Recent Administrative Reforms in Turkey: A Preliminary Assessment

Süleyman Sözen
Associate Professor
Anadolu University
Faculty of Economics and Administrative Sciences
Eskişehir, Turkey

Abstract

The Turkish public administration has recently experienced significant reform, resulting from the convergence of external and internal factors favoring change. It is possible to classify administrative reforms into two main groups. They are respectively managerial reforms and governance reforms. The study broadly reviews and provides a preliminary assessment of recent reforms undertaken in the first decade of the 2000s. The content and spirit of recent managerial and governance reforms reflect a new understanding of administration that is quite different from the traditional form of administration. Thus, they have the potential to bring about considerable changes not only in the role of Turkish public administration, but also in the nature of relationship between state and society. Nevertheless, the study addresses prevalent state-centred administrative culture and the patrimonial patterns in the Turkish politico-administrative system as two crucial factors posing difficulties in effective implementation of reforms.

Keywords: Turkish public administration, managerial reforms, governance reforms

1. Introduction

In recent years, Turkish public administration has undergone substantial legal and structural reforms. It can be argued that internal as well as external dynamics are involved in the change process. One external driving force for recent administrative reforms has been Turkey's aspiration for the EU full membership. When Turkey was granted the status of a candidate country at the Summit of the Council of Europe held in Helsinki in December 1999 Turkey undertook comprehensive reforms in many areas including public administration in order to comply fully with the political criteria for EU membership. Clearly, the EU accession process has contributed greatly to administrative reforms (Sozen and Shaw, 2003; Sobacı, 2009). Moreover, the relations stemming from the loan agreements signed by Turkey with international organizations such as IMF and the World Bank are other external factors pushing for public administration reform (Sezen, 2011).

In the domestic political sphere, the strong political commitment and leadership demonstrated with regard to restructuring of public administration by the governments set up by the Justice and Development Party (AKP), which secured a landslide majority of the seats in the Turkish Grand National Assembly (TGNA) at the general elections of 3 November 2002 and 22 July 2007, played an important role in pursuing administrative reforms. Administrative reform has been one of the key priorities of the AKP governments. Besides, growing demands and expectations for effective and higher quality provision of public services raised by the various segments of the society and mainly by the business world and the non-governmental organizations (NGOs) were also influential in making administrative reforms happen. The main purpose of this study is to analyze administrative reforms undertaken in the first decade of the 2000s. In doing so, the first part of the study will provide a broad overview of recent administrative reforms. The final part will make a preliminary assessment of the reforms with particular reference to the Turkish politico-administrative system.

2. An Overview of Recent Reforms

When we look at the content of recent administrative reforms, it is reasonable to classify them into two main categories. The first set of reforms might be named as "managerial reforms", the second type of that as "governance reforms". While managerial reforms aimed at improving economy, efficiency and effectiveness of public sector, good governance reforms focused on transparency, accountability, responsiveness and participation in public administration.

2.1 Managerial Reforms

Managerial reforms are associated with the "New Public Management" (NPM) which became a worldwide phenomenon during the 1980s and 1990s (Pollitt and Bouckaert, 2004). The main tenets of NPM can be classified into three broad categories: the use of market-type mechanisms, organizational restructuring, and a focus on performance (Batley and Larbi, 2004).

In line with the global trend Turkey has carried out a wide-range of managerial reforms. Privatization policies have been one essential component of managerial reforms in Turkey. Indeed, Turkey has initiated privatization programs in the middle of the 1980s and accelerated her efforts in the 2000s. As a result of massive privatization policies, many state-owned companies have passed to the private sector. Subsequently, the number of state-owned enterprises (SOEs) fell from 42 to 27 between 1985 and 2009. Between 1986 and 2009 revenue from privatization reached 38 billion USD (Sezen, 2011). For instance, the total volume of privatization revenue reached 4.92 billion Euro in 2008 (about 1.5% of GDP) (European Commission 2009). Another logical consequence of privatization and liberalization policies has been the establishment of autonomous regulatory agencies in order to regulate the relevant market. Today, in Turkey, there are nine autonomous regulatory bodies. In addition to major privatization policies, in recent years, Turkish public organizations have been also increasingly outsourcing functions such as cleaning, waste collection, personnel transport, catering, security and IT services. In Turkish public administration outsourcing is now encouraged both legislatively and practically (Bensghir and Tekneci, 2008).

As mentioned above, the adoption of business management practices into public administration has been another key principal of NPM-type-managerial reforms. In accordance with international trend, the Turkish Governments initiated business-like management reforms into public organizations. One of them has been the introduction of strategic plans and performance-based budgeting with the aim of ensuring economic, efficient and effective use of the resources and increasing fiscal transparency and accountability. The Law (No. 5018) on Public Financial Management and Control (*Kamu Mali Yönetimi ve Kontrol Kanunu*, KMYKK), approved in 2003, envisaged that public authorities shall prepare strategic plans covering a five-year period, and their medium- and long-term objectives, basic principles and policies, aims and priorities, performance criteria, and methods to achieve these objectives and resource allocations (OECD, 2011). Another novelty provided for in KMYKK is the new obligation for public administrations to prepare and publicly announce annual activity reports that demonstrate the outcomes of their activities (KMYKK, art. 41). The Law also included noteworthy measures in ensuring transparency in the public financial management system. In order to ensure control in acquisition and use of any public resource the Law required public authorities to inform the public in a timely manner. The same law also envisaged the establishment of strategy development and internal auditing units within public authorities.

Decentralization is also a central aspect of the NPM-type managerial reform agenda. Following criticisms that the centralized bureaucratic structure is far from being responsive to the needs of the citizens, strengthening local governments has been a key priority within the AKP governments' reform agenda. In this context, the former laws regulating local governments were totally changed and the duties, responsibilities and powers of local governments were expanded with the Law (No. 5302) on Provincial Special Administration, and the Law (No. 5393) on Municipalities, Law (No. 5216) on Greater City Municipalities and the Law (No. 5355) on Local Government Unions. The new laws, approved in the middle of 2000s, narrowed the administrative tutelage control of the central government on local governments and also included provisions providing participatory mechanisms for local community. Besides, local government bodies are also granted the legal authority for outsourcing almost every service in their spectrum of tasks.

With regard to decentralization reform, it is worthwhile to mention the establishment of Regional Development Agencies with the Law on Development Agencies (No. 5449), which was put into effect in February 2006. There are now 26 agencies established. Development Agencies are considered as an important step taken to improve partnership between public sector, private sector and non-governmental organizations (OECD, 2011). The Law identified their founding purpose as to develop cooperation between public, private and civil society organizations, to ensure appropriate and effective usage of resources and mobilize the local potential and thereby accelerate regional development and ensure its sustainability in harmony with the principles and policies foreseen in national development plans and programs and close the developmental gap within and between regions. These Agencies have legal status and are subject to private law provisions in all their acts and transactions that are not regulated in the Law (art. 3). The Agency is represented by the Chairman of the Board of Directors.

The Board of Directors, which is the decision-making body of the Agency, is comprised of the provincial governor, the mayor of the greater city, chairman of the provincial general assembly, chairman of the chamber of industry, chairman of the chamber of commerce and three representatives selected by the board from private sector and/or non-governmental organizations. The board of directors is chaired by the governor (art. 10) (Sözen and Algan, 2009). In relation to managerial reforms, another noticeable development has been the efforts on cutting red tape and simplifying administrative procedures. Within this context, on 31 July 2009, the Council of Ministers issued the Regulation on Principles and Procedures Governing Public Service Delivery. The Regulation required administrations to establish their service standards and make them public. With this study, citizens will know which documents and information are requested; how long it will take to complete the service and to whom they can complain (OECD, 2011)

2.2. Governance Reforms

In line with recent democratization policies in Turkey, the introduction of good governance reforms has been another essential component of administrative reforms. Governance reforms aimed at improving transparency, accountability and participation within public administration.

With regard to transparency and accountability one important legal regulation has been the introduction of the Law on the Right to Information (*Bilgi Edinme Hakkı Kanunu,* BEHK) into the Turkish legal system. The Law was adopted on 09.10.2003 (Law No. 4982) and came into force on 24.04.2004. Furthermore, the Regulation, adopted on 27.04.2004 laid down the principles and procedures for the implementation of the law. It is widely suggested that one of the indispensable elements of modern democracies is to have the right to information. The right to information is a prerequisite for ensuring the voice and participation necessary for a democratic governance. The Law on the Right to Information entitles the individual to access to information held by public authorities, while putting the administration under obligation to give information. The aim of the Law, according to the Article of 1, is to establish "*the principles and procedures regarding the right of individuals to receive information in accordance with the principles of equality, objectivity and openness, which are the requisites of a democratic and transparent government*" (art. 1). All public organizations are identified as responsible parties in the exercise of this right (art. 2). The Law provides citizens and legal persons with a right of access to recorded information held by public authorities. Within the framework of reciprocity, foreign citizens residing in Turkey and foreign legal entities operating in Turkey also have a right to information related to themselves or their field of activity (art. 4). The Law also makes public organizations responsible for taking necessary administrative and technical measures to ensure effective exercise of the right to information. In this regard, public organizations are obliged to publish their basic decisions and legal regulations falling under their duty domains, and annual activity reports, through using information and communication technologies.

Furthermore, the establishment of the Ethics Committee for Civil Servants in 2004 with the Law (No. 5176) on the Establishment of the Ethics Committee for Civil Servants and Amendment of Some Laws has been another notable development for public administration. In 2005, the related Regulation set forth the ethical codes of conduct for public officials and laid down the principles and procedures to regulate applications to the Ethical Board. The overall aim is to increase public trust in public administration, to inform citizens as to what they are entitled to expect from public officials. The concerning Regulation identified the principles in the discharge of duties as justice, integrity, transparency and impartiality.

In a democratic system, accountability mechanisms are multi-dimensional and the ombudsman institution is one of them. In Turkey the establishment of an ombudsman institution was discussed for many years but the first concrete step was taken through the Draft Law (No. 5227) on the Fundamental Principles and Restructuring of Public Administration. The Law foresaw the establishment of public ombudsman in every province for local authorities to assist in resolving the conflicts arising from the acts and operations of local authorities (art. 42). However, this Law failed to come into force as it was sent back to the Turkish Grand National Assembly (TGNA) by the 10th President of the Turkish Republic and hence a local Ombudsman institution could not be established (Sözen and Algan, 2009). Following this failed attempt, the government initiated a new legal arrangement and in 2006 the Public Inspection (Ombudsman) Authority (*Kamu Denetçiliği Kurumu*, KDK) was established under the Law (No. 5548) on Public Inspection Authority. The main responsibility given to the Authority is upon a complaint to review and investigate the actions of the both central and local administration and to advise the administration accordingly.

Nevertheless, the Constitutional Court first stayed the execution of the Law and later annulled it on 25.12.2008 (Resolution No. E. 2006/140, K. 2008/185). However, the 2010 Amendments to the Constitution changed the Article 74 of the Constitution, titled "Right of Petition" as "Right of Petition, Right to Information and Appeal to the Ombudsman". As such, the constitutional reform provided the basis for establishment of an Ombudsman institution. Another important reform attempt is the Draft Law on General Administrative Procedure (*Genel İdari Usul Kanun Tasarısı*, GİUKT) which includes crucial principles aiming at enhancing the transparency and accountability characteristics of administration. Predetermination of procedural rules that need to be adhered to during administrative acts and ensuring that these rules are known by citizens is an important requirement for a transparent administration. In Turkey, despite a long history of efforts to establish the principles and procedures regarding the acts of the administration, law on administrative procedure has not yet been issued. However, it can be said that preparations are at the final stage following the work on which has been continuing since 1990s. The Draft Law on General Administrative Procedure was submitted to the Prime Ministry by the Ministry of Justice in November 2003. The last version of the Draft Law was sent to the Prime Ministry in September 2008.

In the 2008 Program of the Government, under the section "Increasing Quality and Effectiveness in Public Services", it was stated that the work on the Draft Law on General Administrative Procedures will be concluded by the end of the year. However, the Draft Law has not become a statutory law as of 2010. Similarly, the 2010 Program of the Government indicated that the work on the Draft Law on General Administrative Procedures will be completed and will be sent to the Parliament by the end of December 2010 (SPO, 2010:242). The 2008 version of the Draft Law contains significant provisions oriented to ensure transparency of the administration. There is no doubt that when the Draft Law becomes as a statutory law, there will be substantial implications for public administration. The Law will reinforce transparency in public administration and foster the transition from secrecy to transparency in the relations between the administration and the individual.

Citizen participation is one of the core values of democratic governance. The presence of a strong and effective civil society is vital for monitoring public administration and overseeing its activities. One essential component of democratic public administration is to have legal and institutional mechanisms for ensuring the participation and cooperation of non-governmental organizations. However, due to its unitary state structure, strong state tradition and highly centralized organization, it is difficult to say that Turkish public administration system has the mechanisms to ensure effective participation of the civil society. Moreover, it is also difficult to say that there is a strong civil society tradition that can fulfill the function of overseeing administrative machinery.

Nevertheless, this situation has begun to change in recent years. Current administrative reforms in Turkey have included some mechanisms for ensuring civil society participation and cooperation. One of them is the creation of City Councils in 2005 by the Law (No. 5393) on Municipalities (art. 76). The related Regulation was published by the Ministry of Interior to regulate the working principles and procedures of City Councils. In the Regulation, City Councils are defined as democratic structure and governance mechanism where the local branches of central government, local government and civil society organizations meet with an understanding of partnership and within the framework of a community (townsmanship). In short, City Councils are seen as a platform to enhance public participation in local government, and strengthening local governance structure. However, the EU Progress Report points to the little progress on establishing operational city councils (European Commission, 2009).

Progress in democracy is closely linked to progress in protecting human rights. Improvements in the protection of human rights contribute to consolidation of democracy. In the field of human rights there have been important developments in the recent period. Reforms undertaken for protection and improvement of human rights occupy a noticeable place in the overall public administration reforms. In this respect, restrictions on human rights and freedoms have been eliminated to a considerable extent and significant progress has been made towards achieving the universal standards in human rights through extensive constitutional and law amendments in many areas that are directly associated with human rights and particularly through the Constitutional amendments of 2001 and 2004 (İnsan Hakları Başkanlığı, 2008). In addition to legal reforms, some structural arrangements have been also made in the area of human rights. The TGNA Human Rights Review Committee, the National Committee for the Decade for Human Rights Education, the Prime Ministry Human Rights Presidency and the provincial and district Human Rights Boards can be listed among these new structural arrangements. Furthermore, human rights units have also been established within the related public departments. For example, the Bureau for Review of Allegations of Human Rights Violations has been established in 2004 under the Inspection Board of the Ministry of Interior.

3. The Implications of Recent Reforms: A Break from the Past?

It can be argued that current administrative reforms, briefly outlined above, might have important implications for Turkish public administration. Indeed, the content and spirit of recent managerial and governance reforms reflect a new understanding of administration that is quite different from the traditional form of administration. Thus, they have the potential to bring about considerable changes in the role and functions of Turkish public administration.

Above all, with recent legal and structural reforms, the Turkish administrative system has been moving from a "state-centred" administration to a more "citizen-centred" administration. Indeed, strong state tradition, which evolved in the history of the Ottoman-Turkish polity, has been one fundamental characteristic feature of the Turkish politico-administrative system (Heper, 1992, Heper and Keyman, 1998; Omurgonulsen and Oktem, 2009). The predominance of a strong state tradition has had important consequences with regard to the state and society relations. Some of them can be expressed as follows: the weakness of civil societal and individualist elements vis-à-vis the state, the creation of a highly centralized administrative structure, the establishment of autonomous state institutions such as the military, the Constitutional Court, the National Security Council and the civil service and their dominance over civil society.

With respect to public administration, another consequence of having a strong state tradition has been the development of an administrative culture which is not responsive to the needs of the citizens. Culture of secrecy has constituted a crucial aspect of Turkish administrative culture. Furthermore, public officials generally see themselves as a state official representing the state rather than servants of the public. As one reflection of such a notion of the state, public officials have considerable legal safeguards in relation to performing their duties. Within this polity, the military and civil bureaucracy acquired a predominant position in the structure of state power. They have traditionally seen themselves as guardians of the state and protectors of general interest. For the state elites, the foremost concern has always been to the preservation of the state ideology, unity and integrity of the state. Therefore, the control function of administration had taken primacy over service delivery function. Nevertheless, with the governance reforms initiated in the first decade of the 21st century, the primary role of administrative apparatus has been changing from being the one serving to the state to serving to the people. As mentioned above, recent reforms have included some provisions and mechanisms to make public administration more accountable, transparent, responsive and participative.

There is no doubt that making legal reforms is a significant development on its own but without effective implementation of them it is unlikely to achieve the desired changes aimed with these reforms. Thus, in the wake of these rapid changes, the effective implementation and enforcement of laws has become a critical issue in Turkey. In this respect, it can be argued that there are some difficulties and obstacles to put new legal arrangements into practice. First of all, the prevalent state-centred administrative culture might pose great difficulties in implementing reforms because of incompatibility between traditional administrative structure and recent reforms which reflect good governance and managerialist approach.

Secondly, in relation to the design and scope of recently established mechanisms and structures there are some weaknesses which are adversely affecting their effectiveness. It can be argued that new mechanisms are not equipped with sufficient authority, autonomy and resources so as to undertake their functions in an efficient and effective way. For example, the Ethics Committee for Civil Servants, the Human Rights Presidency and the Board of Review of Access to Information do not have the status of a distinct public entity. They had neither their own budget and nor permanently assigned staff. Three of them are affiliated with the Prime Minister's Office and the secretariat is provided by the Office. In its evaluation report, the Council of Europe's Group of States against Corruption (GRECO) recommended that an appropriate budget and sufficient staff should be provided to them and independence of the Board of Review of Access to Information and the Ethics Committee for Civil Servants should be strengthened (GRECO, 2006). Similar points have also been made in the EU Reports. For example, in the EU 2007 Progress Report, it was stated that "The Ethical board of civil servants established in 2004 is still dependent on the Prime Ministry, with no separate budget or personnel of its own.

It thus incurs limitations as to the proper fulfillment of its tasks of monitoring the respect of ethic principles and investigating complaints" (European Commission, 2007:60). It might be argued that the Turkish Governments are very reluctant to create autonomous agencies in public administration. This is mainly because political parties in government desire to have a firm control on public bureaucracy. Thus, the challenge is not simply to establish a structure on paper but to give it the authority, autonomy, and resources to do its job.

4. Conclusion

With the convergence of internal and external forces, the Turkish public administration has recently undergone significant reform. In the initiation of managerial reforms global international organizations such as IMF, World Bank and OECD played a key role while the EU emerged as an influential actor in the introduction of governance reforms. Domestically, the AKP Governments' anti-statist, pro-democracy, pro-EU political stance and pro-free market economic policies have been powerful driving forces for reforms. Indeed, the AKP Governments have vigorously pursued the reform policies aimed at curbing the entrenched power of bureaucratic oligarchy within the politico-administrative system. In this regard, the goal and policies of AKP governments have been in congruence with the EU's accession criteria. The AKP governments have also initiated managerial reforms in order to integrate Turkish economy into the world economy and to make public administration more business-like.

Arguably, recent managerial and governance reforms have a potential to alter not only the role of public administration but also the nature of relationship between state and society. However, effective implementation of administrative reforms is a challenging task and that is as important as making legal regulations. Within the existing administrative culture, the attitudes and behaviors of public officials towards these reforms might be obstructing one. Thus, successful implementation of current reforms relies heavily on the adaptation of public officials to their new roles. This requires changes in existing administrative culture. Moreover, the persistence of patrimonial patterns in the Turkish state and party patronage constitute another impediment to the introduction of administrative reforms aiming at the formation of meritocratic and professional administration. This is a crucial missing part in the recent public administration reform policies.

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