Since coming to power in 2002, the AKP government has enacted a series of urban transformation projects that have significantly altered the urban landscape of cities across Turkey. In this article, the author takes up the latest item on the government’s agenda – the 2012 Draft Law on the Regeneration of Areas under Disaster Risk – which would empower the Ministry of Environment and Urbanization with a capacity to appropriate all property it deems “risky,” and build new structures in their place. According to the author, this law would allow the government to impose its will on urban spaces without accountability, transparency, or popular consent. Instead, the author advocates for the implementation of urbanization projects that take a citizens-based approach, respect housing and shelter rights, and aim to conserve rather than threaten the cultural and historical heritage of Turkey’s cities.

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In Turkey, the problem of housing is among the foremost of the challenges that are encountered by low-income households. While increasing poverty in urbanized areas makes it impossible for impoverished households to own a house, low-income households that in previous periods settled in shantytowns (gecekondu) are now facing the threat of displacement as a result of the policies of so-called urban transformation. Urban transformation, let alone creating solutions for low-income segments of the population, is currently giving rise to a problem of housing.

According to the criteria established by UN-Habitat – the United Nations program dedicated to providing a better urban future for all peoples – the median housing price in an urban area should not be higher than five times the median annual household income, while the median monthly rent of a dwelling unit should not exceed 30 percent of the median monthly household income. Taking into account only the data by Turkey’s Council of Urbanization, it becomes clear that the creation of affordable housing for low-income households, who make up 40 percent of the urban population in Turkey, is an essential issue.

Considering the sale prices of dwelling units constructed by Housing Development Administration of Turkey (TOKİ) over the years, we see that the Administration is far from addressing this need.

Urban Renewal Policies and Transformation

The most pressing problems concerning the administration of urban spaces, which need to be addressed swiftly and within the context of solving the problem of low-income housing, are the renewal of shantytowns and areas of construction over joint-owned parceled land, the transformation of these areas into secure and healthy urban spaces, and the improvement of the existing housing stock to ensure resilience to natural disasters.

The implementation of urban transformation in the AKP period has targeted low-rise shantytown areas that are located close to city centers and divided into large parcels,
as these were the areas that would render the highest levels of income after demolition. Projects of urban transformation, on the other hand, have not been implemented in densely settled areas, where expected incomes after demolition were not very high as a consequence of their population densities, but where at the same time urban transformation was a real need given the expected destruction that would be brought about by an earthquake.

When we take into account the dimensions of urban transformation’s implementation, the resources that have been channeled into these projects, and the areas that have been affected by them, it becomes clear that we are talking about numeric data that make up a considerable share of Turkey’s economy.

An evaluation report cited in the online newspaper Radikal on 1 February 2015 indicates that in 2014 there were 79,000 applications for urban transformation, and of the 130,000 housing units that were found to pose safety risks, 12,500 were demolished. In accordance with Law no. 6306, local administrations were granted 45 million dollars for a total of 40 projects within the same year.¹

As of today, 152 areas have been declared “areas of risk” in the official gazette. A total of 392,000 independent units are located in these areas, which house a population of 1,100,000 people. There are 172 more areas whose files are being prepared for designation as areas of risk and are currently in the process of be inspected by the Ministry of Environment and Urbanization. Under Law no. 6306, by October 2014 a total of 6,939 hectares had been declared areas of risk in 37 provinces, in which 170,728 structures are to be found and 1,058,172 people dwell.

**CHP Counter-Arguments to the Law on the Regeneration of Areas Under Disaster Risk**

The 2012 Law on the Regeneration of Areas under Disaster Risk is one of the last items in a series of laws that have been enacted since 2003 relating to urban transformation.

Following the Marmara earthquake of 1999, the anxiety that encompassed all of society was used as a basis for the pillaging of public lands and lands on which low-income households resided. This destruction also extended to historical and cultural structures and natural assets such as farmlands and woodlands, all in the name of urban transformation.

The Draft Law on the Regeneration of Areas under Disaster Risk was discussed by the Committee on Public Works, Reconstruction, Transportation, and Tourism of the Grand National Assembly in meetings that lasted a total of 15 hours on 22-23 February 2012. The Committee approved the introduction of the Draft Law to the Grand National Assembly for discussion. In this process, the CHP group submitted 25 proposals for amending the Draft Law.

Considering the needs of current dwellings to be renovated, improved, and transformed in order to reduce disaster risks, especially from earthquakes, the CHP seeks the immediate introduction of legal and institutional regulations intended to address this need and prioritizing the interests of the people. In the press statement given by Prof. Dr. Haluk Eyidoğan on behalf of CHP deputies Yıldıray Sapan, Sakine Öz, Ahmet İhsan Kalkavan, İdris Yıldız, and Doğan Şafak, who are all members of the aforementioned Committee, the party opinion of the CHP was stated as follows. It is presented here in the format used in the statement.

This law, which has been prepared by the government, is not a law that is healthy and practical for Turkey; it is not a law that envisages a just and popular allocation of resources; nor is it a law that protects human rights and property rights. I invite the citizens that are living in the areas that will be affected by this law to carefully consider what this law introduces.

**What Kind of Law is it That is Being Introduced?**

- It is a “bulldozer” law that violates property rights and disregards the concept of urban transformation that is recognized in the contemporary world.

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• It bypasses popular participation and local administrations. It is expected to bring about multilateral problems.

• It is not a bottom-up but a top-down instrument for implementation.

• It oversteps and disregards the whole existing body of regulations concerning reconstruction. Under this law, citizens will have the right to object but they will not have the right to claim a stay of execution. The demolishing parties will first carry out the demolishment, then allocate the parcels and realize the official registration.

• What has come about is a draft law that does not consider planning, planning decisions, and the area and procedure of urban renewal in the context of the integrity of the urban setting.

• The issue is approached with ulterior motives, as an opportunity for income engineering.

• There are intended ambiguities in the text, creating a base for a different implementation of the law for some citizens and for practices leading to otherization.

• The Draft Law refigures urban renewal, the content of which concerns many areas of expertise, as a merely legal issue, and thus creates grounds for injustices.

• It neglects both the world tradition that dates back 150 years and the unique characteristics of the cities of Turkey, and acts as if there are no experts or universities in this country. As such, it stands out as a result of ignorance.

• It reserves all authority to the Ministry of Environment and Urbanization, and all responsibility is transferred to the Cabinet.

• In the same way that natural and underground and aboveground resources are carelessly consumed, a strategy is sought to channel the urban income massively and irreversibly towards those in power.

• Allegedly aiming for decentralization, the Draft Law in fact serves to concentrate the most extreme authorities in a despotic center.

• Although it had been discussed for a long time after the 1999 earthquake and many reports had been prepared over the issue, collective renewal models have been left out. After the Van earthquake in 2011, a deeply penetrating draft law that excluded local administrations was prepared over an issue completely foreign to them.  

This draft law is one that is rich in ambiguities. More than 20 provisions in the draft are worded with “can” or “might.” As such, it leaves room for otherization and arbitrariness.

The phrases “urgent expropriation” and “unbound by the public tender law” are frequently repeated.

It is observed that the law seeks the creation of a very large budget:

- Immovable property is acquired free of charge,
- They are issued reconstruction permits and their resale is ensured,
- Citizens are expected to carry out the evacuation and demolition of immovable property through their own means,
- Expropriations are carried out on an “urgent” basis,
- Through creating reserve areas and the flat-for-land method, construction costs are cancelled out,
- It is made possible to “lock up” those who oppose the negativities and the injustices of the law.

The AKP, which drafted the law in the aforementioned way, obviously has ulterior motives, and it is doubtful that this law will ever reduce the risks from earthquake faced by the people.

AKP members of the Committee annexed some last-minute provisions, through which the Draft Law gave the government the authority to dispose, in whatever way it wished, of areas and structures on the Bosporus protected by Law no. 2960. The government was also granted the authority to demolish natural and cultural assets meant to be preserved by Law no. 2863, and archeological sites protected by Law no. 5366.

This attitude of the government demonstrates that, although it seems to act on the basis of the need to reduce risks posed by earthquakes and other disasters, the real intention is the development of luxurious and expensive projects for Istanbul and other cities, which will hardly benefit the great majority of the people.

Another point of interest is the “n” clause of Article no. 18 included in Draft Law No. 2960. Totally out of touch with the heading, objectives, and implementation of the law, this clause enables all sorts of construction to be carried out in the Atatürk Cultural Center in Ankara. The CHP has persistently opposed the proposal of this clause, which has no relation whatsoever with the general content of the Draft Law, and has asked for its removal. The Article was nevertheless approved by the
Committee in its original form, due to AKP members comprising the majority in the Committee. The opening up of the Atatürk Cultural Center with illogical reasoning through a law that is purported to “reduce disasters risks” in Turkey is clear evidence that the intentions of the government are not genuine.

We promise that we will question the contributions of this Law to the reduction of disaster risks in Turkey, and that we will be following any abuses of it.

As it is, this law is unlikely to reduce risks posed by an earthquake, and very likely to increase cultural and social risks.

Opinion of Trade Bodies on the Process of the Introduction of the Law on the Regeneration of Areas Under Disaster Risk

Non-political actors have also raised objections to the Draft Law. Professional trade bodies that represent engineers, architects, and urban planners are also raising their voices against the framework brought about by this Law. Among these bodies, the Chamber of City Planners of the Union of Chambers of Turkish Engineers and Architects (TMMOB) has presented a report to the public. In this comprehensive report, the objections by the Chamber are listed as follows:

- The authority that the Draft Law grants to the Ministry of Environment and Urbanization shall leave municipalities devoid of authority and prevent them from carrying out their duties. The ministry and the municipality, the municipality and the people will be posed against each other.
- With the enactment of the Draft Law, the last of the lands that belong to the public will be sold off, carrying public pauperization to a new dimension.
- Through regulations that have been carefully injected into the Draft, the process of pillaging public facilities located in urban centers will be accelerated.
- The Draft aims to facilitate the ravaging of pasture areas through regulations introduced under the pretext of renewing risky structures.
- The clause that states that the provisions of the Law can be applied also to healthy structures where deemed necessary is a clear breach of the Constitution.

“The entering into force of this Draft Law as it is would mean that we are moving towards a reality in which risky buildings will be demolished at the same time as new risky buildings are being constructed.”
The authorization granted by the Draft regarding the restriction of the use of property rights is also a clear breach of the Constitution.

The provision that public services for buildings in areas under risk be halted is an unacceptable regulation for the inhabitants of these areas unless the regulation is supported by decisions addressing the problem of housing.

Regulations concerning the evacuation and demolishment of risky structures contain ambiguities that can lead to discrimination in the process of implementation.

The fact that the costs for social reinforcement and infrastructure will be born by the people whose houses have been demolished is likely to place low-income households in greater debt, and is a violation of the principles of the social state and the state of law that are mentioned in the Constitution.

The authorization for setting a “special” standard for planning decisions is a regulation that paves the way for the lowering of the standards for social and technical infrastructure and for the transformation of the renewed areas into uninhabitable areas.

The restriction of the right to appeal in court against decisions on buildings considered as risky, is a breach of the Article no. 36 of the Constitution, on the freedom to claim rights.

The regulation stating that the income generated through the sale of the lands subject to Article no. 2.B of the Forestry Law amounts to using the anxiety over natural disasters as a pretext for a ravaging of the lands, which also is against the Constitution.

Regulations that bypass the Public Tender Law shall make it impossible for an equitable competition between construction firms to take place and create the perception of rigging in the tenders.

In the process of implementation, punishment is envisaged against those resisting the enforced contract or those who oppose the Law on the grounds of the right to housing.

Bypassing the legal rules that delineate the basic conditions for the making of reconstruction plans that keep public benefit in view, the implementations under the Draft Law will curtail the creation of inhabitable spaces.

The Draft Law leaves the field clear for an extensive pillaging of shores, farmlands, olive groves, pasture lands, and even of protected archeological sites.

Amendments to other bodies of law brought about by this Draft are far from seeking public benefit. The additional Provision no. 13 that is trying to be annexed into the Forestry Law through this Draft shall lead to significant deterioration of forest lands and to forest loss.
• All duties and authorities that have been granted to municipalities in 2010 through Law no. 5393 are seized and handed over to the Ministry of Environment and Urbanization.

• The regulations in the Law that concern the Atatürk Cultural Center in Ankara are a clear and unacceptable attempt to spoil the area.

• The formal abrogation of Law no. 2981, which currently cannot be implemented but for its exceptional provisions, through the Draft does not amount to a new attitude towards the remission of penalties regarding construction; on the contrary, it is likely to create significant problems in practice.

**Conclusion**

The entering into force of this Draft Law as it is, and the continuation of the hypocritical policy over urbanization in Turkey, would mean that we are moving towards a reality in which risky buildings will be demolished at the same time as new risky buildings are being constructed. The cities of Turkey would be transformed into instruments for income transmission under the pretext of disaster risk, and the principle of the “state of law” would be bulldozed.

The Draft Law on the Regeneration of Areas under Disaster Risk is far from being the regulation that the country truly needs, whereby cities are planned with prudence and sensitivity towards natural disasters and construction projects unsupervised by engineers are prevented.
The attitude the Law embodies – which will lead to the destruction of natural assets such as forests, woodlands, pasture lands, shores, farmlands, and wetlands under the pretext of reduction of disaster risk – needs to be discarded.

A new legal regulation to replace the Law on Public Improvement and overrule regulations that favor unchecked and unlicensed construction, such as governmental Decree no. 648, must be discussed and prepared as soon as possible with the participation of all segments of society the issue concerns.

“*When CHP is in power, it will put an end to the evacuation-oriented concept of ‘urban transformation.’*”

Under the AKP, the implementation of urban transformation projects has turned into a process of eliminating people living in urban areas with high land income, completely neglecting those who inhabit these areas as tenants paying low rents, and amplifying the problem of housing.

In the projects implemented in Mamak and Dikmen in Ankara and in Ayazma, Maltepe, and Zeytinburnu in Istanbul, the inhabitants of the area were granted no right of comment or decision over the regulation of the spaces in which they lived, and their social and economic conditions have been disregarded.

In this framework, implemented projects seem to have functioned more as evacuation projects or as projects for seizing urban income through home loans, than as projects aimed at urban transformation.

The ratio of profit that is targeted in urban transformation projects is so high that inhabitants of project areas cannot even hold on to their right of housing. This situation points at a new episode in the process of urban transformation. When considered with a view to urban participation, it amounts to a submission of the voice of urban dwellers to big business.

**Looking Ahead**

When CHP is in power, it will put an end to the evacuation-oriented concept of “urban transformation” that excludes the inhabitants of an area, that seizes the income generated and transmits it to luxury construction firms, that purges people from their dwellings in city centers, and that totally disregards tenants – the pauperized segments of society.
In the place of urban transformation projects, extensive implementation of “urban renewal” will protect the people in the very areas and neighborhoods in which they live, making sure that tenants within an area are not thrown out.

Against all these negative practices, urban renewal that is exercised with a new mentality is a social and spatial need. A realistic and just urban renewal that targets not evacuation and partitioning of income – such as we have seen in the first implementation of urban transformation – but addresses the needs of society must be carried out on the basis of the following principles:

- An attitude for urban transformation needs to be developed that goes beyond remission of construction penalties, the right to shelter and housing must be recognized, and urban transformation must not be allowed to bring destruction to the inhabitants of the area.

- Taking as a basis the fact that everyone has the right to housing, the inhabitants of the area must be provided with at least one home, regardless of their condition.

- Low-income earners, who make up a great proportion of the population living in the areas singled out for urban transformation, must not, under any circumstances, be purged from their neighborhood into distant areas.

- Popular participation must be ensured in the processes of determining the urban environment and managing projects.

- The conditions for owning a house in the projects must be refigured in accordance with the income level of the current inhabitants, and payments must be made after the homes have been handed over to their owners.

- It must be kept in mind that tenants also have a right to housing in their own neighborhood, and the necessary regulations must be made to protect their rights. In this context, housing benefits in line with current conditions must be given until housing is provided for all persons affected by the implementation of an area-based project.