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The European Charter of Local Self Government was introduced and initiated in Turkey in 1992 however there were reservations placed on certain articles of the agreement. This Charter can be said to be considered as an essential reference paper for the agenda of Turkish Public Administration for the discussions of “reformation in local governments”, “empowering local governments” and “creating autonomous local governments”. The Charter has continuously been present in the agenda of Turkish Politics before almost every elections, during preparation of a new constitution, the peace period and democratisation issues. These discussions are in relevance to removing or maintaining the reservations placed on the articles of the Charter.

The Council of Europe has initiated the Charter and has started working in 1997 towards creating similar documents at regions. The Council initially accepted the European Draft Charter of Regional Self Government and in accordance accepted the Reference Framework Document for Regional Democracy in 2009. The Draft Charter states that the recognition of the autonomy of regional governments will not be allowed to impact the policy of loyalty to the state in any way and that the regions will not be able to negatively impact the national unity.

The purpose of this study is to research and present the discussions of the autonomy of local governments in Turkey in regards to the mentioned papers. The study will be limited to the impact caused or the impact that may be caused by the above mentioned documents and agreements in regards to autonomous local government discussions in Turkey. The above mentioned articles will not be examined in detail.

Keywords: Local Autonomy, Local Government, The Principle of Subsidiarity, Decentralization and Regionalization, Turkish Political and Administrative Culture

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The foundational emphasis of the normative political theory on the subjects of local government and local autonomy is about the possibility of these being the provider of distribution of power and plurality, of diversity against the uniformity of central policies and efficiency, of accountability and political participation. European Charter of Local government is based upon these inferences (Pratchett, 2004).

The debates on the local self-government in Turkey proceed substantially on the reservation of some articles of the Charter that was approved in 1991 by Turkey. The Draft Charter of Regional Government and some articles of the Reference Framework Document for Regional Democracy like the some reserved articles of the Charter create similar concerns. The reason for this is the multicultural structure of the region and the centralist state tradition in Turkey but the basic reason is the political environment and conditions of Turkey. In Turkey local autonomy is interpreted as local independency and due to this the initial content of the local autonomy (self-government) is never being discussed and the reason behind this is Turkey's political environment and conditions.

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Self-government is the ability of the self-management of the local business by local authorities and with their organs; generating independent policies and possessing necessary sources and incomes for doing these (Keleş, 2011). Another definition of self-government the right to free movement of a social community or a legal entity within the framework of the rules established for itself and at this point the right to establish the entire or the part of the rules (Erdem, 2000). Basically self-government is the elimination or the reduction of the drawbacks of the central government and bureaucracy (Tortop, 1991).

Local self-government is the name of a system in which local people are governed by the organs they choose directly (Keleş, 2011). Local autonomy is examined two dimensionally. The first dimension is the sphere that is revealed through the debates on class struggle, group conflicts and the debates on how a good society should be, the sphere encompasses the perception of social demands and goals, changes, moral values and the conception of good society that are objectified through constitution, rules and standards. The second dimension, in a more concrete way, is the interpretation of the implementation and the role of the social institutions. This dimension is conflictual; it includes the process of adaptation of current rules with the new demands. Most of the time, these two dimensions are built upon different normative judgments, they are not neutral. In this situation societies need to make a political choice on how institutions would be restructured.

Local self-government has two dimensions, the first one is the relationship between local organs and the central organs and the second one is the relationship between local organs and local communities (Keleş & Erbay, 2013). Especially in unitary states like Turkey the local autonomy statement is perceived as independency or the transfer of sovereignty. However local governments, because of their structure, do not have the authority to use or share the sovereignty; they perform their duties within the limits drawn by the laws and under the control of center.

Although there is no clear cut distinction between local and regional self-government, regional self-government represents the relationships between the different interests of a region and a state. In this relationship a party gains strength whereas the other party loses it (Keleş & Mengi, 2013). For Article 3 of the Reference Framework for Regional Democracy "Regional self-government denotes the legal competence and the ability of regional authorities, within the limits of the constitution and the law, to regulate and manage a share of public affairs under their own responsibility, in the interests of the regional population and in accordance with the principle of subsidiarity". Within this context, regional self-governments are administrative units that emerged as a result of regionalization resulted

from the various reasons. These reasons are the protection of ethnic-religious minorities and local freedom, being an efficient means in regional administrative; the necessity of a new unity between the state and the local administration in terms of the distribution of authority in national planning; strengthening the participatory politics (Ozel, 2003).

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The debated subject about the local self-government in Turkey, especially since 1990, is more about the appropriateness of the Turkish legislation to the European Charter of the Local Government and the effort to adopt the relevant legislation to the Charter. The progress of these discussions in that manner leads to the devotion of the concept's meaning and at the same time to the ignorance about the current situation and misinterpretation of the subject. In that respect it is necessary to address the place of the relevant documents for the Turkish national legislation and then local self-government legislation in Turkey and its physical condition.

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The European Charter of the Local Government that was put forward in 1985 by the European Council is guidance in essence for necessary constitutional and legal regulations; encompasses necessary principles for the democratic functionality of local self-government such as authority, scope, control, financial resources (Keleş, 2011). The Charter that is signed in 1988 by Turkey is put into effect in 1992 by the Cabinet though by making some reservations. These articles are;

7 9 Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.

9 4 Without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management.

³ 6 Any functions and activities which are deemed incompatible with the holding of local elective office shall be determined by statute or fundamental legal principles.

⁴ 6 Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect.

⁵ 7 The financial systems on which resources available to local authorities are based shall be of a sufficiently diversified and buoyant nature to enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks.

⁵ 9 Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.

⁵ ³ As far as possible, grants to local authorities shall not be earmarked for the financing of specific projects. The provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction.

43 5 The entitlement of local authorities to belong to an association for the protection and promotion of their common interests and to belong to an international association of local authorities shall be recognised in each State.

43 6 Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other States.

44 4 Local authorities shall have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation.

After the approval of the Charter, The European Congress of Regional and Local Authorities takes a resolution in 1997 about the local government system in Turkey and then makes it final decision. Following years the implementation of the decision in Turkey is investigated through appointed commissions (boards). Since 2001, these commissions visit Turkey by preparing their questions and they report their meetings that are carried out around these questions.

The European Congress of Local and Regional Authorities, in the direction of Turkish resolution in 1997, demands restructuring the local government that conforms with the 'administrative and financial self-government', the principle of subsidiarity in the local government system. According to this, in order to establish the new system based on the principle of subsidiarity extended from the administrative sphere to the political sphere, three articles of the Turkish Constitution require change. One of them is related to the election right, thus political, second one is financial, related to taxation the last one is administrative and projects locality instead of centralization. On the one hand, these requested changes are constantly in the agenda due to the debates about posing threat to Turkish territorial integrity. On the other hand, some circles argue that local governments benefit from certain autonomy within the limits of the law but they are not independent administrative units so that the Charter is not a document that projects local governments would be 'state within a state' (Keleş & Erbay, 2013).

The European Council, in order to constitute a similar document for the regions, first prepares The Draft Charter of Regional Government in 1997 and then based on this draft, accepted the Reference Framework for Regional Democracy in 2009. It is stated that this document is prepared within the framework of the rights and duties of the regional institutions and also the administration between the central and fundamental local administrative units. The most significant function of this document is that it would be a source of inspiration when other states decide to establish their own regional government or to reform. Moreover in states where there is no regional administrative units, it is expected that this document will create a regional request for the emergence of these structures that close the distance between citizens and political power (The Congress of Local and Regional Authorities, 2010).

In the preamble of The European Draft Charter of Regional Government that is introduced and initiated in 1997 by The European Congress of Local and Regional Authorities, it is said that "affirming that recognition of regional self-government entails loyalty towards the State to which the regions belong, with due regard to its sovereignty and territorial integrity". And also in the article 25 of the Reference Framework it is said that "the relationship between regional authorities and central government shall be based on the principle of mutual loyalty and equal dignity and shall entail respect for the unity, sovereignty and territorial integrity of the state". As opposed to these statements, when Turkish political conditions are evaluated in relation to various articles, concerns about making reservations emerged similar to reservations made to the European Charter of Local Government. Aforementioned articles are as follows;

5 Where regional authorities exist, the principle of regional self-government shall be recognized in domestic legislation and/or by the constitution, as appropriate.

7 Regional competences shall be defined by the constitution, the statutes of the region or by national law.

8 Regional authorities shall have decision-making and administrative powers in the areas covered by their own competences

9 For specific purposes and within the limits of the law, competences may be conferred upon regional authorities by other public authorities.

³ When powers are delegated to regional authorities, they shall be allowed discretion to adapt the exercise thereof to regional conditions, within the framework set out by the constitution and/or the law.

64 Regional boundaries shall not be altered without prior consultation of the region(s) concerned. Prior consultation may include a referendum.

78 Regional authorities shall be able to dispose freely of their resources, for the implementation of their competences.

Although Reference Framework is not a document similar to The European Charter of Local Government that is accepted by the members of the Council as an agreement, as it is based on Helsinki principles and The European Draft Charter of Regional Government and accepted by the Cabinet Conference, the political power and the legal basis of the Reference Framework is confirmed (Keleş & Erbay, 2013).

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The period of time when local administration emerged in Turkey in the mid-19th century, Chandler's *ff* *r* can be considered as definitive for Turkish local governments. This model can be associated with the representative model. In this model local governments can regulate and perform public services within the limits and the control of the central government (Bulgan, 2008).

There is no provision in the Turkish Constitution related to the autonomy of the local administration. Although it is not present in the constitution, in the Seventh Five Year Development Plan the terms "financial and administrative autonomy" appear. Besides the laws of local administration evidently state that these institutions have administrative and financial autonomy, they are public corporate entity and their decision-making organs will be elected by the voter.

The most important concept for the Turkish Local Administration legislation is

Administrative tutelage expresses the control and audits of the central administration over local administration and this power play predominant part in the legislation. This power is located in the article 127 of the Turkish Constitution; "The central administration has the power of administrative tutelage over the local administrations in the framework of principles and procedures set forth by law with the objective of ensuring the functioning of local services in conformity with the principle of the integrity of the administration, securing uniform public service, safeguarding the public interest and meeting local needs properly". As opposed to the power of administrative tutelage has been removed from the local administration legislation in 2000's.

Another important point can be made regarding relevant legislation is the existence and implementation of many the articles that are determined as reservations. Fundamentally this has been realized after 2000 and with the changes in the local administrative legislation many reservations lost their meanings. For instance, article 11.1 of the Charter is being used in Turkey but reservation placed upon it. Local administration can resort to the jurisdiction against the decision of the central administration on the basis of the statement "recourse to judicial review shall be available against all actions and acts of administration" of article 125 of the Turkish Constitution. In short it can be said that although Turkish administration put reservations on some of the article of the Charter, there are implication of these reservations within the Turkish national legislation. Charter's articles that reservations put upon and their equivalent articles within the Turkish legislation are as follows respectively; Article 7 9 8688 53 9 4 86⁵6 7⁴. 8635 68 ³ 6 86⁵6 5⁴ 8635 53 ⁵ 9 8688 53 ⁵ 3 8³3⁵. 43 5 86⁵6 3⁷. 8635 95. 44³6 44 4 / i . 458 .

Within this framework the main reason behind the reservations is not the idea that ‘there are contradictions between the principles of the Charter and the legislation that regulates the Constitution and local administration about the organizational structure, duty, authority and relations with central administration’ (Yeter, 1996); rather the idea that Charter’s principles can pose a threat to Turkey’s unity and integrity and thus harm the structure of the nation state.

6 5 R r I i R

In order to understand local self-government, it is necessary to understand dynamic intersection of the political and the economic (Pierre, 1990). Local governments, through evaluating the institutional and political dynamics by the constitutional and legal status that they belong, have emerged depending on the relationship of different legal and political factors of autonomy. These factors are sometimes impediment to each other, and sometimes they are supportive (Goldsmith, 1995). In this framework, it is crucial to emphasize that not only constitutional and legal status of Turkey but also political environment should be considered for the debates on local and regional self-government in Turkey.

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The foundations of the dominant discourse on the autonomy of the local administration in Turkey need to be sought in the Tanzimat Period or modernization period. Within this era it should be emphasized that the internal dynamics of the local administration institutions did not emerged as it emerged in the West. In Tanzimat Period, these institutions were established by the central administration in order for integration to the world and administrative transformation, they kept under the control of the centralist structure; this centralist state tradition proceeded after the establishment of Republic until today. The emergence and development of local administration in Turkey is not scope of this study but it is necessary to highlight that this is a crucial factor in the perception of local self-government (autonomy). The autonomy of local administration is not interpreted from the beginning that there will be a political autonomy like independence indisputably (Alada, 2008), but this tradition can be seen as one of the basic determinant factors. Sometimes this tradition is also effective in shaping the perspective of the Turkish political environment.

Before 1980, the debates on the autonomy of local administration persisted in the financial and administrative level (Koc & Yatkın, 2012). In 1970’s local administrative units remain incapable in financial resources due to the increase in the service obligations. After this period, local administration reforms came to the agenda parallel to the world. These debates proceed in the direction of the ideal size of the local administration unit and their relationship with the central administration (Sarıoğlu, 2007).

Neo-liberal policies implemented under the name of economic restructuring, as a response to the global crisis that has started in 1970’s, is the beginning of the process called globalization; from this process the relationship between central and local administrative got their share too. With 1980’s Fordist system has been changed with the post Fordist system and this generates newly defined local administration model that is defined as an economic, political and cultural entity which functions as an entrepreneur in order to increase its competitiveness. In this framework, from 1980, Turkish local administration system can be examined through three dynamics. These are localization, reduction of social function and privatization (Koc & Yatkın, 2012).

Economic and social transformation that the whole world experienced led to the emergence of a new political dimension in the area of local and regional self-government in Turkey. The reason for this is the establishment of Kurdish Worker Party (*artiya arkerên urdistanê*/PKK) and the emergence of the Kurdish ethnic nationalist separatist terrorist organization in 1980’s.

When PKK is established and gains strength with the help of the foreign states, it's aim is declared as 'to establish a sovereign unified democratic Kurdistan state upon the lands of Syria, Iran and Iraq, including Eastern and Southeastern Anatolian regions due to the idea that citizens who lived in the Eastern and Southeastern Anatolian regions belong to a different race, they are not Turks, they are exploited by Turkish state and assimilated religiously and culturally (Aljazeera Turk, 2013). In line with this purpose, PKK, especially terrorists activities of 1990's, has marked the political agenda of the country. After the promulgation of The European Charter of Local Self Government, between the discourse on the autonomy of Kurdish people by PKK and the European Charter a connection is made and it is publicly stated that Charter would move Kurdish autonomy to an international level, it will problematize Kurdish autonomy and as in the Kosovo example, UN would actively participate in the problem (Alogan, 2015).

The political position of the PKK, which was Marxist- Leninist when it was established, has changed when Ocalan was captured and put into prison in 1999. In prison, Ocalan's readings of Murray Bookchin, who is anarchist ecologist, is influential for this change. From the beginning of 2000, the terrorist organization declared that it would struggle for democratic autonomy or democratic confederalism.

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Ecotopia, as a form of social organization that is proposed by Murray Bookchin, is the confederation of communal self-government. According to this each commune would govern itself as the ancient Greet city states with a direct democracy and eventually private property would be removed and property would be distributed according to individual needs (Bookchin, 2013).

In the beginning of 2004 Ocalan declared through his lawyers that he identifies himself as a student of Bookchin and wishes to adapt his views to the societies of Middle East, he also states that the democratic confederal structure exists in the nature of the Middle Eastern people, the loose governance of tribes and religious orders prone to this kind of society. Moreover after the death of Bookchin, it is claimed that PKK took an oath for the realization of Bookchin's ideas.

The definition of democratic autonomy of the Co-president of People's Democratic Party (HDP) Selahattin Demirtas, in the ordinary congress of Peace and Democracy Party in 2011, is taken from the ecotopia of Bookchin. 'The fact that representative democracy leads to major problems for democracy itself; we must formulate the ways that produce maximum participation and direct democracy. Therefore we must build the governance and social organization model that we define as democratic autonomy where we reach"(Alogan, 2015).

In addition to all these, Ocalan's discourse, "the liberation from the nation-state disease is not possible without the liberation of the city, the local and the regional. The members of the European Union are the best who understand and implement this" (Ocalan, 2011:3), can give a clue why the discussions on local and regional government cannot proceed properly. Moreover, it is interesting that a Western social organization model, anarcho-ecologism, is supported by a military hierarchical organization, PKK, which does not hesitate to shot the second class members and leaders in the regions of East and Souteastern Anatolia where religious sects are widespread and influential and Asian mode of production is dominant (Alogan,2015:31). So the concept of democratic autonomy is problematic etymologically and in other aspects.

Recommence of the armed conflict after the election of 2015 and with the directive of the PKK to implement the project of self-government or democratic autonomy, in nine provinces and districts of East and Southeastern Anatolia regions, the autonomy is announced by the majors themselves (Haberler.com, 2015). The high tension in the region and the armed conflict between PKK and Turkish armed forces continue.

The discussions of local government in Turkey are detached from the context. On the one hand governmental reactions exist to the concept and the implementation of it. On the other hand some segments of society are trying to interpret this as the local independence. If we pay attention, PKK's slogan of democratic autonomy necessitates a regime change and the construction of dual or triple power center within the state's jurisdiction. As it is said above some reservations for the Charter exist in the legislation and implemented practically but at the same time some articles of the Reference Framework Document for Regional Democracy cannot be accepted for the sake of the unitary state structure of Turkish Constitution. It should be emphasized that all of the relevant articles prescribe the financial and administrative autonomy of the regional and local structures. The constitutional change is prerequisite for the application of these articles. This is the basis of the discussions in the public opinion in a state where ethnic nationalism is a political instrument like Turkey.

In the preambles of both the Charter and the Reference Framework Document for Regional Democracy affirm that "recognition of regional self-government entails loyalty towards the State to which the regions belong, with due regard to its sovereignty and territorial integrity". However, it is frequently emphasized by the PKK's press organs that "the democratic regional self-governments would not recognize the nation-state, military and religious state and at the same time the central authority (Tunc, 2014).

The principles of regional and local self-governments are discussed from many different perspectives in the political and administrative tradition of Turkey. The perceptions of the relevant documents for Turkish public opinion are as being 'political instrument for the ethnic nationalism' and 'threat to the integrity of the state and the national unity'. This situation is an obstacle for the understanding the real meaning of the concepts and the construction of democratic society and administration in Turkey

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