

# AN ANALYSIS ON DEMOCRATIC CONFEDERALISM AS THE STATE-FREE POLITICAL FORMATION MODEL OF THE KCK CONVENTION

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## ABSTRACT

Throughout history and today, many different state organizations and management practices have been carried out by people. The differences in the formation of state organizations are related to the approaches to the administration quests to improve their ability to respond to dynamic and varying needs of community. The quests and debates on state and community organizations have been continuing at full pelt today. During social crises and conflicts, the states appear on the stage as primary role-bearers. If the problem-solving abilities of states are developed, they proceed on their own way. The state organizations incapable of producing solutions jeopardize their own futures by deepening the chaos. In this context, as a social wound and a source of chaos, terrorism has come to the fore as the problem many countries have strived to deal with throughout history. The PKK terror, which has been a real burden on the Republic of Turkey for more than 40 years, has become a social wound. The state has made many social, cultural and political initiatives to tackle the problem. Even so, the problem continues to an extent that regionally threatens many states as well. The claim that the problem will be sorted out through the "Democratic Confederal Structuring", the theorist of which is alleged to be Öcalan, who is the leader of the terrorist organization, by the terror organization, needs to be clarified in detail in terms of the fact that whether it reflects reality or not. Based on this need, it is aimed to evaluate the problem-solving potentiality of the KCK Convention prepared by the leader of the terrorist organization PKK, Öcalan. By mapping the meaning of the Democratic Confederal Structuring in the convention, it is discussed about whether the content match up with the claims in the introduction and preamble parts of the convention and its applicability is handled taking into consideration the KCK Convention as the core by analyzing the documents compatible with the literature.

**Key Words:** State, autonomy, confederal structuring, democratic society, KCK Convention

## INTRODUCTION

As a form of violent political expression, terrorism is the disaster that puts societies and states in great destruction (Wilkinson, 1997:148-151). The strategies developed to survive the terrorist disaster are formed as such combating terrorism and terrorism. Even if there are many methods applied in the world to solve and end the problem of terrorism (Alexander & Charls, 1982; Alexander,1987:213217)), every problem has to find the most appropriate solution by confronting its own reality. The PKK (Kurdistan Labor Party) terrorism, has long been a part of the international

relations due to its agenda on Turkish and the global level (Öcalan, <https://insamer.com/tr/turkiyenin-pkk-sorunu-ve-rusyanin-rolu-354.html> (accessed on 22.12.2020). The PKK finds a place in the agenda of the countries where it carries out its activities not only with its actions, but also through the organization it provides in these countries. The most effected one by the problem that the terrorist organization generated is Turkey. Abdullah Öcalan, the leader of the terrorist organization, has been directing and managing the organization's policies since he was captured in 1999. When Öcalan was on trial in 1999, he told the panel of judges: "If I had experience I have today, I would not have put the organization in this direction (violence-terror). Conflicts and violence have complicated the

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*problem rather than solve it*" Öcalan, İmralı Trial,1999) adding that non-violence roadmap should be put forward and added that he wanted to serve the Republic of Turkey and to contribute to peace during his trial.

During the trial in 1999, Öcalan said to the panel of the judges: *"If I had the experience I have today, I would not have put the organization in this direction (violence-terror Conflicts and violence have complicated the problem rather than solve it"* (Öcalan, İmralı Trial, 1999) stating that there is a need to determine a new road map rather than violence and he is ready to be in service of Turkish Republic and thus contribute to the peace. The PKK cadres and its leader, Öcalan, had the allegation on autonomy in the 1990s and have had the idea of "Democratic Republic" as the only way out for the solution of the Kurdish problem since the early 2000s. In 2005, while being on the İmralı island where he was imprisoned, Öcalan announced that *Koma Civak Kurdistan (KCK) "Kurdistan Communities Union"* convention in which he declared Iraqian, Syrian, Iranian, Turkish and Kurdish Diaspora as the scope and aimed at gathering all entities in line with PKK under one roof. In the convention, *"Democratic Confederal Organization"* is seen as a model for a political solution to the "Kurdish Issue ". Upon the acceptance of the KCK Agreement by the "Kongra Gel" (Public Congress), steps were taken to put the roof organization into practice. With the set-up of KCK, it was aimed that the organizations having adopted the targets of the PKK terrorist organization would gather and act together in a wide network (Bayraklı, Basri & Yeşiltaş, 2019).

The PKK, which set out with the goal of an independent and united Kurdistan, changed its discourse over time. However, there was no deviation from its original purpose. Continuing its armed actions, the organization tried to soften the harsh stance of the state by using the structures in its political space. The PKK tried to prove that it is a military and political actor while trying to make a positive impact on the public opinion with its unilateral ceasefire, withdrawal from the country, and no-conflict decision statements. It effectively propagated the decisions it made and the actions it carried out through its own media organs (Korkmaz, 1999:144). In its propaganda, it tried to justify its actions by associating terrorist acts with the attitude of the state.

Preparing a text with the name "KCK Convention" in 2005, the leader of the organization, Öcalan, being convicted on the island of İmralı, claimed that he developed a solution proposal on

the Kurdish problem by respecting the borders of the unitary states. Thereafter, he stated that they gave up their demands for a nationalist state model, and that they misunderstood the notion of "the right of each nation to self-determination", one of the main reasons for the existence of the PKK, by following the approach of establishing an independent state, and that they experienced that this notion multiplied the problems (Öcalan, 1999). As a solution, Öcalan stated that the state structures having been implemented so far are one of the obstacles to democratization and claimed that this situation would be overcome with the KCK Convention.

Claiming that they will solve problems by building a democratic society and building a democratic Confederal structure through the KCK Convention, Öcalan stated that the *"Democratic Confederal Structure"* that they stand up for is not a state model (KCK Sözleşmesi2005). Supporting the idea that the problems would be sorted out through the construction of a democratic society, Öcalan claimed that his project was an act of democratizing states and that he created solutions to conflicts in a peaceful way.

Upon the recognition of the KCK, the importance of the issue can be made out considering the initiatives to set up organizations carried out by PKK in Turkey and abroad. The formation of the canton in Syria, the courts PKK founded in Turkey, the initiations to create liberated zones by carrying out the conflicts in cities where they excavated trenches and built-up barricades are of the products of notions written up in KCK text that were tried to be put into effect. These inferences and the claims about the Convention by the organization leader are indications of a confusion. In the light of all these, the issues such as the state, confederalism, autonomy, democratic society and democratic republic have been discussed in this study to understand KCK Convention, and in this context, the KCK Convention has been handled in a depth analyze.

From time to time, security approaches, social and cultural initiatives, economic measures have been developed and many legal regulations have been carried out within the framework of solutions to the PKK terror ([https://ec.europa.eu/comfrontoffice/publicopin ion/archives/eb/eb74/eb74\\_tr\\_tr\\_nat.pdf](https://ec.europa.eu/comfrontoffice/publicopin ion/archives/eb/eb74/eb74_tr_tr_nat.pdf) accessed, 2020)

that is seen as the first-place ranking amongst Turkey's problems. There has not been any study on the capacity of the KCK Convention, which is the

subject of this study, to produce solutions to the conflicts and whether it can be applied technically or not. The philosophy, theoretical framework of the KCK Convention and its textual language and strategic dimension have been discussed in this context, and it is aimed to contribute to the literature by analyzing it from perspectives of the international relations and state theories.

In the research, the philosophical and technical dimensions of what are put forward in the KCK Convention, the theorist of which the leader of the terrorist organization claims to be himself, (as he suggested the organization model), have been opened to discussion by going through the documents, one of the qualitative research methods.

### CONCEPTUAL FRAMEWORK

When the approach put forward in the KCK Convention is gone through, the goal of building a stateless democratic society is encountered. Democratic confederal structuring put forward in the context of the stateless organization model with the claim that states create problems in the creation of democratic and classless society, needs to be interpreted in terms of public administration, society and individual. In line with this interpretation, the concepts of state, confederalism and autonomy should be addressed. These concepts are key to understanding the KCK Convention and need to be explained in depth.

### State

Many forms of government-based formation, e.g., tribal, tribal, clan, tribe, etc. characterized as state structuring, which is the "political organization" of the people who have developed it, means the power that makes and implements decisions. From a historical point of view, different views are put forward regarding the formation of the state. One of these, based on archaeological findings that view the state is family-based, it has been argued that the family constitutes the institutional basis in determining the plane of social life and relations with the state (Abelese, 2019:15-18).

It is seen that the natural law and social agreement on the formation of states are based on people coming together and giving power of attorney. The natural agreement, which is the result of people's tendency to come together to provide basic needs such as security, solidarity and sharing, includes the individual's commitment to giving up his many rights, as well as taking responsibility, obedience and acceptance of

obligation (Can, 2011:31-33; Russel, 200:391; Rousseau, 2011:41). The state, considered the legitimate authority, performs its duties on behalf of the society to ensure public functioning by being equipped with skills and powers such as judgment, punishment, security, tax imposition, conscription, etc. In liberal thought, the origin and functionality of the state is associated with the behavior of the individual and the individual is placed in a central position (Carnoy, 2013:29-32). The liberal understanding, which defends that the state, which is the product of the human mind, has no other duty than serving people, strongly advocates the separation of powers for a balanced government (Arslan, 2013:186-190). The liberal understanding also considers the state as the will to take action to prevent the perversions of the human mind (Hirschman, 1997:14-19). On the other hand, Marxist theory tries to define the state in terms of the relation of production and interest. The Marxist view, which evaluates the state among the causes of class society, also considers the state as a legitimizing tool for contradictions. The Marxist approach considers the state as the most practical means of monopolizing production (Russel, 2017:97,98).

Those who oppose to the necessity and functioning of the state considers the state as the instrument that strengthens the power holders' own positions. Anarchists see the state as the basis for the formation of class society. Anarchist theory rule out the state option for a freely formed classless society (Kropotkin, 1999:75).

In the functionalist approach, the state is seen as a set of institutions that provide and support the social order (Heywood, 2007:124). This approach sees the state, regardless of its ideology, as a legitimizing tool for actions and actions aimed at the goals and objectives of those in power. Although the forms of political power take different forms, even in archaic societies where there is a social order, there has been an organization related to the functioning of the established order (Clusters,1990:19,20).

### Confederalism

Confederal structuring, in terms of its legal nature, is the structuring of independent states and institutions that come together with the treaty provided by protecting their independence (Sunay,2006:223-271). Since the confederal formations are created to cooperate within the framework of common goals, these structures are in a way like unity of interests. The confederate structure has parties and these parties are

considered equals. The unity of these equals that are set up on agreement does not affect the internal and external independent attitude of the parties forming the confederation, since their borders and purposes cover certain goals. However, it is hoped that the confederation will be able to create a common policy. Confederation membership based on volunteering and consensus can be terminated by a unilateral decision when desired.

Although the confederal structuring can have a background stemming from the historical past (Fukuyama,2012:29), confederal state structuring can also be realized with an international agreement in the context of overall interests. The bodies of the confederal structuring are affiliated with the member states and the issue of representation in these structures is shaped by the agreement (Elezar,

<http://www.jcpa.org/dje/books/fedsysworld-intro.htm>, accessed, 23/12/20). The best example of this is the European Union (EU) (Sunay,2006). EU countries are looking for ways to strengthen their institutional structure by maintaining their independence and by loosening the inter-country borders and providing fluidity in many areas. EU countries are trying to create a common understanding and dignity by adapting their domestic laws to these criteria by complying with the common criteria. The EU countries take decisions in the determined fields unanimously and abide by the law of equality of each country. Considering the reasons for the formation of confederal unions, it is seen that defense-oriented higher organizations are also established although the economic reasons come to the fore. Among the examples of confederal structuring are NATO and the WARSAW Pact aiming at the joint defense and cooperation of the member states as a defensive structuring. The decision-making bodies of the confederal structure do not have a supra-governmental position. However, it is aimed that states get closer by making arrangements in accordance with the criteria (such as Maastricht) to develop a common attitude (Elazar, <http://www.jcpa.org/dje/books/fedsysworld-intro.htm>, accssed 23/12/2020).

### Autonomy

Autonomy, in another word, can be expressed as the determination of the rules and rules to be followed by a community (Çenet, 2019:57-71). Since autonomy refers to having the authority to make its own laws as a political structure, it is to be able to act according to the understanding that

aims to be isolated from external influences. Autonomy aims at decentralization of power in democratic society and state building as an organizational model. In this context, it aims to reflect the wishes and demands of the people to the system effectively (Koç, 2016:87-101). Autonomy is seen as an autonomous state and an autonomous local administration practice in the context of political administration. The PKK focused on regional autonomy in the 90s and then in the 2000s, it defended the autonomy of city administration structures in the context of municipalities.

Local autonomy does not imply full independence as a governance model. That the public become more effective in local administration processes requires local autonomy (Keleş, 2006:20-22). In building a democratic order, local autonomies aim for a better democracy to function. In the areas that mean direct service to the public, the transfer of sufficient resources and clarification of the scope of authority are a necessity in the autonomy model.

The shaping of the autonomy of local governments operates on two main axes. They are their legal responsibilities towards the people of the region it represents and the central government to which it is affiliated in terms of the selection and supervision of local bodies. In today's democratic management models, public participation is seen as the condition for democracy to be more functional (Haywood, 2007:241-244).

In unitary and federal organizations, the construction of the process in which local governments are more empowered and funded has been associated with the approach of realizing the democratic social order at a more advanced stage. Administrative boundaries and powers determined by the law mean that they can be applied in the fields determined by the law (Koç, 2016:87-109). In order for all these structures to function properly and to prevent chaos, it is necessary to place the constitutional order on a healthy basis and to clearly define the powers (Çukurçayır, 2002:87).

In the understanding of European local governments autonomy, the understanding of more democracy and the understanding of strengthening local governments for more participation has been embraced (Sobacı,2015:10,11). Rather than limiting the powers of the federal or unitary state, the European understanding of local governments aims at increasing administrative participation and giving local governments the specified powers in order for direct democracy to become functional. With the autonomy of local governments, Europe aims to

ensure that citizens are effective in solving their own problems and embrace the management, and that local governments operate on transparent and democratic principles. The understanding that it is important for local governments to take an active role in the operation of a regionally service-oriented process in terms of ensuring democratic participation is the dominant view in the understanding of European local governments autonomy.

### Democratic Society and Democratic Republic

Democracy, as a concept, refers to conformity with democracy, democratic society and equality of all citizens in government. The fact that every citizen can defend their rights equally and take part in the administration expresses the existence of a democratic social order. Democracy (Kuzu,1992:335), which is the transfer of the will of the people to the administration as the main authority, is manifested by the equal and fair reflection of the will of the people to the decisions in the realization of social regulations. While the dominant political doctrine of today, democracy (Kuzu,1992) expresses the legitimacy of political administrations, it has led them to claim that they are democratic regimes. The claim to be a democratic state stems from the effort to gain social acceptance. The KCK organization claims to build and organize a democratic society. It has blended many approaches to reinforce this claim.

Many ways of reflection of the will of the people to the administration have been experienced, and representative and direct democracy practices have been put into effect (Schmitter & Karl,1991:24). Approaches such as the size of countries, the desire to run decision-making processes smoothly, and some decisions that require expertise, have revealed representative democracy as a strong trend. Today, in order to transform democracy into a powerful representation tool, the restructuring of decision-making mechanisms and political regulations has been brought to the agenda.

The understanding that the will of the majority is the main determinant in democracies has been insufficient in building a democratic society. In democratic societies, it has been observed that the protection of rights and interests and the full and uncompromising implementation of the principles of justice and equality are not realized by the will of the majority. The fact that the factionalism of individuals and communities can lead to many injustices and social decay (Schmitter & Karl; 1991) has been the weak point of democratic regimes. Like an epidemic, making regulations that will

control the dominant ones and realize pluralism has become important in terms of protecting democracy itself because the struggle of communities to get benefits on their favor has turned into a threat in terms of the protection of the social order,

Participatory societies that have ensured pluralism, and care about each individual and protect their fundamental rights and freedoms are called democratic societies. Democratic societies encourage preserving differences, questioning public policies, maintaining the balance of freedom-security-responsibility, and transparency. The political structuring of democratic societies should be built with a balanced approach for the protection and development of group and individual rights by including structural regulations that will prevent future applications, which can cause confusion in the meaning of the hegemony of the majority.

The republic, which is a popular political administration model, is based on elections. Management is formed and execution takes place through representatives elected by the people. Although the plane dominated by the republic is based on the will of the people, it accepts the majority decision as an absolute reality. The public has sometimes functioned as the election of the leaders and the structuring of management by the leaders of the society as decision makers using their social representation competences. This understanding restricts full participation, leading to individual inequalities. However, the Democratic republic means that all layers of society and each individual are on an equal footing.

Although the republic and democracy are fed from the same ground, they may not reach the same point in terms of their practices (İnsel,1998:115). It may be expected that democracy accepts the will of the people as an authority will, which is comprehended that it has the same result in terms of republic practice, whereas the practices of republic and democracy may differ and as a result, there may be differentiations. Whether the principles of equality, protection of individual rights on the basis of equality, transparency, accountability and separation of powers are implemented or not are decisive in the functioning of both structures as a whole (Pettit, 2017:42-47). In this respect, the democratic republic requires the safeguarding of fundamental freedoms, the transparent implementation of the principle of equality in all areas, and the legal guarantee of sharing, duty and responsibility to be based on the principle of



equality and justice.

### KCK CONVENTION

The KCK Convention refers to the charter of the Union of Communities of Kurdistan prepared by PKK leader Abdullah Öcalan as a text in the form of a "new life philosophy and system", in his own words, in the Imrali prison where he was convicted on March 20, 2005. The KCK Convention is accepted as the organizational framework of Kurdistan Democratic Confederalism. The KCK Convention was accepted by Kongra Gel on May 17, 2005.

Through the KCK Convention, it is aimed at gathering organizations that are in the line of the PKK under a single roof as a first step. He wanted to unite the confederal structure he proposed as a second step and the Kurdish ethnicity, which is in a fragmented position, under a single roof. The Convention envisaged the inclusion of ethnic elements outside of the Kurdish ethnicity within the geographical boundaries that they define as Kurdistan and individuals and communities of Kurdish origin who are in the position of diaspora within the KCK structure (KCK Convention, 2005).

In order to support the practical and intellectual basis of the "Democratic Confederative Organization" model highlighted by the KCK Convention, the concepts of "commun", "commune" organizations, community democracy, multicultural democratic nation, democratic society, radical democracy, and stateless democratic organization are put forward so that a philosophical background can be created.

The KCK Convention claims to provide a peaceful and democratic solution to the Kurdish problem and conflicts in the Middle East and problems created by nation states and global capital. Öcalan tries to embody this claim with the Kurdistan Confederalism model. Saying that democratic society organization is an organization in the form of a pyramid from the bottom up, Öcalan argues that the organization of communities to be established will solve the problems with the practices that they will produce with the understanding of radical democratic socialist social organization.

In the KCK Convention, the legal basis has been accepted as EU Law, Unitary Law, Democratic Confederal Law. In the convention, it was stated that the recognition of unitary state law was conditional and the condition was the recognition of the confederal law of Kurdistan. Öcalan has argued that building a democratic society, based on multiculturalism and pluralism, is a democratic revolutionary movement that aims solidarity and

communalist social order without the need for the state.

Öcalan stated that the KCK structuring is "the practicalization of democratic socialist thought by its essence" and that they aim the full participation of communal organizations in democratic life with a democratic socialist approach. Claiming that the liberal representational democracy approaches and their practical implementations having been applied up to now have been state-oriented and that they are insufficient in solving problems, and that "real socialism has also turned into a state sect" and that they have gone bankrupt, Öcalan argued that the understanding that will solve the problems of the century is participatory direct democracy, which is his own propositions. In the KCK Convention, Öcalan stated that participatory direct democracy would thrive on by building a democratic society and democratic state practice and he outlines how this can be achieved.

### Structuring of KCK

KCK convention is presented in the form of theoretical framework by Öcalan as a theoretical and strategical text aiming at social and political organization of Kurdish people living in four different regions in four countries (Turkey, Iran, Iraq, Syria). KCK structuring is defined in Article 2 as a socialist-confederal system, non-state, horizontal and pyramid-style organized democratic political and social organization.

In the KCK Convention, regulations are made regarding being citizen and dismissal from citizenship, and the framework definitions on the rights and freedoms of citizens are suggested, and the duties and responsibilities of citizens have been determined (KCK Convention 5,6,7,8,9,10).

One of the most important determinants of the political dimension of the concept of participation is the issue of how the production and consumption chain will function and how the ownership of production resources can be secured (Türkdoğan,1977:62). Taking the socialist line as basis, Öcalan regarded the right to own property in the KCK convention. In the convention, it is emphasized that acquiring property cannot be unfair and unlawful, and it is stated that it can be restricted by stating "provided that it does not cause status inequality and imbalance" (KCK Art. 7 / clause).

KCK has emerged with the claim that it represents new political system under the name of "Kurdistan Democratic Society Confederalism" (KCK Convention 11) as the roof organization of the other organizations in different geographies, which are in

line with PKK. "Kongra Gel", consisting of 300 members elected for 2 years in the fragmented Kurdish geography as the highest decision-making body, has been defined as the highest decision-making and legislative body. In the 12th article of the KCK convention, the decision-making bodies, units, representation and formation criteria, duties and responsibilities of the organization are detailed. In Article 13, the "Executive Council" has been mentioned and the formation, duties, responsibilities and authorities are defined.

In the 14th article of the KCK Convention, five central areas are suggested, which are Ideological Area, Political Area, Social Area, People's Defense Area, Center and Economic Centers Area and they are positioned as a sub-unit of the Executive Council. Area centers are positioned as preparatory and guiding units in decision-making processes related to political, economic, social and military areas, which report about what they are responsible for with the support of affiliated sub-committees. In Article 15, the Supreme Election Board (SEB) is founded and a term of reference is outlined.

The formation, working principles, duties and responsibilities of the people's assemblies are determined in the 4th chapter of the KCK Convention and it is stated that the activities cannot be against the decisions of "Kongra Gel" in this determination (KCK Art. 16). In the fifth chapter; "State Regional Assemblies", "State and Territory Executive" are elaborated as organizations.

In the sixth chapter; city, town and neighborhood organization, and on the other hand, in the seventh chapter, village and street organizations are included as local organizations in the convention.

In the eighth section of the KCK Convention, the judicial structuring is organized under three main domains: supreme court of justice, administrative courts, and comrades' courts.

The ninth part of the KCK convention includes an approach that envisages social binding and compulsory participation under the caption "Legitimate Defense Obligation" (Art. 31). In the event that social demands are not met by the sovereign state, self-defense and guerrilla wars are offered as options (KCK Art.32). In Article 33, the bodies that are authorized to take war and peace decisions and that can discuss the terms related war, peace are mentioned as authorized bodies stated.

In the KCK Convention, the PKK is defined as the "ideological, moral organization" of the KCK, which is expressed as an element of democratic

organization (KCK, Art.36). Within the KCK system, KJB (Kurdistan Supreme Women), PAJK (Kurdistan Free Life Party), YJA (Free Women's Union), YJA Star organizations are envisaged as women's organizations. In Article 43, the formation, decision and action principles of the Comrades' Defense Forces are included.

#### **Democratic Confederalism as the KCK Organization Model**

Confederalism, as an inter-state organization, is based on voluntarism and refers to the commonality of equals. The functioning of the entities established by the confederal organization for the purposes can be unique. In general, decisions in confederal organizations are taken unanimously in the specified areas and by the majority of votes (on matters that are not contrary to the interests of the nations within the union) (Veggeland;

<http://www.arena.uio.no/ecsa/papers/NoralvVeggeland.pdf>, (accessed 24.12.2020). The bodies of the confederal organization have to include representation of the state party. These decisions are approved and implemented by the relevant mechanisms of the state parties (McCormick, 2005:146).

Through democratic Confederalism, which was put forward by Öcalan for the solution of the Kurdish problem, the claims that societies would directly take part in the decision-making processes, that they could end violence by reflecting their free will to the administration and thus force governments to democratize are highlighted.

The democratic confederal organization included in the KCK convention is tried to be formed by the combination of the organization of the Kurds and other ethnic elements and belief groups within the boundaries of the geographical region, which is regarded as "Kurdistan"

Öcalan regarded the nation states as obstacles to development and tried to separate the democratic confederal organization (Lipson, 1984; 2005), which he claimed to be his own approach, arguing that capitalist state models exploit democracy. Öcalan says that the struggle for democracy and freedom has not transformed peoples into a power that shapes the administration, democracy and radical socialist understanding have turned into a sect of states, adding that the democratic understanding and socialist thought that should exist doesn't prevail. From this point of view, Öcalan argues that his democratic confederal structure is "the practicalization of democratic socialist thought in

essence" and that his political proposal will allow "the rise of socialism with a radical and deepened democracy". Öcalan stated that socialism, which can coexist with democracy, will form the spirit of the KCK as scientific-democratic socialism. Öcalan;

*The solution valid for the folks of the Middle East and even the whole world is democratic confederalism. Democratic confederalism is non-state, democratic nation organization. Democratic confederation is a minority organization; cultural organization, religious organization, even gender organization and any other organizations in these kinds. I call this democratic nation and cultural organization. A democratic commune emerges in every village. Every cultural organization is a confederation to unite all of them. It should be reflected as a line. I call this a non-state democratic confederation.*

(Öcalan file://C:/Users/User/Downloads/Demokratik\_Konfederalizm.pdf (accessed 2.01.2021), He tried to define the Democratic Confederal structure with his statements.

Öcalan argued that the democratic confederal organization is not a state system, but a democratic political administration model without the apparatus of the state. This idea evokes the ideal of a stateless, classless society in anarchist and socialist thought (Aktan, 2019:239-254). While Öcalan tries to base decision-making process in the democratic society and confederal structure on the understanding that the grassroots people are accepted as the authority, the minimal state that we can call Minarchism has also shown the traces of libertarianism (Block, 2007:741-770). In this perspective, what minimizes the state apparatus is the citizens' 'self-power' and 'self-efficacy' (KCK Convention Md.7). The order Öcalan wants to create by breaking the determination and dominance of the state authority has found a place in the use of the concepts of "Self-Power" and "Self-Efficacy".

Self-power and competence are used in the definition of the independent future in the 1st part of the KCK convention and in the definition of the defense concept in the 9th part. The terrorist organization was organized under the name of "Self Defense Forces" (YPS- *Yekineyen Parastina Civil*) in order to achieve its goal of seeping into cities and having domination in cities.

Through the democratic confederalism, KCK Convention has an urge to press on states (Turkey, Iran, Iraq, Syria) to render them to have radical reforms so that they can be sensitive to democracy and thus can achieve its goal. As a democratic nation on local level and supranational

organization on international level, the democratic confederalism, along with its definition as the self-governance organization of organized communities, is defined as the unity of the organizations in ecological, communal areas which are based on the political, social, economic, cultural, religious and sectarian, ethnic, gender-based.

Öcalan excludes the understanding of democracy that prioritizes the individual because of his communitarian democracy understanding that he puts forward in the democratic confederal organization and he advocates the transformation of the understanding that guarantees the equal representation and free lives of communities into a systemic structure by mentioning the democracy of communities and groups. The point he wants to reach from here is that the multicultural social understanding is to be emphasized (Lipson, 2005). Claiming that they aim to achieve transformation with the socialization and democratization movement, which does not aim at the government, Öcalan emphasizes that the opposition of power and argues that the obstacle to democratic social development is the (government in) power. In the KCK convention, Öcalan has a stance close to the position of anarchists by stating that "there is resistance wherever there is power and there is rebellion wherever there is power". In these expressions, Öcalan expresses how they will realize the democratic society confederalism. Öcalan claims it to be a democratic organization:

*"In my Democratic Confederalism thesis, I definitely do not mean a state organization. As I believe that Democratic confederalism is a solution to the people of Turkey, I have formed democratic confederalism not because I live in fear of something. Democratic confederalism is not a state organization. It is the organization of economic, cultural, social and environmental, professional and similar bodies as a form of expressing their ideas. Here I am discussing the coexistence and organization of hundreds of units. For example, women's organization, environmental units, youth and even village associations and any other organizations in any kind and their cooperation can be included* (Öcalan file://C:/Users/User/Downloads/Demokratik\_Konfederalizm.pdf (accessed 2.01.2021).

Claiming that they are against "centralization" with the understanding of democratic confederalism, and that organized structures from the grassroots and the decisions of public assemblies will shape and direct the top of the pyramid, Öcalan defines it as "the organized way of



*combining local democratic lives with communal-confederal relations and thus increasing their power and finding solutions to more comprehensive problems".*

Upon the elimination of the obstacles to the organization of society through the democratization of the state, Öcalan expresses that *"they consider the implementation of full and direct democracy as the basic understanding; thus, the democracy deepens, and it strengthens the individual and the society is to have its own will."*

Öcalan claims that, through the practice of the KCK Convention, the potential for a peaceful solution to the Kurdish problem and the problems of the zones in conflicts in the world (produced by the capitalist and imperial systems) will be presented to the whole World.

### DISCUSSION AND CONCLUSIONS

Öcalan, claiming that he is the philosophical, theoretical and strategic theorist of the KCK Convention, alleges that they offer a new philosophy of life to the Kurdish people by means of the KCK Convention, and so in this context, they will render the understanding of democratic society to dominate by practicing the understanding of radical democracy and practicing democratic socialist thought. While justifying this approach, Öcalan claims that the Leninist, Stalinist and Maoist practices of socialist thought are shaped by the totalitarian understanding of the state and that radical socialism transforms into a state sect, causing the interruption of democratic communal organizations and socialist state practices. Based on this, he argues that his social suggestions are social organization that don't target the state. The emphasis in the preface and preamble of the KCK convention has been observed to blend many approaches to democracy, prioritizing socialist theories. In this respect, the conviction bears an eclectic character.

Democratic society building and democratic confederal structure are based on socialist understanding in the KCK Convention. However, the primary element in the functioning of democracy is the individual. In the KCK Convention, the individual remains in the secondary position. Although fundamental rights and freedoms are defined considering the notion of the individual in the KCK Convention, the organization of communities stands out as a dominant feature in the socialist democracy and communal organization approach.

Öcalan, arguing that the effort to create a human suitable for the social order suggested by

the statist understanding does not liberate the individual, but rather enslaves them, considers the state's efforts to shape the individual as the source of the problems. While saying that the primary purpose of the democratic nation understanding is not the state, Öcalan argues that the primary purpose is to create free citizens. However, strong and weak state models have always existed.

The existence of mechanisms that assume some of the roles and functions of the state apparatus in stateless societies and even in primitive tribes are indicated in anthropological research (Morgan, 1998:505-535; Cameiro, 1970:733-738). Based on the anthropological data, it can be said that there can be a developed social order without a state or that the approach that the democratic social order excludes the state is not compatible with the historical reality. Regardless of the form of an organized social structure, it is impossible not to mention rules and norms if an order is mentioned. The functioning of the rules also creates enforcement, regulatory and supervisory mechanisms. In this respect, it is inevitable that a rigid or soft hierarchical structure will emerge. Of course, the existence of strong and weak state mechanisms has advantages and disadvantages (Cohen, 1993:40-49). The realization and development of the communes claimed by Öcalan requires the ground of consensus and structural forms. This means the formation of the state and similar organizations.

One of the important determinations of the KCK convention is the regulation on ownership and production. In the KCK convention, the acquisition of property is handled within the scope of individual rights in a socialist intonation. In the clause "m" of Article 7 of the Convention, the right to economic organization and to acquire property is accepted, provided that it does not lead to exploitation, inequality of status and imbalance. Öcalan, who put radical socialist thinking on the basis of the KCK Convention, seems to deviate from the socialist line because of this approach. Although there are liberal intonations in the convention, the projections of Marxist thought are seen intensely. The KCK Convention is not clear about socialist and liberal approaches to property. It gives the impression that the regulation on the right to acquire property in the KCK Convention, which is based on the blends of different views, tries to take into account the social dynamics.

The proposals by Öcalan such as the statelessness of the communal democratic structuring proposed and the understanding of communal organization and the fact that decision-

making is defined as processes that develop from bottom to top of the pyramid from the bottom remind many different anti-state theories. Since the KCK Convention does not have a clear legal philosophy and understanding of public law, it is not possible to make a final judgment. However, it can be said that, while carrying the signs of liberal and individualist anarchism (Stirner, 2013:34), it also follows the theme of left anarchism (such as Pierre-Joseph Proudhon, Michael Bakunin, Pyotr Kropotkin) (Kropotkin, 2000:36-58). While claiming that the KCK Convention is an organized expression of combining the social practice of democratic socialist thought and local democratic lives with communal-confederal relations and increasing their power and finding solutions to more comprehensive problems, it actually expresses that it advocates a socialist understanding.

Öcalan claims that, by means of KCK Convention, one of the main themes of his democratic confederal structuring of civil and communal organization, they are to respect political boundaries of Turkey, Iran, Irak and Syria, where the Kurdish people live, and follow a peaceful process without declaring a state and similar formations. In addition, with his understanding of the democratic society confederal structure, he mentions that these states will abide to the line of democratic republic and democratic socialist state. Öcalan has proposed three separate laws as the legal regime that will provide and guarantee the peaceful and democratic ground. These are the EU, unitary state, and democratic confederal law. In the convention, it is asserted its confederal law must be recognized for the recognition of unitary state law. Öcalan supports the rebellion and guerrilla warfare as an option to achieve a result in case of lack of respect and recognition of confederal law. When these stipulations are compared with the process from 1973 to 2005, when the KCK Convention was recognized, it is understood that it is not a new situation or describes a new stance. The main theme put forward from 1970s to 2005 is "Kurdistan is under military occupation, culturally destroyed and economically exploited". In the context of the right of each nation's self-determination, a fully independent united Kurdistan is underlined as the main target and it is declared in the manifesto of organization of the PKK (Öcalan, 1993a:127; PKK Program 1977). The PKK, which declared that they would apply the *difficult theory* (Perinçek, 1990:3537) for this purpose and started terrorist acts, stated that they could resort to violence in accordance of axis of the KCK

Convention, presented as a new approach, which is alleged not to have brought a new dimension. If the KCK Convention is not recognized, it is stated in the 32nd article of the convention that Kurdistan will be deemed to be under military occupation. These statements have been declared in the KCK Convention, where weapons and violence will be used as a tool in the realization of the democratic confederal structure.

Despite the claim that the KCK Convention imposes a peaceful solution and will force states to be a democratic line with its confederal structure, it is seen as a great contradiction that violence is a coercive option in the acceptance of its demands. The Republic of Turkey has tried to find solutions to ethnic problems in order that it can pull them off confrontational ground by strengthening the democratic basis of the state. By making many legal regulations, it has been aimed to create a basis for social consensus with cultural and social projects rather than security measures (Arslan, 2016:493-501). However, the PKK, on the other hand, decided to end non-conflict and ended the peaceful attempts with its terrorist acts (<https://www.haberturk.com/gundem/haber/1106043-saniurfada-2-polis-sehit-oldu> accessed 02.01.2021). The PKK terrorist organization ended the non-conflict by having killed thirty-three unarmed soldiers ([https://tr.wikipedia.org/wiki/1993\\_Bing%C3%B6l\\_sald%C4%B1r%C4%B1s%C4%B1](https://tr.wikipedia.org/wiki/1993_Bing%C3%B6l_sald%C4%B1r%C4%B1s%C4%B1) accessed 02.01.2021).

In the KCK Convention, it has been argued that it is against centralization and that the decision-making processes of the democratic society and the confederal structure are oriented from the smallest unit to the top (to the top of the pyramid - Kongra Gel) and that the communes are constructive in decision-making processes. However, in the fourth part of the KCK Convention, in article 16, it is stated that "the decisions to be held by communes cannot conflict with the Kongra Gel decisions, which is the highest body of the the public assemblies, thus determines the limit of participation. While the Convention justifies this, it bases itself on the obligation of one part (state) to protect the rights of other parts of the public assembly's decision. As the integrations grow, the social insights that are desired to be built on concepts such as search for order, harmony and non-conflict give rise to institutional structures. This constitutes the state and its organs. Ensuring socialization, being in a state mechanism means being in compliance with the requirements of the social order. The renunciation of some of the freedoms of individuals

or their compliance with the requirements of the social order is related to the protection and maintenance of the social order. The fact that individuals and communities give up some of their rights because of the social contract and limit themselves by acting according to the requirements of the socialist understanding is also based on a similar reason. Based on this, it is certain that structures, built for every society, will appear. Fictionalized structures make it doubtful that communal organization will play a fundamental role in solving the problems, as claimed by Öcalan.

The approach that the decisions of the confederal structure cannot be in conflict with the decisions of the public assemblies can be considered as a necessity in terms of ensuring the social order and functioning. This inevitably leads to a hierarchical organization. Considering the powers and duties of Kongra Gel, the peak of the KCK organization, and the way in which sub-organizations are involved in the decision-making process, it is understood that a representative process is operated. However, the claim of the KCK Convention is that direct and fully participatory democracy will be operated as a requirement of the democratic society. It is understood from the formation of these organs that this means nothing more than a claim. The claim of self-governance of all layers of the KCK society and the difficulty of being directly involved in decision-making processes has been experienced historically. This difficulty is explained by the nature of the decisions and issues as well as the size of the structures and the nature of the social structure. It has been proved by the organizational model suggested by the KCK Convention that the KCK Convention expresses a desire for direct democracy and participation and that it will remain unrequited in real terms.

Considering the general framework of the convention regarding the claim that the KCK organization is not a state organization model and offers a solution to the Kurdish problem in particular, and to the Middle East as a region nearby and to the other parts of the world through the implementation of KCK practices, there are many contradictions and difficulties. The fact that four states (Turkey, Iran, Iraq, Syria) are forced to comply with the framework of the KCK Conviction as a *sine qua non* can be said to be a patronizing Notion and therefore, to increase the conflicts. The assumption that these four countries will simultaneously harmonize their own laws by taking into account the KCK Convention does not reflect a realistic understanding. In addition, Öcalan

previously claimed that the PKK struggle would set an example to the whole world through the social structure and philosophical initiative by glorifying socialism. Now he claims that the implementation of the KCK Convention will be an example to the world (Öcalan, 1992; Öcalan, 1993b).

Considering the organization model envisaged by the KCK Convention, as opposed to his claims, it is seen that it is not a state system, on the contrary it contains all the elements of the state organization and all the technical features of it. In the democratic confederal structure included in the KCK Convention, the general framework of citizenship law has been put forward with the title of KCK citizenship. Depending on this citizenship, freedoms, fundamental rights and duties are determined. KCK citizenship has been described as a special field. When only a few clauses in the convention are considered, it is seen that the state is a legitimate force tool. Namely; expressions that smack the practice that can be evaluated in terms of the mobilization mandate of states, contain the statement "the obligation of every KCK citizen to defend the freedoms in cases of war" (Article 10 c of KCK). In addition, in the clause "i" of the same article, the KCK organization casts a role on itself as conducting the taxation capability of the states by saying "Every KCK citizen is obliged to pay taxes". As an example of the KCK organization, the conscription and tax practices in the cantons established in the north of Syria are based on these articles. The fact that cantons act as an independent state contradicts Öcalan's claim that "the unitary state law will be respected". The third part of the KCK agreement has listed the general entities, the most important of which is the positioning of Kongra Gel, which is equivalence of the parliamentary structure, as the highest decision-making assembly. Under this structure, executive council, area centers organizations and SEB (Supreme Election Board) units are envisaged. The bodies of the component organizations forming the confederal organization are also listed in the fourth chapter. In the fifth chapter, state-region organization is discussed.

In the sixth and seventh chapters, city, town, neighborhood, village and street organizations, in the eighth chapter the jurisdiction, in the ninth chapter, under the heading of legitimate defense, the declaration of a state of war and the regulations regarding having peace decisions are included. Whatever criteria it is based on, it is understood from the expressions that it will be invalid whether such an organization is a state organization or not. When the organization suggested by the KCK

Convention is evaluated in terms of both the functions of the states and political sovereignty, it is understood that it is an independent state organization model.

Although the KCK Convention does not provide much technical details regarding the partitioned organizations of the confederal organization, it can be said that when it is considered that each partition is autonomous in its internal functioning and that they are positioned as parts of the whole, and it can be said it represents independent political organizations. It proves the existence of federative and autonomous structures that partitioned organizations act in accordance with the general policy of the whole and operate the decision processes in accordance with the holistic view. As is seen, it is understood that the claim of the KCK Convention to be a stateless system is not realistic.

KCK Convention or the organization of the embodied form of confederal structure of a democratic society has designated some of the lands of Turkey, Iran, Iraq and Syria as hinterland. It is clear that it is a big matter of discussion and conflict that the states associated with this hinterland will recognize the organization model stipulated by the KCK Convention and will agree or adapt their state laws to the KCK Convention. Also, it can be said that the approach (KCK Convention), which asks these states to make similar arrangements by putting their own state systems at the center of the KCK Convention, has many impossibilities even in theory. The fact that Öcalan respects the unitary law on the condition that confederal law should be recognized is meant to be an attitude against the spirit of international confederal formations. With its patronizing aspect, it calls on unitary states to take positions in line with their demands.

It is understood from the KCK organization that the political borders of the four states will be forced to change if there are political and legal regulations adapted to the KCK Convention. This proves that the PKK cannot go beyond the understanding expressed in its founding statement (PKK Tüzük;1978) and that a new understanding is held is the indication of the invalidity of the claim. It can be easily stated that the KCK Convention carries risks that further deepen conflicts rather than preventing conflicts.

With the acceptance and implementation of the KCK Convention in 2005, the PKK terrorist organization has brought new dimensions and depth to the city structuring. The PKK organized neighborhoods, villages, towns and cities, even

formed law enforcement and carried out street protests in uniforms (<https://www.diyarbakirsoz.com/gundem/yps-hakkaride-kurulusunu-ilan-etti-pkkli-militanlar-ilk-kez-tek-tip-kiyafet-giydi-146432> erişim: 24.12.2020. This attempt shows that the claims that unitary state law will be recognized becomes meaningless, and unitary state law is violated and the sovereignty of states is interfered with.

Through the KCK Convention, the PKK started to establish local courts in some regions and tried to use new initiatives against the people (<https://www.haberturk.com/mus-haberleri/81288313-teror-orgutu-pkkkck-bulanik-ve-malazgirtte-sozde-halk-mahkemesi-kurdu-20-kisi-gozaltinda>. erişim: 01/01/2021. ; <https://www.milliyet.com.tr/gundem/pkk-guneydoguda-mahkeme-kurdu-1961232> .

erişim:01/01/2021. The courts established by the PKK have taken many criminal imposition decisions, including financial contribution to the organization, and efforts have been made to create a sphere of influence over the people. With the courts established, it was aimed to create an alternative to the state judicial system. This attempt means not recognizing the authority of the state. As stated in the KCK Convention, neighborhood and city organizations have been established and the organization has actively taken actions to establish dominance in the area with the youth organizations established for this purpose.

Through the KCK Convention, the terrorist organization aims to continue its initiative to set the agenda for the mass of supporters it possesses and to add new values to the legitimacy of its existence.

Through the KCK Convention, Öcalan has drawn the attention of international circles to himself and the organization, and attempted to expand the political sphere in his favor by being a focus of a new debate.

As a result; It can be stated that

- When the literature is examined, the KCK Convention is not original,
- The KCK Organization has a constructivist and Jacobin character in the context of international relations theories,
- Although socialist emphasizes prevail in the KCK Convention, the KCK Convention bears the projections of liberal and anarchist thought and is an eclectic text and contains many contradictions,
- In the KCK, the socialist communal organization is prioritized and the individual remains in the background,
- The organization model suggested by the KCK is the state organization model,

- The KCK is far from claiming a civil organization,
- The KCK is far from the potential to solve conflicts and problems created by states,
- In the KCK, the allegations made in the 1978 founding declaration of the PKK remain the same,
- The confederal organization put forward in the convention contains many contradictions and difficulties in the context of international law and relations, and a language in contrast to the spirit of confederalism is used.

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