**ROLE OF PUBLIC ADMINISTRATION IN INTERNATIONAL MIGRATION AND REFUGEE HARMONIZATION**

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PAPER

**THE ROLE OF LOCAL GOVERNMENTS IN INTEGRATION**

**OF FOREIGNERS IN TURKEY**[[1]](#footnote-1) [[2]](#footnote-2)

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**1. PREFACE**

With its emerging economy, evolving democracy and increasing political power, Turkey is steadily turning from a country of emigration into an attractive destination for immigration. Accordingly, public policies will be increasingly affected by these developments, and also every level of the public administration will have to deal with the different dimensions of migration according to their areas of interests.

Generally, it can be said that Turkey faces four types of migration: internal migration flowing from rural to urban areas, and from East to West; emigration; transit migration, and the international migration that has Turkey as its destination. In the framework of the latter, this report will examine the role of local governments in the provision of certain services to foreigners that settle in Turkey on temporary or permanent basis. The current legal and administrative framework related to the subject matter will be evaluated and amendments/adjustments necessary to reach the desired state of affairs will be discussed.

**2. SCOPE**

**2.1. FOREIGNERS AND IMMIGRANTS**

This report presents an overview of the situation of foreigners, other than tourists, those that settle in Turkey for long or short stay and those that have the center of their social and economic life in Turkey. This may include work or retirement migrants, refugees, asylum seekers, long-term residents, foreign students, researchers, and various other categories. The terms “migrant” and “foreigner” in this report will be used in synonymous and interchangeable manner.

**2.2. LOCAL GOVERNMENT**

Local governments are administrative units that operate on sub-national level and serve in a specific geographical area, with different degrees of its autonomy and authority that can vary from one country to another. This sub-national level is in general sub-divided into two layers, the local and regional governments.

The report, when giving examples from abroad, will present the role played by local governments in relation with international migration and integration, and the term “local government” in this report refers to all types of sub-national governments (both local and regional). In the case of Turkey, where regional governments, in the full meaning of the term, do not exist (yet), the term “local government” covers all existing types such as special provincial administrations, municipalities and villages, however predominantly covering the **municipalities[[4]](#footnote-4)**.

On the other side, the administrative units of the central government (governorates, districts, provincial directorates), representing the “deconcentration” model and active in the localities, do not fall in the scope of this report, as they require a separate assessment.

**3. THE RELATIONSHIP BETWEEN INTERNATIONAL MIGRATION AND LOCAL GOVERNMENT**

In the developed countries sub-national (local and regional) governments are seen as an important stakeholder in the areas related to the international migration and are increasingly empowered in the field. This is emphasized in many official documents and decisions of the Council of Europe, the European Union and other international institutions. It can be said that the Council of Europe plays a key role in this area with its various conventions and recommendations concerning local governments.

**3.1. THE ROLE OF LOCAL GOVERNMENT IN THE FIELD OF MIGRATION IN EUROPE**

Generally, the local governments have an important mission in the areas related to foreigners/migrants’ integration in the local communities. In this context, it is useful to analyze the process that a migrant undergoes in a host country, from his arrival to his later naturalization or acquisition of citizenship – when one legally ceases to be a foreigner – in a form of an "integration stairway".

National government

Area of local government authority and impact

**Naturalization**

**Right to vote in local election**

**Participation in decision making**

National government

National government

**Figure 1: "Integration Stairway" and Local Government’s Authority Area (Murat Daoudov)**

The role of local governments in the process of integration can be described in the context of the stairway presented in the Figure 1. The stages of the foreigners’ path are:

**Stage 1**: Matters like the access to the territory, visa and residence permit fall under the responsibility of the national governments. The work permit is also usually in the realm of the national governments. However, the work permit issuance in some countries like in Belgium is within the competences of federated (regional) governments. However, even in this case, issuing visas and residence permits for work purpose remains the prerogative of the federal government.

**Stage 2**: Individual integration or integration policies targeting the individual. In this context, various integration courses designed for migrants (language, information about the country and people, skills building, etc.), facilitation of employment (vocational training and support for employment), and similar social and cultural services are organized by sub-national (local and regional) governments. National governments have a limited role in this area, such as supervising the quality of services offered, determining the minimum standards, and sometimes providing financial support to such programs. This approach can be described as individualistic and univectoral, as the policies address the individual in a unilateral way. The French model can be considered as the example of such individualistic approach in the integration policy.

**Stage 3**: To address migrants as a group/community and to accept these groups/communities as interlocutor is another method that local governments ordinarily practice in order to foster integration, to achieve harmony in the local community and to better empower migrants. In this case, it goes more about “two-ways”/reciprocal interaction between the local government and migrants. However such mode of interaction still remains a flexible one and occurs on *ad hoc* basis. Meetings with migrants associations and platforms, sessions of consultation, questionnaires towards certain groups of migrants can be cited as examples of such approach. This community-based approach can be described as rather the Anglo-Saxon model. The national government plays only an indirect role in this area.

**Stage 4**: The institutionalization of foreigners’ participation in the decision-making process. As it is the case in many European countries, various official consultative councils and commissions are established at the level of local and regional governments, thus granting migrants specific tools for participation in the decision-making process. Such institutions exist in Germany, Belgium[[5]](#footnote-5), United Kingdom, Denmark, the Netherlands, Spain, Sweden, Switzerland, Italy, Luxembourg, and France since the 1960s and the 1970s. In Denmark and Luxembourg, the establishment of such committees is mandatory by law[[6]](#footnote-6). Here is goes about a two-way, reciprocal and regular form of interaction wich grants migrants an indirect though solid opportunity to “have a say” in local affairs. At this stage again, the national governments play an indirect role.

**Stage 5**: The recognition of political rights such as the right to vote. This right is generally granted only in the local elections, with some exceptions. Some countries recognize the right of regular foreign residents to take part in local elections: Ireland (since 1963), Sweden (1975), Denmark (1981), Norway (1985), The Netherlands (1985), Finland (1991), Estonia (1996), Portugal (1997), Belgium (2004)[[7]](#footnote-7); Also some regions/states/municipalities in Switzerland, USA, Australia, Austria have given the right to vote to foreigners that regularly reside on their territory. In some cases (e.g. the citizens of European Union) this includes also the right to be elected at the local level. The right to vote is decided upon at the national government level, through constitutional and legal modifications, and is implemented at the local level.

**Stage 6**: The naturalization, when immigrants are legally elevated to the status of citizens with full rights, following certain duration of the residence, and thus cease to be foreigners. National governments take decisions in this area.[[8]](#footnote-8)

As described, while the national governments keep the prerogatives in the fields related to the sovereignty such as access to territory and residence permit, right to vote and naturalization, the local and regional governments are active in the areas related to social and cultural needs, to daily life, to vocational training etc.

The overall situation in the European countries, which have accumulated a significant experience in the field of migration management since World War II can be summarized as presented above, with possible variations.

Policies and best practices in this area come also inevitably to the agenda the international institutions. Accordingly, the Council of Europe and the European Union foresee an important role for the local governments in the area of migrant-related policies. In this respect, many decisions, recommendations, and conventions exist.[[9]](#footnote-9) In particular, the decisions of the Congress of Local and Regional Authorities of the Council of Europe, which includes also the Turkish national delegation, are noteworthy. Especially because these are based on the experience of the countries that managed migration for long years and developed various best practices:

* Resolution 323 (2011) and Recommendation 304 (2011): Meeting the challenge of inter-faith and intercultural tensions at local level.
* Resolution 281 (2009) and Recommendation 262 (2009): Equality and diversity in local authority employment and service provision.
* Resolution 280 (2009) and Recommendation 261 (2009): Intercultural cities.
* Resolution 270 (2008) and Recommendation 252 (2008): Improving the integration of migrants through local housing policies.
* Resolution 218 (2006): On effective access to social rights for immigrants: the role of local and regional authorities.
* Resolution 153 (2003): On employment and vulnerable groups.
* Resolution 182 (2004): On fighting severe poverty in towns: the role of local authorities.
* Resolution 181 (2004) and Recommendation 153 (2004): On “A pact for the integration and participation of people of immigrant origin in Europe's towns, cities and regions”.
* Resolution 141 (2002) and Recommendation 115 (2002): On the participation of foreign residents in local public life: Consultative bodies.
* Resolution 92 (2000) and Recommendation 76 (2000): On the participation of foreign residents in local public life.
* Convention (1992): On the Participation of Foreigners in Public Life at Local Level (in force since 1997).
* Resolution 15 (1995): On Local Democracy: a civic project.
* Resolution 183 (1987): On foreigners in regional and local communities.

**4. STATE OF AFFAIRS IN TURKEY**

In the developed countries, as explained above, local governments are in general competent in the field of integration of immigrants. In contrast, the integration of immigrants in the local community was until recently a concept unknown to policy makers in Turkey.[[10]](#footnote-10) It is difficult to say that Turkish local governments are really active in the integration of foreigners. However, if one takes into account the fact that until now even the national government’s actions in this field remained insufficient in terms of taking into consideration the social and cultural needs of migrants, and developing public policies and specific types of services, and also the fact that migration and integration policies are only newly developing in the country, it will become understandable that local governments, which are even not directly empowered in this field, have remained “out of the game”.

**4.1. LOCAL GOVERNMENTS IN THE LEGISLATION ON FOREIGNERS**

The concept of integration of foreigners has entered the Turkish legal for the first time, most probably, with the Law on Foreigners and International Protection, No 6458 dated 4 April 2013[[11]](#footnote-11). The article 96 of the Law states what follows:

ARTICLE 96 – (1) In order to facilitate the mutual harmonization of the society and of foreigner, applicant or beneficiary of international protection and to equip them with knowledge and skills that will facilitate their self-reliance in all spheres of their social lives without any dependency to third persons in our country, in the resettlement countries or in their home countries when they return, the Directorate General may plan harmonization activities within the bounds of economic and financial possibilities of our country, also taking advantage of the recommendations and contributions of public institutions and organizations, local administrations, non-governmental organizations, universities and international organizations.

(2) Foreigners may attend introductory courses in which the political structure, language, legal system, culture and history of the country as well as their rights and obligations are explained.

(3) The Directorate General shall, in cooperation with public institutions and organizations as well as non-governmental organizations, increase courses, distant education and similar systems to implement awareness and information campaigns on areas such as benefiting from public and private goods and services, access to education and economic activities, social and cultural interaction, and receiving primary healthcare services.

The General Directorate of Migration Management, established within the Ministry of Interior, is the body responsible to "carry-out activities and actions related to harmonization” (article 104/f), and for this purpose a "Harmonization and Communications Department” is formed (108/d).

This legislation, which is innovative in many respects, still has drawn a very limited task for local governments. Namely, they are expected to provide (only) “recommendations and contributions” to the General Directorate in the planning of harmonization activities.

Furthermore, among the actors, with which the cooperation in the provision of social and cultural services to foreigners is foreseen, "public institutions and organizations and non-governmental organizations" are explicitly mentioned (article 96/3), thus leaving the local governments out of the scope of practical implementation.[[12]](#footnote-12)

In the first stage, this situation can be partially corrected in the process of developing the secondary regulations. While in the med-term, a more substantial role can be given to local governments in the field of integration through necessary amendments to the law.

**4.2. FOREIGNERS IN LEGISLATION ON LOCAL GOVERNMENTS**

The legislation on local governments neither contains clear texts or provisions related to foreigners/migrants. There exist only some provisions that can be indirectly associated with foreigners. For instance, the article 13 of the Law No 5393 on Municipalities entitled “The rights of citizen” states that “Everyone is a fellow-citizen of the county/town which he lives in. The fellow-citizens shall be entitled to participate in the decisions and services of the municipality, to acquire knowledge about the municipal activities and to benefit from the aids of the municipal administration… The municipality shall perform necessary activities to improve the social and cultural relations between the fellow-citizens and to preserve cultural values”. Even though one could argue that the foreigners residing in the county/town are naturally covered by this provision, the article 14 that states that “the municipal services shall be rendered in the most appropriate manner at the places nearest to the citizens” clarifies that the target public of the municipal services are “citizens” (the citizens of Turkish Republic). As a matter of fact, it is known that the foreigners (non-citizens of Turkey) are not considered as being part of the framework. On the other side, there is the provision in the article 14 “Functions and responsibilities of municipality” that states that “methods adapted to the situation of the disabled, elderly, indulgent and low-income people are applied in the service delivery”. Thus some migrants, especially refugees could be considered as “indulgent” and “low-income” and seen as target public; however in the practice such flexible approach is not always accepted. [[13]](#footnote-13)

On the other side, Turkey does not have legal and administrative framework allowing regular participation of foreign communities in the local decision-making process, as it is the case in some developed countries. For example, the structure of the (consultative) Town Councils (*Kent Konseyi*), which were established for the sake of strengthening the concept of participatory democracy, was not designed to include foreigners and the Regulation on Town Councils[[14]](#footnote-14) did not touch upon this issue. The text of the article 8/f of the Regulation citing “representatives of professional unions with status of public organization, labor unions, notaries, bar associations, and other related associations and endowments” is not clear as to guarantee the inclusion of associations/societies representing foreigners. Though, “the representation of foreigners, that became an integral part of the town, who feel responsible against the place they live in, who strive to promote environmental values, who make efforts for the improvement of life standards, [their participation] in the town councils, which fully care about the problems of the town, which seek to achieve exemplary human settlements through full unity and solidarity, will undoubtedly lead to their interaction with the local population, to harmony and, as result, to their integration with the Turkish community”.[[15]](#footnote-15)

In this context, the Foreigners Assembly, established in the Town Council of Alanya, which is densely inhabited by foreigners, offers a solution which constitutes an important and pioneering experience for Turkey. Also, a Working Group for Foreigners is operating since 2011 in Bursa Town Council.[[16]](#footnote-16) In addition, Foreigners Assembly has been established in 2014 in the Town Council of Konyaaltı Municipality in Antalya Province.[[17]](#footnote-17)

Perhaps the only exception in the overall neglected nature of this matter is the area of voluntary service in local government.[[18]](#footnote-18) The “Regulation on Voluntary Participation in the Services of Special Provincial Administrations and Municipalities”, in its article 7/e titled “Requested Qualifications of Volunteers” foresees the involvement of migrants under the condition “to inform the territorial governor of the locality, without prejudice to the provisions of the Law No 4817 dated 27/02/2003 on Work Permits of Foreigners and its related bylaws”.

As already noted above, this situation can be partially corrected, in the first stage, in the process of developing secondary regulations. While in the med-term, a more substantial role can be given to local governments in the field of integration through necessary amendments to the law. In other words, such modifications should be realized in both the legislation on foreigners and on local governments.

**5. VISION SHIFT FOR INTEGRATION**

The phenomenon of migration and integration that will increasingly affect Turkey, should become an important component of on the agenda of politicians and of public administration, and which should be taken into account in public policy making. This bring to the fore the need for shift in both vision and system.

**5.1. VISION SHIFT AT THE NATIONAL LEVEL**

The shift in vision at the national level will happen through understanding and turning into concrete policy the fact that migration, alongside with its economic and security dimensions, also has social and cultural dimenions, and that especailly this matter should be tackled in cooperation with local governments.[[19]](#footnote-19) Another important aspect of such new approach is to take into account that the local public life is the one that will be most affected by migration and that therefore it is essential to have appropriate local policies. For that reason, there is a need for understanding and for support for the following issues at the level of national politics and central administration:

As it is the case in the developed countries, it will be convenient to transfer all services related to the social and cultural dimensions of migration, and to some extent its economic dimension (especially those associated with the local economic development) to the local governments. There are several arguments to support this point:

* First, Turkey's local governments are increasingly becoming active and well-equipped in the field of social and cultural services. This is because they have budget and staff, as well as various cultural centers, family and youth centers, vocational courses and other infrastructure and service units.
* Second, the local governments are closer to the local community, are in more intense communication with it and therefore are better acquainted with the social and cultural fabric of the town or the city.
* Third, the central government will alleviate its own burden by transferring the operational aspects of social and cultural services to the betterly equipped local units. Thus, the central government will focus on determining the general policies, on setting the minimum standards and monitoring their respect, and on the other hand will deal with more strategic and sovereignty-related dimensions of migration.

**5.2. VISION SHIFT AT THE LOCAL LEVEL**

**5.2.1. Domestic Dimension of the Vision Shift at the Local Level**

The vision shift at the local level requires an understanding by the local governments of the fact that foreigners are no longer an issue that is of excusive management by the central administration and therefore of no interest for them. On the contrary, as it is the case in the developed countries, it is rather a social phenomenon with which they have to be in an intense interacton.

* Regarding its impact on local politics, political parties should include integration of foreigners in their local policies. For example, candidates for local posts should reflect in their electoral campaigns their vision and their plans for the position of the localities that they intend to manage in terms of international migration and its impact on these localities.
* Another reflection of such shift would be the creation of specialized commissions in the decision making structures (municipal councils) or consultative structures (town councils) for the sake of developing appropriate policies.
* As another reflection, local governments shall carry out necessary research activities about foreigners, in collaboration with the academia, civil society and the private sector. Socio-economic profile, religious and cultural needs, opinions and expectations of foreigners living in cities/towns should be studied in regular and professional manner.
* Another effect of international migration and globalization is the development of relations by local politicians and local governments with the local governments of the countries of origin of the most populous foreign communities. This issue will be discussed in detail below.

**5.2.1. International Dimension of the Vision Shift at the Local Level**

A notable effect of the social and cultural implications of international migration is their impact on the internationalization of local governments and of local politics. So, the local public actors not only discover how the phenomenon of international migration reflects on their neighborhoods and towns, but also the need to cope with this phenomenon pushes them to cooperate and develop partnerships with the actors abroad. Sometimes local political actors even develop close interest in the countries of origin of the migrants in order to benefit from this phenomenon.

* For instance, many local governments in Europe develop cooperation with the local governments of the places of origin of the significant migrant communities or communities of immigrant origin (those who already got the host country’s citizenship), and carry out activities to enhance integration and intercultural dialogue. Some local governments establish sister-city /twinning relations given the importance of such interaction.
* Local politicians can even conduct electoral campaigns in cities of origin of the masses of voters (whether naturalized or granted voting right) in the hope of “touching their heart”. As a striking example, in the years 2000, during communal elections in Belgium some Belgian local candidates extend their electoral campaign activities to the district of Emirdag (Afyon province of Turkey), from which originates an important Turkish community in Brussels.
* A further reflection of the international migration to the field of local government in this regard is the development of specialized international networks. For example, the network of Cities for Local Integration Policies (CLIP) based in Stuttgart, Germany, carries out serious research and publication activities in cooperation with universities and local governments in this field, and also enjoys support of international organizations such as the Council of Europe’s Congress of Local and Regional Authorities.[[20]](#footnote-20)

In addition to the arrangements already mentioned above, necessary amendments should be done to render more flexible the legislation related to local government’s role in international migration and integration. For example, it is essential to adapt to the contemporary needs the legislation related to sister-city/twinning relationships, or on participation in CLIP-style international specialized networks. [[21]](#footnote-21)[[22]](#footnote-22)

Arrangements related with legislation on migration and integration will be discussed in details in the following section.

**6. SYSTEM SHIFT FOR INTEGRATION**

**6.1. GENERAL AUTHORITY DIMENSION**

**6.1.1. Law on Foreigners**

A clear role for the local governments in the field of integration should be defined in the legislation on foreigners. For this purpose, the paragraph 3 of the article 96 "Harmonization" of the Law No 6458 on Foreigners and International Protection shall be amended as follows:

* (3) The Directorate General shall, in cooperation with public institutions and organizations, local governments as well as non-governmental organizations, increase courses, distant education and similar systems to implement awareness and information campaigns on areas such as benefiting from public and private goods and services, access to education and economic activities, social and cultural interaction, and receiving primary healthcare services.

**6.1.2. Municipal Law**

The article 13 “The rights of fellow-citizen” of the Law No 5393 on Municipalities can be amended as follows:

* "Everyone is a fellow-citizen of the county/town which he lives in, including the legally residing foreigners"

Accordingly, the article14 "Functions and responsibilities of the municipality" can be amended as follows:

* "Provided that the services are of local common nature, the municipality; a) ... implements or makes implement harmonization services for foreigners."
* “The municipal services shall be rendered in the most appropriate manner at the places nearest to the citizens. The methods adapted to the situation of the disabled, elderly, indulgent, low-income people and foreigners are applied in the service delivery”.

Similar arrangements can also be made to the Law No 5302 on Special Provincial Administration.

**6.1.3. Participation of Local Governments in the Policy Development**

Local government should have a say in the social and cultural dimensions of migration and should be empowered to make a contribution to the shaping of overall immigration policy process. For this purpose, national and regional unions of municipalities, representing local governments, should be regularly invited to the Migration Policies Board together with other relevant organizations. For this, the article 105 “Migration Policies Board and its duties” of the Law No 6458 shall be amended as follows:

ARTICLE 105 - (1) ... Depending on the agenda of the meeting, representatives from the relevant ministries, local governments and their unions, other national or international agencies and organisations, and non-governmental organisations may be invited to the meetings.

**6.2. PUBLIC PARTICIPATION OF FOREIGNERS INTO LOCAL LIFE**

The Turkish edition of the "White Paper on Intercultural Dialogue" of the Council of Europe, published in 2009 with the preface by the Turkish Foreign Minister, recommends to establish advisory boards for regularly residing foreigners in order to represent them at the official institutions, local integration committees, the right to vote for foreigners at local elections, and the issues of local public participation in general. These recommendations and approaches can be implemented as follows:

**6.2.1. Consultative Councils**

Local consultative/advisory councils should be established as a tool of forming and strengthening the sense of belonging to the city/town among the foreign communities that regularly reside in them, as well as the tool for raising the standards of local democracy. Thus, active participation of foreigners in the local decision-making processes should be provided and institutionalized. So, like in many European countries, platforms for a two-way, reciprocal and regular exchange of opinions should be established, and migrants should be given the opportunity to have an indirect say in local affairs.

For this, two different methods can be adopted; either to include foreigners into the existing advisory boards, or to establish special advisory boards for foreigners.

**6.2.1.1. Method of Inclusion of Foreigners in Existing Consultative Councils**

In this context, representatives of foreigners should be included in the (consultative) town councils (*kent konseyi*). This "common melting pot" approach foresees to treat the demands and views of foreigners within general participatory mechanisms.

For this purpose, the Regulation of Town Councils may be amended as follows:

* The duties of the town council. Article 6/ğ: In order to increase the active involvement of children, youngsters, women, handicapped, and foreigners in the social life and to enable them to take an active role in local decision-making.
* The membership in town council. Article 8/h (to be added): "Representatives of the associations or platforms established by foreigners residing in the town/city can become member of the town council."

**6.2.1.2. Method of Establishment of Consultative Councils Specific for Foreigners**

This method foresees the establishment of specialized boards for foreigners. In Europe, starting from 1960s-70s, "Foreign Consultative Councils" were formed at the level of many municipalities, sometimes also at the level of regional governments. These councils were established by decision of municipal councils and were seen as bridge between local decision-makers and immigrant community in the municipalities with large concentration of immigrants, as well as a tool for participation of immigrants in local public life.

The basic approach in this method can be described as to tailor specialized platforms for special need groups. As a practice in the field of participatory democracy, this experience of "group/sector-specific" bodies is not strange to Turkey. For example, the Istanbul Youth Assembly, set up by the Istanbul Metropolitan Municipality, is "Istanbul Metropolitan Municipal Assembly's (non-executive) lower tier" organ, targeting young people aged 16-25.[[23]](#footnote-23) In many other municipalities (within the framework of town councils) "youth councils" or "elderly councils" have been established.

**6.3. VOTING RIGHT FOR FOREIGNERS IN LOCAL ELECTIONS**

**6.3.1. Practice of Voting Right of Foreigners at Local Level**

The right to vote in the local elections, which is considered as a tool for increasing the participation of foreigners in local public life and for raising the standards of local democracy, has a two-way effect. On one hand it promotes the interest and participation of foreign community in local public life; on the other hand, it increases the interest of local government and local politicians to the foreigners (“for the sake of the ballot”), and thus has impact on the organization of local services.

The local voting right is practiced at local elections after certain duration of residence. In some instances, the right covers also the right to be elected for the local council. It is possible to divide this application into two main parts: practices in the framework of supranational or international political entities (European Union, the Commonwealth, etc.), and the national level applications. Besides the exception of the right of the citizen of the European Union to participate in local elections in another EU country, some countries have been already listed above which granted to foreigners that regularly reside on their territory the right to vote in local elections.

The fact that the concept of voting right of long-resident foreigners gains a broad acceptation is reflected in the Additional Protocol to the European Charter of Local Self-Government adopted in 2009.[[24]](#footnote-24) The “Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority” paves the way for foreigners’ right to vote in local elections as follows:

Article 4.2.: The law shall also recognise the right of other persons to so participate [in local elections] where the party, in accordance with its own constitutional order, so decides or where this accords with the party’s international legal obligations.

**6.3.2. Foreigners’ Right to Vote in Local Elections in Turkey**

The ideas included in the “White Paper on Intercultural Dialogue” launched by the Council of Europe and implicitly accepted by Turkey have been already pointed at above. The Council of Europe’s “Recommendation 29 (1997) on the state of local and regional democracy in Turkey”, which advises Turkey to make necessary legal arrangements in order to grant the regularly residing foreigners the right to vote at local elections, states that such development would contribute to the promotion, as a matter of reciprocity, of more democratic rights for Turkish migrants in other European countries. Given the fact that Turkish citizen in a number of European countries have already been granted the right to vote in local elections, it will be appropriate to bring this issue to the political agenda in Turkey.

To realize the voting right in the local elections, the following requirements can be listed:

1. Turkey shall adopt the Additional Protocol [to the European Charter of Local Self-Government] and apply its principles in the domestic law. (It is useful to remind that the Additional Protocol, in general, ensures citizens' participation in local governance, therefore raises the quality of local democracy).
2. Necessary amendments shall be made in the relevant laws, especially in the Constitution, for instance, in the article 67 “Right to Vote, to be Elected and to Engage in Political Activity” the following amendment can be done: “Every Turkish citizen over 18 years of age shall have the right to vote in elections and to take part in referendum. The right to vote and to be elected in local elections can be granted to foreigners by law”. In this context, necessary arrangements can be made in the Law No 298 on Basic Provisions on Elections and Voter Registers, Law No 2972 on Election of Local Administration, Neighborhood Headmen and Neighborhood Councils, as well as in other related laws including those related to voter registers.
3. The right to vote in the local elections shall cover both local governments (provincial council, municipality, village) and the neighborhoods (*mukhtarlık*). Moreover, if the right to be elected will be envisaged, for which a legal framework can be gradually prepared and the acceptance by the general public can be progressively achieved, this may be implemented through granting to the foreigners, together with the voting right, the right to be elected to the decision-making bodies like municipal council of village/neighborhood council.
4. Defining the minimum period of residence required for the right to vote. In other countries the requirement of average five-year residence is practiced. This requirement may be linked to the article in Turkish Law No 6458 on Foreigners and International Protection, which states that foreigners residing uninterruptedly for at least eight years shall be granted a long-term residence permit. For this purpose, in the article 44 “Rights conferred by a long-term residence permit”, the item 1/b (which in current version states “[except] the right to elect and be elected”) can be designed as follows: “[except] the right to elect and be elected, unless otherwise specified by laws related to the elections.”

**6.4. ADAPTATION OF LOCAL SERVICES**

The migrant dimension can be included into the overall service-delivery by local governments, both through opening the available services to the use by foreigners, and by developing specific services for foreign nationals.

**6.4.1. Services Devoted to Foreigners**

* Within the scope of municipal services, offering Turkish language courses free of charge or for an affordable price.
* Developing a sense of belonging for foreigners for their town/city through delivering courses about history and culture of the city where they live in. These courses may be delivered both in foreign languages ​​(for those who have not yet learned Turkish) and in Turkish.
* Delivering training courses about local and national public life and public order. Information about Turkey's political and administrative structure, the functioning of municipality and municipal services, the town council activities, rights and duties of citizens and foreigners.
* Websites of municipalities and their related institutions and organizations (affiliated organizations, affiliate companies, town council, etc..) shall offer services in foreign languages​​. Main languages such as English, French, Arabic, Russian and Chinese languages can cover a wide population.

**6.4.2. Opening or Adaptation of Existing Services for Use by Foreigners**

In this context, some of the services already offered by municipalities can be adapted:

* To deliver services offered by municipalities such as “White Desk” and “Call Center” in foreign languages, and employment of specially trained staff for this purpose.
* To foresee that foreigners can apply [for services] to various municipal units, and thus to form mobile teams consisting of staff speaking foreign languages and trained in the matters of migration, integration and multicultural communication.
* To open social and cultural service points in the city, such as family and children centers, youth centers, center for disabled people, cultural centers, neighborhood houses for the use by foreigners, and to adapt services according to their needs.
* To open vocational courses to foreigners and to make necessary administrative arrangements.
* Units such as support fund and social assistance centers may develop and enhance services towards low-income foreigners or those in difficult situation.
* To adapt local housing policies. When developing and implementing housing policy, local governments shall take into account the existing and potential future foreign population, and adopt appropriate policies.
* In addition, implementation of activities by municipal unions for the sake of raising awareness and consciousness among municipalities in this field among.[[25]](#footnote-25)

**7. CONCLUSION**

It is very difficult to explain in detail in one report the role that local governments can potentially play in the field of international migration and integration. Hence many issues have been left outside this report or have only been pointed at to certain extent.

Given the importance of the topic, there is a need to address this issue in a more comprehensive manner, to establish a working group/commission consisting of academia, experts in public and local administration, representatives of civil society, international organizations and political parties, and to elaborate a “harmonization roadmap”.

Indeed, the contribution of local governments to the management of the migration that Turkey is expected to face in the near future, especially in organizing its social and cultural dimensions in an effective and efficient manner that is respectful of human dignity, will be amply appropriate and beneficial. It is essential for Turkey to take benefit of the experience of economically developed countries, highly specialized in migration management, also taking into account the guidance and recommendations of international institutions; and at the same time to take inspiration from its own history and values, as its land has been the crossroads of migration flows and its ancient cities looked like Towers of Babylon since down the ages, and to conceive and implement its migration policy.

In other words, to realize the dream of a Turkey where concepts of "the Emigrants and the Helpers” and the quest for "reaching the level of contemporary civilizations" blend with each other, and where diverse colors live together in a full harmony.

1. Version of 25.05.2014, translated from the original in Turkish. This report was prepared as follow up of the workshop held on April 16, 2014 in Istanbul that addressed the role of local government in integration of foreigners, organized in the framework of cooperation between the International Organization for Migration and the Department of Harmonization and Communication of the General Directorate of for Migration Management of Ministry of Interior. The workshop was prepared by Murat Daoudov within the scope of his consultancy services with IOM, and it was sponsored by the Faculty of Political Science of Marmara University, Union of Municipalities of Marmama, and Middle East Development Network. The report is the basis of the presentation made in Turkish by the author at the panel in Antakya on April 10, 2015. [↑](#footnote-ref-1)
2. The report has been realized in the framework of the Project of Support to the Efforts of Turkey in Development and Implementation of the General Policy Framework for Migration Policy”, financed by the Swedish International Development and Cooperation Agency (SIDA) and implemented by the International Organization for Migration (IOM) Turkey Office. The report is published with the authorization of IOM, all rights reserved. No part of this reportcan shall be copied, stored, or transferred electronically, mechanically or by means of photocopy or else without prior authorization of the publisher. [↑](#footnote-ref-2)
3. Murat Daoudov is university lecturer at Francophone Department of Public Administration of the Faculty of Political Science of Marmara University (Istanbul), and president of Middle East Development Network (MDN), an international consultancy company specialized in public policy, with particular focus on migration/integration and local government fields. The content of the report reflects, alongside with the findings of the above-mentioned workshop, the author’s practical and theoretical experience in the fields of migration/integration and local government gained in Europe and Turkey. (Contact: murat.daoudov@gmail.com, president@mdncorp.com) [↑](#footnote-ref-3)
4. The unions/associations established by municipalities, their affiliate administrations and their companies (municipal enterprises) are also considered, by implication, part of the municipal sphere. [↑](#footnote-ref-4)
5. The author has been personally involved in such activities and bodies in Belgium. Between 2001-2006 he served as a member of the Council of Brussels Residents of Foreign Origin (*Conseil des Bruxellois d'Origine Etrangère* - CBOE), an official consultative organ of the City of Brussels established in the 1970’s in order to strengthen the participation of foreigners in the local decision-making. In the same period, he represented CBOE in the Family Commission, another advisory body of the City of Brussels. On the other hand, in 1998 he acted as election bureau officer during the elections of Belgian Muslim Executive, (*L’Exécutif des Musulmans de Belgique*- EMB), an official representative organ of the Muslims faith in the country. Besides, the author worked in 2003-2006 at the “Observatory for Migrations” unit in the Center for Equal Opportunities and Opposition to Racism (*Observatoire des Migrations/Centre pour l'Egalité des Chances et la Lutte contre le Racisme*), under the Belgian Prime Ministery, active in the fields of migration and integration policies. [↑](#footnote-ref-5)
6. Gsir, Sonia, Martiniello, Marco (2004), “Local Consultative Bodies for Foreign Residents - A Handbook”, Council of Europe, ISBN: 92-871-5455-4, s. 7 [↑](#footnote-ref-6)
7. The author has closely followed the implementation process of the voting right in local elections in Belgium, granted to non-EU citizens in 2004. [↑](#footnote-ref-7)
8. Some dimensions of international migration may fall outside of this stairway table. Essentially, the undocumented migrants, as these are usually not able to pass the first step (except the cases of regularization, or also referred to as "residence amnesty," "normalization," or "legalization”) and enter into the formal lane. However, such undocumented migrants in some countries can benefit from the services mentioned in the Stage 2, albeit to a limited extent. On the other hand, even with the acquisition of citizenship, some problems related to being migrant cannot be fully overcome, and integration problems may in reality persist. Such groups (of former immigrants that became citizen) can still benefit from integration services offered by local governments, although in a different status. . [↑](#footnote-ref-8)
9. For more details read: Daoudov, Murat (2013), "*Dünyada ve Türkiye’de Uluslararası Göç Alanında Yerel Yönetimlerin Rolü*” (Role of Local Governments in Integration Migration in Turkey and in the World), paper presented in two different events: Conference "Recent Developments in the Nationality and Foreigners Law", organized by the Legal Club of Yeditepe University, on 13 April 2013 in Istanbul/Kayışdağı. The second event was Workshop on Migration Management and Harmonization in the Framework of the Law No 6458 on Foreigners and International Protection, organized by General Directorate of Migration Management of Turkish Ministry of Interior and International Organization for Migration (IOM), with the support of Kingdom of the Netherlands, held in Ankara on 12 December 2013. [↑](#footnote-ref-9)
10. Ertuna Lagrand, Türkan (2010), “Immigration Law and Policy: the EU Acquis and its Impact on the Turkish Legal Order”, Wolf Legal Publishers, 978-90-5850-482-1, s. 259 [↑](#footnote-ref-10)
11. According to the officials of the General Directorate of Migration Management, the English word "harmonization", rather than the more common “integration” was consciously chosen to represent the concept of “*uyum*”. According to this approach, the concept of integration foresees the unilateral adaptation to the host society, while the concept of harmonization points at mutual adaptation of foreigners and locals in order to achieve harmony. The relevant wording in the text of the Law that speaks of the need to “facilitate the mutual harmonization” confirms this approach. [↑](#footnote-ref-11)
12. Although local governments are also public legal persons, it becomes clear, upon comparative reading with the article 96/1, that local governments are not implicitly covered by the text of the law. [↑](#footnote-ref-12)
13. Thus, it had been reported during one meeting by the officials of Municipality of Zeytinburnu in Istanbul, that the Court of Accounts had considered as irregular and rejected the spendings for daily meals sent by the municipal food-bank to the asylum seekers held in the Kumkapı “Guesthouse” of the police. [↑](#footnote-ref-13)
14. Official Gazette, date 08.10.2006, number 26313. [↑](#footnote-ref-14)
15. Erdoğan, Özcan (2009), “*Kent Konseyleri ve Yabancılar Meclisi: Ülkemizde Mülk Edinen Yabancı Uyruklu Gerçek Kişilerin Uyumu İçin Yapılması Gerekenler, Alanya Örneği*”, (Town Councils and Foreigners Assembly: What is Needed to Do for the Integration of Foreign Persons Acquiring Real Estate in our Country, Case of Alanya), journal İller ve Belediyeler Dergisi, issue 733, May 2009, p. 79. [↑](#footnote-ref-15)
16. Website of Bursa Town Council, <http://www.bursakentkonseyi.org.tr/?sayfa=icerik&id=113> (retrieved on 27.04.2014). [↑](#footnote-ref-16)
17. Report on Konyaaltı Municipality’s website “*Başkan Böcek, ‘Yabancılar Meclisi’nde*” (Mayor Böcek in the Foreigners Assembly), 24-02-2014, ”<http://www.konyaalti.bel.tr/index.php?goto=haber_detay&haber_idx=288> (retrieved 27.04.2014). [↑](#footnote-ref-17)
18. Official Gazette, date 09.10.2005, number 25961. [↑](#footnote-ref-18)
19. In this respect, the declaration made on 16.12.2010, on the occasion of the International Migrants Day (18 December) by Minister of Foreign Affairs of Turkey Ahmet Davutoğlu, in his quality of Chairman of the Committee of Ministers of the Council of Europe, is notable. The declaration emphasized the concept of “living together”, stressed that human rights must find their rightful place in the formulation and implementation of migration policies, and that such approach must actively seek to promote social inclusion and integration which goes beyond simple tolerance of difference. Press-release 975(2010) of the Council of Europe, “International Migrants Day, 18 December 2010”. [↑](#footnote-ref-19)
20. Even though some local governments from Turkey joined this network, one cannot say that the work in regard with Turkey is sufficient. This is result of the overall lack of awareness in this field in Turkey among local governments. [↑](#footnote-ref-20)
21. For more details on the subject: Daoudov, Murat (2013), “*Yerel Dış Politikanın Temelleri*”, (Foundations of Local Foreign Policy), publication of *Marmara Belediyeler Birliği* (Union of Municipalities of Marmara), ISBN: 978-605-63650-3-4, pp. 128-130. The publication can be downloaded here: <http://licencetothink.blogspirit.com/list/articles-yaz%C4%B1lar/29-yerel-d%C4%B1%C5%9F-politikan%C4%B1n-temelleri-foundations-of-local-fore.html> [↑](#footnote-ref-21)
22. The Department of Migration of the Ministry of Foreign Affairs of Turkey, by its letter of 15 December 2009, distributed by the General Directorate of Local Administration of the Ministry of Interior, reminded to local governments that the opinion (authorization) of the Ministries of Foreign Affairs and of Interior should be sought a priori for interaction or joint activities with international organizations or institutions related with international migration. [↑](#footnote-ref-22)
23. Website of Istanbul Youth Assembly <http://www.ibbgenclikmeclisi.com/Kurumsal/Menuler/34-Meclis-Yapisi/> (retrieved 27.04.2014). Istanbul Youth Assembly was established in 2005, before the concept of Town Councils became widespread. According to the information on its webite, the Youth Assembly’s legal basis (article 3/c) is not founded upon the article 76 of the Municipal Law No 5393, but upon other articles..<http://www.ibbgenclikmeclisi.com/Kurumsal/Menuler/37-Yonetmelik/> [↑](#footnote-ref-23)
24. Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, CETS No.: 207. The Additional Protocol entered into force on 1 June 2012 after being signed by 8 countries. Turkey has not yet signed it. <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=207&CM=1&DF=&CL=ENG> (retrieved 13.04.2014) [↑](#footnote-ref-24)
25. Since 2007 the Union of Municipalities of Marmara, with the involvement of the author, has implemented a number of awareness-raising activities. Among those can be mentioned such initiatives like the proposal to establish a Migration and Integration Unit/Directorate at Istanbul Metropolitan Municipality (in 2008), or the proposal to form a Migration Commission within the General Assembly of the Union of Municipalities of Marmara (in 2009). [↑](#footnote-ref-25)