However, the report assesses that these local and regional stakeholders are not involved in selecting the provinces to host the development agencies. It has been underlined that administrative capacity at regional level remains weak as limited progress was made as regards institutional capacity. Indeed, the actual capacity of development agencies being able to become strategically important organizations strengthening regional governance and regional socio-economic development has also been questioned by the research (Legendijk et. al., 2009: 386).

But, the domestic social, political and military context does not facilitate further adjustment to European requirements on that issue. Here, it is a question of endogenous resistance about a sensitive domestic issue. If we borrow the formal political discourse: the regional approach does not conform to the realities of the country (Marcou, 2006). However, an assistant state secretary of Interior Ministry stated in a symposium that, during the period where they studied public administration reform, even pronouncing the term 'region' was very critical and it was almost unimaginable to think about territorial administrations at regional level (Özden&Alada, 2006: 45). Thus, a strong tendency to 'fine-tune' EU requirements to match a country's particular preferences can be observed in the domain of regionalisation.

### 5.3. Real Advocates of Reform: Local Governments

Although local administrations, most particularly, municipalities are not involved directly in the reform process as actors, one should however remember that Europeanization has been fervently anticipated and embraced at this level. There is a common view emphasizing that the local government tradition is young and weak in Turkey. But, although young, local administration history since the 1970's reveals an increasingly strengthening local dynamic and municipalities evolving to be crucial actors in Turkish political life. In fact, during the 1970's in Turkey, the social democrats achieved an unprecedented local election victory over the right wing central government. These newly elected local actors, until then dependent on the central resources and policies, henceforth claimed their political autonomy vis-à-vis the central government (Bayraktar, 2007). The antagonism of the latter to this demand led them to establish themselves as the major opposition centres within the heavy political atmosphere of the country which was almost on the verge of civil war at this time. Suppressed by administrative and especially financial control and tutelage of the central government, they had to develop strategies of fulfilling their duties and

increasing their revenues. Significant efforts were done to develop citizen participation to local life. In fact, they explored the limits of their power, which was, with reference to the legal context, not constraining at all. Indeed, the law on municipality published in 1930 delineated a very comprehensive range of duties and responsibilities, which explains the longevity of this law, remained in force until 2005. As a matter of fact, according to the assistant state secretary of the Interior Ministry, the new laws on special provincial administration and on municipality are behind their predecessors, published in 1912 and 1930 respectively, regarding local autonomy (Özden&Alada, 2006: 32). So, under these extraordinary circumstances, municipalities turned out to be the powerful actors of the political scene, without needing any legal-administrative restructuring. This period gave rise to the accumulation of a certain democratic culture of local autonomy, called 'social municipalism' (Tekeli, 1992: 88), and has certainly marked Turkish local administration history.

During the period following the military intervention of 1980 Turkish municipalities benefited from a gradual improvement of their resources and administrative competencies. The municipal incomes were doubled between 1980 and 1986; however, this increase was not due to the financial independence of local governments, as they did not control the allocated resources. The central government transfers and taxes formed the source of these centrally controlled resources. This dependence on central government particularly on financial matters maintained during the recent reform process: The law about the local government revenues published in 2008 (law no: 5779) has only slightly modified the repartition of the resources among different levels of local administration, but no right to levy taxes and contributions has been recognized. However, it would not be correct to claim that local government stepped back thereafter.

Starting from 1980's a neo-liberal transformation has been observed in municipalities. The reforms of 2000s have reinforced this tendency. The new legislation has expanded the scope of the responsibilities of local administrations in the provision of public services, as well as in the promotion of the social and economic development of the relevant communities. Some municipal services like public transportation, urban hygiene, construction of infrastructure, parking, were undertaken by municipal enterprises or private companies. "Founded as private companies, and hence free from the restrictions of administrative legal control, these municipal enterprises also sidestepped any kind of public control. In fact, even market forces were unable to influence these bodies since they generally enjoyed a monopoly position in their field. New municipal companies with immense capitals on the distribution of water, gas or public transportation (e.g. İSKİ, ASKİ, İGDAŞ, İZULAŞ) were thus founded" (Bayraktar, 2007; Şengül 2001: 111). So, although local government revenues have not been substantially reformed, these administrations, most particularly municipalities have become huge financial entities.

During the 2000's, municipalities have further tried to push the limits of their autonomy in some cases, as we have mentioned above with regard to the mainte-

nance and repair of school buildings, or as in the example of Sur district municipality of Diyarbakır metropolitan municipality, which adopted a multi-language policy. However, in the second case the Council of State decided the multi-language implementation was unconstitutional and dismissed the mayor and the municipal council<sup>1</sup>. Such an initiative could not be attempted without the democratic freedoms triggered by the Europeanization process.

Europeanization has had without any doubt a positive impact over the development of democratic culture at the local level. The EU accession process created awareness about the opportunities for asserting more political and economic power. Even small municipalities<sup>2</sup> organize training programs on the EU and try to have a European Affairs Department, to set up relations with EU institutions, to benefit from EU grants and funds and to set up partnerships with European local governments. 'European integration allows domestic actors, such as interest groups or regions, to by-pass or circumvent national executives thereby increasingly weakening the role of the states as key players in European policy-making' (Börzel, 1999: 574). Indeed, Turkish local administrations have realized that to the extent that they align their culture of democratic administration with that of the EU, their autonomy increases. This is why Europeanization is much stronger at the local level, because it coincides with the strategies of the locality, which looks for more power and more autonomy. In return, this process of social learning or 'socialization' with EU standards has triggered a transformation (although limited) in norms, values and paradigms of governance and contributed to local democracy much more than legal reforms.

## 6. Conclusion

Administrative reform, which constituted the last section of the reform process, did not bring a substantial legal and institutional transformation. Only subsidiary improvements have been attained in the field of local democracy and participation. The most powerful resistance to change has been encountered in the domain of regional development policies. The political sensitivities towards region formation and regionalism keep central government from devolving authority and resources to the regional level. Thus, centrally controlled development agencies lack strategic capacity for a more proactive role in regional development. It is evident that the EU factor gave leverage to AKP and without a membership perspective, it would be very difficult to put a program of public administration reform on the government agenda, not because there exists no endogenous claim for reforms but because of AKP's deficit of political legitimacy. During the first term of the AKP government the prospect of membership created a source of legitimacy and AKP obtained the support of pro-European social and political groups. The convergence between the aims of AKP and European pressure facilitated the reforms. However, after the 2007

<sup>1</sup> <http://arsiv.ntvmsnbc.com/news/411156.asp>

<sup>2</sup> [http://www.babaeski-bld.gov.tr/gundem\\_oku.asp?newsID=230](http://www.babaeski-bld.gov.tr/gundem_oku.asp?newsID=230)

elections, government priorities have been completely changed and the reform process intended to ensure the accommodation of the country with EU entry has been more or less abandoned. Today, it seems unlikely that AKP will relaunch the reform process, as the joining prospect hardly stimulates any enthusiasm in Turkish public opinion. Although AKP's pro-European discourse has not disappeared completely, it is no longer translated into a level of action. The stakes have been radically changed for AKP, and today it is much more difficult to legitimate a policy choice with the EU, given that Europeanization is perceived negatively by an increasing proportion of voters.

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