

Review

A Law's Impact on Rural Life: A Case Analyze From Turkey

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A law has come into effect on 6 December 2012 in Turkey. The short title of the law is “Law on Metropolitan Municipality, No 6360.” The law has made important changes in public administration in Turkey. First of all, the legal entity of provincial special administrations, provincial general assembly and villages was abolished in the cities that are governed by a metropolitan municipality. The border of municipality merges with civilian administration. As a result, “metropolitan” has become “whole city.” The law changes cities with over 750.000 people into Metropolitan municipalities. Small municipalities, which were in force in towns, merge with districts in these cities with metropolitan municipalities. By this change in legislation, the legal entity of about 1600 small municipalities in towns and over 16.000 villages, provincial special administrations and provincial general assemblies in 30 cities were abolished in the country. As a result, the rural population has decreased from 24% to 8.0% overnight in Turkey. In other words, the rural population has been urbanized and become part of urban population. The law poses a real threat to agriculture and rural areas. On the one hand, people in rural areas, farmers, on the other hand, agricultural fields and natural sources are under threat. What this Metropolitan Municipality Law will bring to Turkey is important for our common future. In this study, I will analyze and have an analytic discussion on “Metropolitan Municipality Law”, which came into effect overnight and without participation, in terms of changes in rural population composition, common immovable, properties, administrative structure, democratic local government, the structure of use of natural source and the cost of life in rural areas and so on. Because this law decreased rural population in term of administrative aspect. This law increases cost in agricultural production and rural life. If this law comes into effect as it is, there will be a difficult and high-cost period for agriculture and rural in Turkey. This law, which passed from the Parliament without consulting local people, affects the values of local, the future of natural sources, the right of property, land-water for rural people, the style of socio-economic life. The law, which ignores participation and governance, led to many problems and continued to lead to problems. In this study, I will analyze and discuss all these issues in an analytical manner.

Keywords: Law on Metropolitan Municipality, Turkey, Rural Life.

1. INTRODUCTION

Law, very important for future of agriculture and rural areas in Turkey, "Metropolitan Municipality Law" has been in effect for over two years. As known, Metropolitan Municipality Law has come into effect upon publication in Official Gazette dated 06.12.2012. The law which has and will have an effect on and shapes and will shape future of farmer and agriculture. The law came into effect with the understanding of "Make it up as you go along" and not only local governments but also agriculture as well as rural area people were all caught unprepared. This approach is contrary to rationale and approach of a Law because the law has come into force without a social agreement, informing the society about this political change and those living in rural area and consulting people whose living places are changed. Particularly, those living in rural areas, the farmers whose future will be shaped by the Law have not been informed about the Metropolitan Municipality Law as required and those living in rural areas and engaged in agricultural activities cannot even predict what the Law will bring about them yet. In fact, the Law has so many gaps that will influence directly or indirectly almost minimum half of the population.

Such an important Law hardly finds a place in agenda of Turkey. And after this law has come into effect, the following expectation occurred "what kind of new legislations we can adopt to keep the rural areas under control." Metropolitan Municipality Law is a rural issue, shapes and will shape the future of the rural area, farmers and agriculture yet there is an attempt to keep it out of agenda. The law has so many gaps that they will shape and has started to shape the future of rural areas. The full title of the Law is "Law numbered 6360 on Establishment of Metropolitan Municipalities in 13 Provinces (later 14 provinces) and Twenty-Six Districts and Amendments in Some Laws and Decrees in Force of Law".

Metropolitan Municipality Law numbered 6360 has been making essential changes in public administration. First of all, the legal entity of provincial special administrations, provincial general assembly and villages has been abolished in cities which were governed by a metropolitan municipality. The border of municipality merges with civilian administration. Thus, "Metropolitan" has become "whole city". Function of central government's representative, the governor to inspect has made debatable for sake of so-called reinforcing local government. The Law changes cities with over 750.000 population into the status of Metropolitan city and establishes Metropolitan Municipality with the name of the said province. The town municipalities in such provinces were abolished and become a neighborhood of the district that they are part of it. Villages within the borders of Metropolitan Municipalities merged with districts in these cities. Moreover, villages and neighborhoods, if any, under population of 500 people were abolished, while it stipulates

that "no neighborhood can be established in residential areas with a population under 500." (R.G. 22.03.2013, No: 28595). Any villages or districts, which are in this category, have merged with the nearby living area and created a joint neighborhood. By this amendment in the legislation, the legal entity of about 1600 small municipalities in towns and over 16.000 villages, provincial special administrations and provincial general assemblies in 30 cities were abolished (on 30 March 2014). (www.resmigazete.gov.tr)

The Law has created two different views in society and politics. First, the law will bring holistic approach in service and thus municipality services will also be offered in rural areas. Second, upon the law, the agricultural lands will be transformed into urban lands, and new income generating fields will be created and uses of agricultural lands and immovable for purposes other than agriculture will occur, and in the next stage, rural area culture and village culture will disappear. This study discusses the law with respect to future of agricultural and rural areas and makes an analytical evaluation.

2. MATERIAL AND METHOD

The main materials of this study, which is about Law No. 6360, are composed of data from 15 metropolitan municipalities by way of correspondence. This study analyzes the Law No. 6360 with regard to the effects of agriculture and rural areas. The study, also, includes 30 Metropolitan Municipality Presidency questionnaire on the impact of the law has been submitted to demonstrate. In rural areas, with the law in this questionnaire, and the resulting changes in the agricultural structure information has been requested. 15 of them were by completing the questionnaire from 30 metropolitan municipalities. In the study, it presented to summarize the information obtained from this form.

3. WHY IS THE LAW IMPORTANT FOR AGRICULTURE AND RURAL AREAS?

The world suffers from a steadily increasing food problematic. Various problems such as hunger, poverty, climate changes, migration, and the careless and unconscious use of natural sources, water conflict, etc. pose a threat to our future. The humankind is in a dilemma. Rich countries may find temporary solutions for themselves, wealthy families and individuals may think that they will overcome the problems but the problems to occur in future will be problems of all people, or all people will have responsibility. Enacted under such concerns, The Metropolitan Municipality Law also gives some hints for future. While talking about service integrity, living cost increase in rural areas, increasing agricultural production

cost has already felt in a destruction of natural sources particularly in coastline regions. The Law is irrelevant to its geography and neighborhood. What will happen to us, it asks with the concerns for the future in rural areas, regarding production and immovable properties, living cost, culture, sociological and economy-politics.

It will be better to emphasize the general importance of agriculture once again. Why is it important?

- For adequate, balanced and healthy nutrition,
- For best use of scarce sources,
- For stronger economy of our country,
- For fair income distribution,
- For development from bottom
- For national security,
- For crisis, disasters, food crisis,
- For creating more employment opportunities by use of less investment.

It is likely to say that agriculture is a real instrument of “insurance and safety” for the country when considered from these points of views. For better understanding the future it is essential to consider the law from this perspective.

Rural areas hosting agriculture is important for the protection of future. In other words, rural life and rural area are important for:

- Agricultural production and sustainability,
- Protection and existence of cultural background,
- Pursuit of lives by individuals in a healthy and happy place where they are,
- Clean air, nature and healthy nutrition,
- To protect the non-written cultural heritage,
- Possession and sustainable use of lands, avoiding loss of lands for profitability,
- building bridge connecting past and future,
- The poor and middle class endeavoring for self-sufficiency.

All those agricultural and rural important aspects are threatened by Metropolitan Municipality Law now. The people in the rural areas, the farmers as well as lands and natural sources are all under threat. Hence, what the Metropolitan Municipality Law will bring is important for common future.

4. THE CONSEQUENCES OF METROPOLITAN MUNICIPALITY LAW IN AGRICULTURAL AND RURAL LIFE

The Law decreased rural population by over 50% overnight, in other words, urbanized the population. While 23,2% of the population was in rural areas in 2011, such rate fell to 8% by the end of 2014 after the Law. No doubt, this decrease is just because of an administrative

definition, and the rural area population remains in its place and continue to survive and produce. Now, has such decrease been good or bad for the rural population? Time will answer, but apparently, the guide in the village already gives some clues. It is also likely to conclude that we have been a country urbanized by Law. (Olgun and Gülçubuk, 2016).

The Metropolitan provinces having the biggest rural population in Turkey have now been Metropolitan cities. The populations in such provinces are no more called rural population. The villages and towns converted into neighborhood status are now at the stage of losing their tangible, intangible values such as their traditions, common use areas, cemeteries, fountains, etc.

The Law converted more than 16 thousand villages into neighborhood status and abolished hundreds of small town municipalities at once. How the services will be offered to such areas, how much service will be provided, how effective the distance will be in service supplies and access to service are all unknown... In fact, we would better to consider the matter with respect to agriculture and make fundamental conclusions.

- Electoral area of mayor of metropolitan municipality has become borders of civilian administration upon the Law numbered 6360. The term of first tier municipality in effect then now has been terminated completely and metropolitan and district municipalities have been clearly distinguished.

- Provincial special administrations in 30 provinces having metropolitan municipalities under Law numbered 6360 have been abolished. Any and all movable and immovable properties owned by Provincial special administrations, any all rights, receivables and payables of them will be shared among public entities by a commission to be formed for such purpose (Provisional Article 1).

- Under the Law an entity called “Investment Monitoring and Coordination Centre (YİKM)” will be established in the provinces having metropolitan municipalities. Investment Monitoring and Coordination Centers were founded in districts of such provinces and in other provinces by virtue of decree adopted by Cabinet of Ministers. Supervision and management of Investment Monitoring and Coordination Center is carried out by governor’s offices in provinces and districts. In other words, according to the law, Municipalities make investments and try to provide services but Civil Administration is responsible for supervision and management thereof. In such case, problems and disputes will arise between civil administrators, that is, Governors and the municipalities. Here the people will suffer from failures in services and investments (Ozan, 2014).

- If the above article, that is, article 34 is to be analyzed again, according to the Law, the governor is empowered to intervene in case of any failures in investments and utilities carried out by public entities and organizations in the city. However, in such case firstly the

governor or concerned ministry should discover that public health, peace and welfare and public order and safety is adversely affected by the situation. In case of discovery of such situation, the governor may require performance of the investment and services by other public entities and organizations in the city or request performance of the said service by investment monitoring and coordination committee. At this point impartiality of the civilian administration becomes important. Otherwise, big problems may arise between the elected ones and the appointed ones, and no doubt, it will be the people who suffer from such disputes.

□ Those living in villages incorporated into Metropolitan Municipalities under Law encounter new expenditure items such as potable water, wastewater bill, "contribution, price" for infrastructure investments and similar costs etc. in time. Such costs will reach metropolitan area price levels in time (after 5 years of transition that is what is said) and heavier burdens will be imposed. That is, services in rural areas will be fixed based on metropolitan city prices. Poverty has already been chronic in rural areas and cost will increase with such approach of service supplies. In such case a new wave of migration from rural area to urban area may be encountered.

□ The law has envisioned to abolish 559 municipalities in other cities due to falling of population under 2000 in addition to abolishment of municipalities in cities of metropolitan municipalities. In other words, the population is criterion for the provision. Such provision will cause big imbalances in terms of service supplies and participation of people in decision-making process. Indicators such as area, distance to central settlement areas, and access to service will be main factors.

□ An important change in the law is about the income of local governments. Law numbered 6360 has amended the rates of income gained by metropolitan municipalities and provincial special administrations from the tax revenues. With the Law numbered 6360 the rate of metropolitan municipalities in tax revenues of general budget was decreased to 1,50% from 2,85% while the rate of provincial special administration was decreased to 0,5% from 1,15% and rate of district municipalities was increased to 4,5% from 2,50%. 90% of the portion of 4,5% allocated to metropolitan district municipalities will be distributed based on population while 10% based on the area. The balance between area and population has not been taken into account. 30% received by metropolitan municipality from metropolitan district municipalities has not been changed.

□ According to article 3 of the Law, district municipalities or metropolitan municipalities if demanded by district municipalities perform or provide performance of architectural projects of traditional, cultural and architectural characteristics of the area as per improvement legislations or buildings of non-trade purpose

to be built in villages converted into neighborhood after abolishment of legal personality. What will be the criterion? Who will do it and how will the local texture and culture be protected? Or will a rich and countryside loving population be created in the places nearby centers in seashore areas? They have all brought uncertainty.

□ The Law stipulates that the powers and functions pertaining to opening enterprise and having operation licenses for facilities on licensed fields for mine production activities and other activities based on them will be exercised by governor's office in the provinces where legal personality of provincial special administrations was abolished. This creates new pressures on the agricultural lands and leads to steadily increase in out of purpose use of agricultural lands. They create and have already started to create threats for future. In addition, while the district municipalities were authorized to construct parks, decide on expropriation or conduct development plans, now it is metropolitan municipality which is authorized to inspect or approve them. And this is the place where the attitudes of metropolitan cities become important.

□ Article 7 of the Law reads as "Metropolitan and District municipalities may carry out any activities and services to support agriculture and livestock. The criterion for such activities and service is not clear. Will the criterion be expanded to cover fields of activities of faculties of Agriculture, Veterinary, Aquaculture etc.? How will the fields of activities of Ministry of Food, Agriculture and Livestock and municipalities be limited? it is not clear! Consequently, municipalities have started to engage in agricultural works when initial practices are considered. The advantages, disadvantages and the effects on other entities are all debatable.

□ Article 11 of the Law stipulates as follows: "the incomes to be gained by municipalities in connection with car parks pursuant to development legislations shall be transferred to metropolitan municipality within 45 days from date of collection. Metropolitan municipalities shall use such incomes for acquisition of lands required for construction of car parks and construction of general and regional car parks in consideration of expropriation projects prepared based on approved plans and five-year development programs. Such incomes shall not be used for purposes other than those listed in this paragraph." These all mean that particularly car park incomes in coastline regions of the country become important for meeting fundamental requirements. Operation of such places can be granted to people outside the settlement place and the income gained therefrom may not be used for the settlement place. In such case not only alienation to immovable properties of your own but also social unrest may occur.

□ Article 16 - The following paragraph is added to Article 12 of Law numbered 5393: "the rights, obligations and concessions granted to forest villages and forest villagers will remain in effect for the places converted into

neighborhood from forest village. The people of neighborhood converted into neighborhood from village by merger with municipality as well as those entitled to same rights, if any, will continue to benefit from places such as village common areas and meadows, summer pastures, winter living areas within framework of Meadows Law dated 25/2/1998 and numbered 4342." If a village is affiliated to, merges with another village, a district, then who will benefit from places such as meadows, grazing lands, winter living areas etc. and how will it be? In such case, it will be inevitable to have new disputes.

□ The personnel, any and all immovable and movable properties, rights, receivables and payables of municipalities and villages which were abolished according to article 1 can be transferred to ministries, metropolitan municipalities, concerned organizations or district municipality as the case may be, pursuant to decisions to be taken by Commission. It can be concluded from this that dispute may occur between municipality and village converted into neighborhood at any times, and new disputes may occur in local areas and disputes in preference in use of immovable properties may occur. In this case, will again the strong ones win? This is the question that is asked now.

□ The Law has an article reading as "...the money to be collected for potable and non-potable water in such places will be fixed in such way that it will not be above 25% of the lowest tariff for 5-year. The provisions of this article will be applied in places of which village legal entity is abolished and converted into neighborhood as per provisional article 2 of Metropolitan Municipality Law dated 10.7.2004 and numbered 5216. "Payment of big prices will occur even before end of 5-year period. When it is considered that 75% of the water used in Turkey is used in agriculture, water will be a good income means for public but will bring a huge living cost for farmers and families living in rural areas. Even thinking of period after 5-year scares me... People have to pay for water in the garden, in the field, meadows and even at the city water supply prices. Municipalities will gain a water income in such places without any investments.

5. Concerns about Agriculture and Rural Areas Caused By the Law

The Law allows some room to create an opportunity for some applications, uses. The following considerations worry the rural areas and agriculture. The Law:

- May generate new income fields,
- May allow use of meadows for out of purpose,
- May create pressure on natural sources,
- May cause increase in living cost in rural areas, which will force small farmers to migrate to cities and lose their lands,
- May cause a new wave of migration from rural areas,

- May cause new cheap workforce for capital,
- Will lead in conversion of rural area lands into urban lands and
- Inevitably opening the rural area lands for development.
- Now the land has become a capital saving instrument. However, it is not true for those living in the rural area but those desiring to convert the sources of the rural area into income.

These considerations and potential changes as well as changes in the status of living areas lead people to worry about their neighborhood, and threaten those living in rural area, those engaged in agriculture, those pursuing tracks of past in rural area. The matters mentioned up to this point contain general issues related to agriculture and rural areas. When considered overall, today and future of rural can be interpreted as follows.

First of all, the following matters should be discussed. The Law converts the Metropolitan Municipality fact into means of spreading central policies to the smallest units and makes it an effective instrument as a mechanism to establish the power of central government at local level. (Gülçubuk, 2015)

- The Law stipulates an order ensuring government from one hand, ignoring differences in local and neglecting uniqueness there.
- It wears out unique features, values of rural life.
- The services to be carried out for villages under the Law will be at the bottom of the list after priorities of a city.
- The majority part of the service area of municipality broadened by the Law abolishing urban-rural separation consists of agriculture lands, meadows, forest areas and ecologically sensitive regions which are not residential areas.
- As rural planning is to cover agricultural production planning naturally, the land development legislation and planning practice will become inadequate and uncertain.
- The Law has created room for converting productive agricultural lands that are required to be used for production into an urban area and into settlement lands.
- Since the seaside areas and meadows in the focal target of opportunists will not be protected by legal persons anymore because the legal personalities of villages are abolished, they will be open for "out of purpose uses" and thus natural assets and rural life will be subject to destruction without care for ecosystem balance.
- The Law will trigger a new wave of migration in Turkey. The rural people, whose production sources are limited and lifestyle has been intervened, will be forced to live under harsher conditions, to find job and accommodation in cities.

6. OPINIONS ON THE LAW OF THE MUNICIPALITY WITH EMERGING CHANGES

Some opinions are presented below in summary from the 15 Metropolitan Municipalities;

- The purpose of non-agricultural land in some provinces after the law has been an increase in use.
- The immovable property has been transferred to municipalities in the cemetery.
- In some municipalities in agriculture and/or rural services directorates have been established. These are the services that they provide the infrastructure, superstructure than taking the form of support services is very small kind.
- Rural taken to the pricing of services is not a homogeneous application in question vary.
- Some municipalities go to discriminatory practices against the district municipalities in the use of water resources.
- There is no detailed information about the laws of the local people. In some provinces due to the costs incurred (irrigation fees, water fees, some taxes) appeared serious complaints.
- Injustice in income of district municipalities with revenues of Municipality leads to a serious lack of service delivery.
- There are serious shortcomings in the efficiency of rural services is taken. Justice in the individual access of rural people in the city municipal services cannot be provided as it was.

DISCUSSION AND CONCLUSION

The following findings may answer the question whether the Law is a threat or an opportunity for rural areas and agriculture;

- The majority part of the service area of municipality broadened by the Law abolishing urban-rural separation consists of agriculture lands, meadows, forest areas and ecologically sensitive regions which are not residential areas.
- As rural planning is to cover agricultural production planning naturally, the land development legislation and planning practice will become inadequate and uncertain. Ministry of Food, Agriculture, and Livestock should discuss and develop how the municipality will be effective on lands where agricultural activities are carried out, and the municipality has power of planning.
- The Law opens room for converting productive agricultural lands that are required to be used for production into an urban area and into settlement lands.
- Since the seaside areas and meadows in the focal target of opportunists will not be protected by legal persons anymore because the legal personalities of villages are abolished, they will be open for "out of purpose uses" and

thus natural assets and rural life will be subject to destruction without care for ecosystem balance.

- At the stage we have reached, maps have changed, the population of rural areas has decreased while urban population has increased, a number of urban people living in rural areas as increased and a new rural area class has emerged in cities, and rural-urban areas were supposedly integrated.

- This form of Law decreases the population of rural areas and increases agricultural production cost and living cost in rural areas.

A real local government understanding prioritizing public (with respect to Metropolitan Cities) may change the threats of the law into opportunities only if the following issues are taken into consideration by relevant organs and people.

- The most important issue to be encountered by farmers in future will be irrigation and water prices. Regarding this issued the municipalities may price the water gradually. In other words, pricing based on domestic water, industrial water, agricultural irrigation water pricing can be applied and thus irrigation price can be collected from a farmer on the basis of minimum cost.

- If local administrations conduct studies regarding the effective and efficient use of water, it will contribute to the farmer.

- First of all, local administrations should not intervene immovable properties of rural areas and attempt to make arrangements allowing conversion of them into income generating means. In other words, local administrations should make commitments protect common possessions, immovable properties in villages and towns converted into neighborhood such as meadows, grazing lands, etc. so that municipalities will not intervene, and also they will remain for the use of public. Also, the rights, which are under the protection of the law will not be abused not will be violated under the name of local interests.

- Contributions reducing the cost to small producers can be provided by local authorities. Cooperatives can be supported by local authorities. Sales places can be formed for farmers to sell their products.

- Market areas, product development training, and opportunities can be provided for women in rural areas engaged in agricultural activities.

- Training courses can be provided by municipalities for the youth in rural areas, and out of agricultural employment areas can be generated by local authorities.

- Initiatives, such as packaging and marketing etc., to increase value added of products produced in rural areas can be conducted by people.

- Regular infrastructure services can be provided by municipalities to rural areas.

- Local administrations can make contributions to transport.

- Projects, particularly for women and young population, can be developed by municipalities in-country tourism activities. However, such activities must be environment-friendly.
- Production of decorative plants, outdoor plants, etc., purchased by municipalities, can be performed in rural areas and the municipalities may buy them.
- A municipality may procure products from the rural area (former villages-towns) for its needs and thus contribute to producers.
- Municipalities may establish sale places, marketing areas where farmers, small producers, women may sell their products.
- Cost effective facilities for travel to city a can be increased.
- Organizations for the participation of people from rural areas into social activities in cities can be held by municipalities.

A last word, villages and towns may become city population in administrative aspects but living traditions are surviving for thousands of years will continue to survive. It should not be easy to end it. The Law has been in agenda just in economic aspects. It has not taken into account the individual, sociological point of view. With this view, rural areas will face challenging days and years. The Law enacted without discussing with local people has impacts on local values and socio-economic lifestyle. The Law has caused threats for agriculture and rural areas. The people

in the rural areas, the farmers as well as lands and natural sources are all under threat. Hence, what the Metropolitan Municipality Law will bring is important for common future. Understanding of municipality and local government understanding will have responsibilities as well as powers. Local governments are to and also have to adopt a political position to overcome the threats caused by the Law and prioritize people, rural structure, agriculture and natural sources.

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