

UPGRADING SPONTANEOUS SETTLEMENTS
An Alternative View of Gecekondu "Self-Help"
Housing in Istanbul

by

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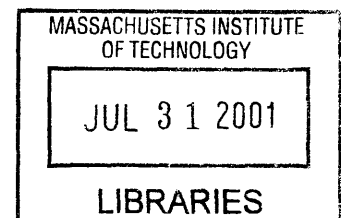
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Başak Demireş

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ABSTRACT

This thesis analyzes the self-help upgrading process of three gecekondu (spontaneous) settlements in Istanbul, Turkey. It describes the complex web of relationships between local and national government, community leaders, residents, legal landowners, developers and the general public; further, it examines how these stakeholders interact to create and distribute the benefits.

The "thick description" of the beneficiaries creates an alternative view of the self-help upgrading process. The project evolved continuously to reflect the changing goals of the actors involved. The national government played a particularly influential role in the upgrading process. At certain times, gecekondu residents pressured the government to legalize their settlements. At other times, however, the general public and legal landowners pressed the government to outlaw the gecekondu to protect the rights and interests of law-abiding citizens.

Other actors exercised their influence at the neighborhood scale, as the results of the development in the three neighborhoods show. While Rumelihisarustu has achieved the image of a normal settlement, the other two continue to retain most of their original gecekondu image of low-income, underdeveloped neighborhoods. Istanbul Technical University, the official landowner in Armutlu and Baltalimanı, has used its influence to hinder development in these two neighborhoods.

While the experience of the three neighborhoods demonstrates that the upgrading process can benefit most of the stakeholders, it also indicates that without active government intervention, the gecekondu community as a whole fails to capture its share of the benefits. To avoid this problem, authorities must act consistently and enforce development regulations that extend the benefits of the upgrading process from individual gecekondu owners to the broader community living in these settlements. Open communication between the different actors is a key first step in the success of this process. This thesis sets the stage for this initial step by providing essential information regarding the role of the different stakeholders, and in the course of doing so, it also establishes a useful framework for the analysis of spontaneous settlements.

To my parents, Fulya and Tahsin Demireş

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A. Introduction

My interest in the upgrading process in squatter/spontaneous¹ settlements was triggered when I took part in a workshop held by the “Cities Alliance for Cities Without Slums”, a program initiated by the United Nations Center for Human Settlements (UNCHS) and the World Bank. The workshop’s agenda was to come up with alternatives to scale up “slum upgrading”, and professionals from several developing countries were present to discuss the various methods that they were employing in their projects.

Cities Alliance

According to the report that was prepared by the Cities Alliance in accordance with initiative the “upgrading of the settlements consists of physical, social, economical, organizational and environmental improvement undertaken cooperatively and locally among citizens, community groups, businesses and local authorities.”²

One element of upgrading that pervaded the presentations and discussions was “self-help”. Participants argued repeatedly that the process of upgrading would achieve the most beneficial results only if participation took the form of mobilizing both the resources and ideas of the residents. Comments repeatedly echoed a statement that was also included in the report

Self-help

¹ I will be using the word spontaneous rather than squatter throughout the thesis because it reflects my concern regarding the process of development (spontaneous), rather than the initiation of development (squatting).

² World Bank, UNCHS (Habitat) (1999) . *Action Plan for Cities without slums*. <<http://www.citiesalliance.org/citiesalliance/citiesalliancehomepage.nsf>> (2001, May 15)

“These cities within cities are wellsprings of entrepreneurial energy, yet their brutal physical conditions limit the resident's ability to realize welfare improvements from their own efforts alone. The contribution of these individuals to the broader economy is considerable as they constitute the core of the urban labor force and have the potential to produce a significant share of domestic capital formation through self-built housing”³.

Gecekondu

As I listened, I realized I had been a witness to a formidable process of upgrading through self-help development in my hometown, Istanbul. This was the slow but steady process of upgrading that had occurred in most *gecekondu*⁴ settlements, which had started out as “squatter” settlements, and eventually become large urban neighborhoods which are often indistinguishable from “legally” developed neighborhoods.

After this realization, I began compare the ideas I was reading about upgrading and self-help, with the realities I had witnessed in gecekondu settlements. The observations of researchers such as, Peter Ward have led me to think more in detail about the process itself. Ward’s description of the two different levels of self-help intrigued me. According to Ward, the first level refers to “specific, and largely unrelated actions in which an individual or a group takes partial responsibility for organizing and carrying through the installation of a particular work, building, and financing their homes, services and maintaining an object.” The second level involves a more complex function where a larger group develops a local economic and social system that supports such acts, thus creating a self-sufficient market mechanism.⁵ Ward claims that the second level

³ ibid

⁴ Gecekondu in Turkish literally means “landed overnight” and it refers to housing built on land without titles and building permission. This method of quick building was originally used because by Turkish law it would require a law suit in order to tear down a building with a roof.

⁵ Ward M. Peter (1982) “Introduction and Purpose” in Peter M. Ward ed. *Self-help Housing: A Critique* (p.7). New York: Mansell Publishing

creates a local economy which acts as a catalyst in increasing the economic level of inhabitants.

Such observations led me to many questions that I felt were left unanswered. What is the natural evolution of a settlement that is being upgraded with the use of self-help? What are the factors that actually trigger the process? Is it possible for authorities to control or enhance upgrading when self-help is involved? I also came to realize how little of the process in Istanbul, I actually knew and how difficult it was to find this information in the existing literature. As I wrote a preliminary a very pressing question started forming:

When gecekondus are upgraded through self-help, who benefits and what conditions shape the incidence of those benefits?

I soon realized that each of the actors involved in upgrading spontaneous settlements in developing countries is trying to find methods for developing settlements in the most beneficial way, nevertheless because of the “spontaneous” nature of development it is difficult to pinpoint the benefits of the process and their incidence. Furthermore this incidence shifts considerably through the years as a result of both demographic and economic changes and new policies and regulations.

From my literature review I learned that in housing and planning self-help is used to refer to a method where communities are actively involved in the development process, and where their own resources are mobilized in order to improve the conditions of their buildings and their settlement. But I realized that self-help assumes different characteristics when it comes to its manifestation on the ground.

In some cases self-help is a part of a formal upgrading project carried out by a national or an international agency, whereas in others it is a means of the spontaneous upgrading development that occurs in the settlements as a result of community action. This factor creates different shades of self-help, from an upgrading process that is controlled and regulated by an agency, to one where all development occurs with no formal programs or limitations.

See fig. 1 & 2

In order to answer my thesis question, I decided to focus on three gecekondu settlements in Istanbul that have been upgraded by using self-help. In general the process of upgrading in the three neighborhoods fits into the second category of self-help where settlements are shaped by spontaneous actions of the community. Nonetheless, the development is affected considerably by local and national initiatives. These initiatives, in some cases, are aimed to support and in others to inhibit the process. The initiatives eventually become a part of a longer and more complicated upgrading process as their initial aim is reconfigured by the communities during the self-help process.

The case studies that I chose to analyze are:

- I. Rumeli Hisar Üstü
- II. Fatih Sultan Mehmet/ Armutlu
- III. Baltalimanı

The settlements currently have a population of approximately 30,000 to 35,000 and are located on the European side of Istanbul at the entrance of the second Bosphorus Bridge. The three settlements were originally one settlement but they were split by the construction of the bridge. Today one part contains Rumelihisarüstü (south) and the other part contains Armutlu (northwest) and Baltalimanı (northeast).

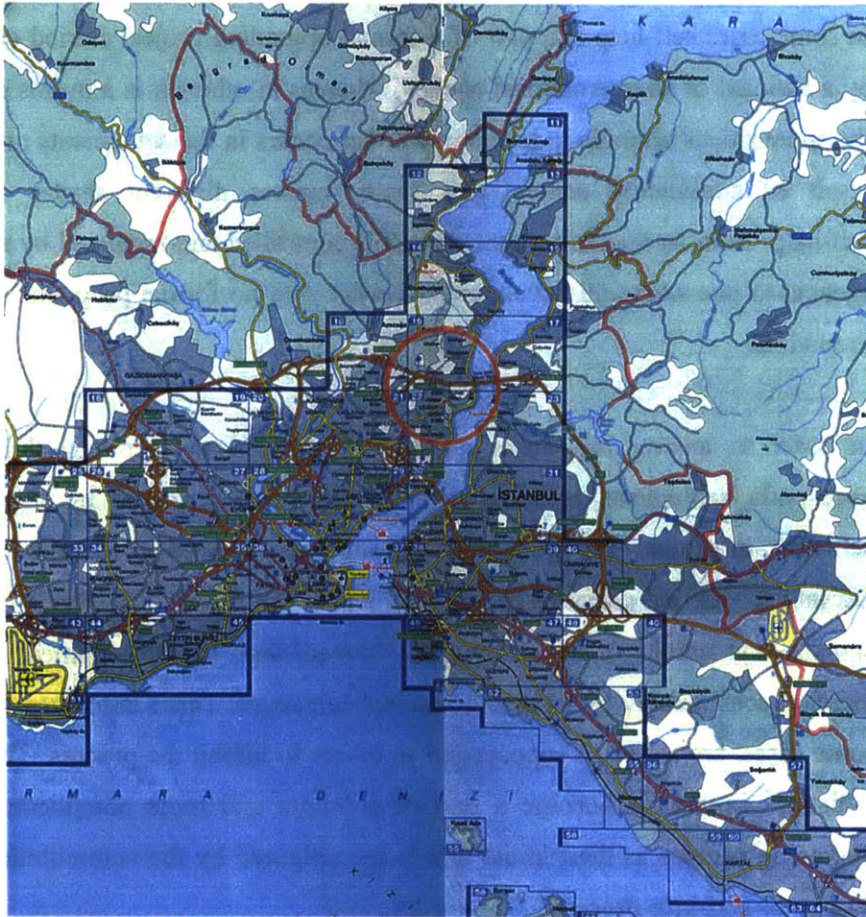


Fig. 1 Istanbul, the location of the three case studies

(Dunya super dagitim A.S.(1994) *Istanbul* p. 6-9)

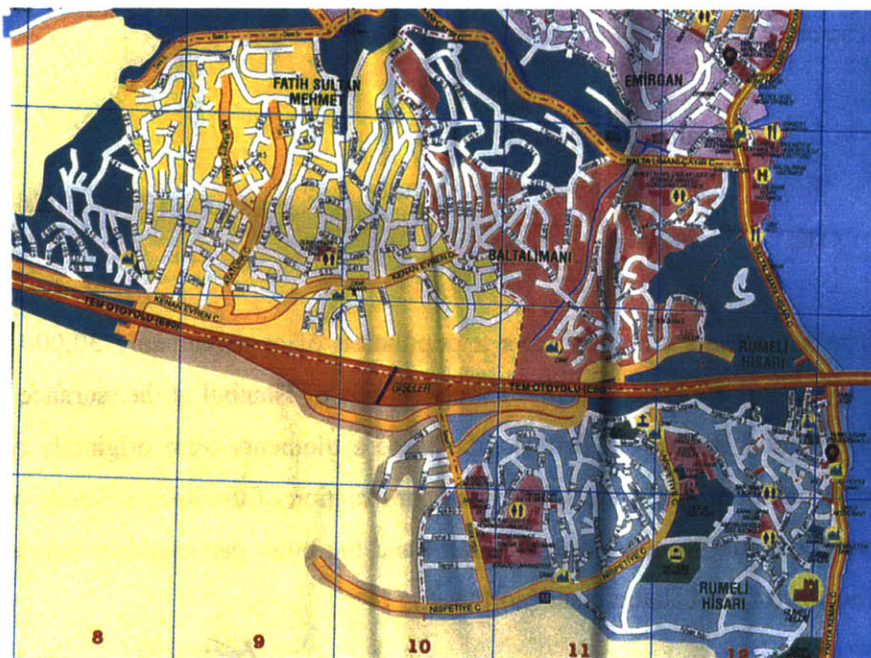


Fig. 2 The three case studies analyzed

Local municipality of Sariyer

See fig. 3, 4, 5

Today it is not difficult to observe the physical difference between three normalized neighborhood. It has obtained the “image” of a regular settlement, whereas Armutlu and Baltalimanı have retained most of their original “gecekondu neighborhood” character. This evolution was fascinating for identifying the forces that have acted on the different upgrading patterns of the two settlements. It was useful for understanding the distribution of benefits at different stages of development and finding out the factors that have led to these particular results.

Methodology

In my study of these three neighborhoods I set out to provide a “thick description” of their upgrading process. This approach is designed to provide the reader the opportunity to understand more fully the process of self-help that has occurred and its incidence of benefits by examining the process from multiple viewpoints.

Geertz in “Thick description: toward and interpretive theory of culture”⁶ never explicitly defines the term but explains its meaning by relating anecdote by Ryle⁷ that explains the difference between a wink and a blink:

Geertz: thick description

“The two movements are, as movements, identical: from an I-am-a-camera, “phenomenalistic” observation of them alone, one could not tell which was twitch and which was wink, or indeed whether both or either was a twitch or a wink. Yet the difference, however unphotographable, between a twitch and a wink is vast: as anyone unfortunate enough to have had the first taken for the second knows.”⁸

⁶ Geertz, C. (1973) *The Interpretation of Cultures*, Basic Books. New York

⁷ Ryle, G. (1949) *The concept of the mind*, London: Hutchinson University Library

⁸ Ibid p.6

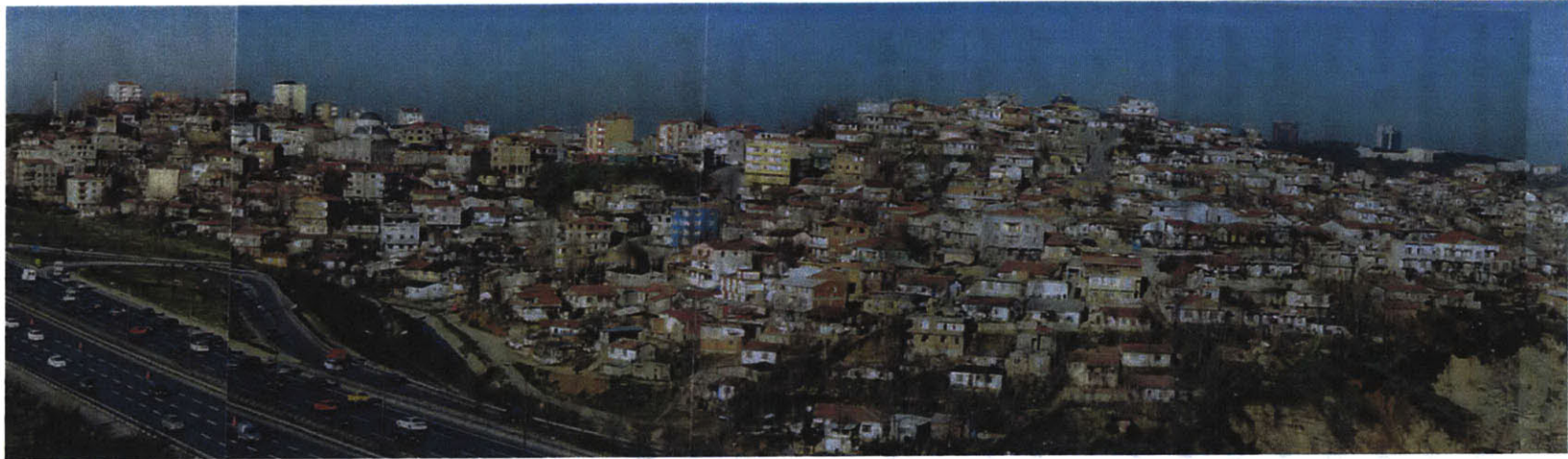


Fig. 3 Panoramic view (90 degrees) of Armutlu and Baltalimani



Fig. 4. Panoramic view (150 degrees) of Armutlu, the Second Bosphorus Bridge, Rumelihisarustu and a high income neighborhood



Fig. 5 View of Rumelihisarustu

Geertz points out that the observer has to interpret the actual meaning of the movement. To do that requires a through understanding of the process, thus a “thick description”. Denzin further explains “thick description” by pointing out four characteristics⁹:

Denzin

1. It gives the context of an act
2. It states the intentions and meanings that organize the action
3. It traces the evolution and development of the act
4. It presents the action as a text that can be interpreted.

According to Denzin “the voices, feelings, actions and meanings of interacting individuals are heard. A thick description creates verisimilitude.”¹⁰

The main reason I chose to use this methodology was because during my interviews I realized that the perception of real life issues played an important role in determining the decisions of the actors. This fact added another layer of complexity to the process, which was the issue of miscommunication among the actors.

The thick description of upgrading in the three settlements and the nature of self-help and gecekondü development is related in three main parts.

The first part is concentrated on the literature related to the self-help and gecekondü development process. In this part the evolution of the two terms and their occurrence on the ground is laid out.

The second part lays down the different actors involved in the upgrading of the three neighborhoods and looks at their respective roles in the process.

⁹ Denzin, N. (1989) *Interpretive Interactionism*. Newberry Park, Ca: Sage

¹⁰ Ibid p. 33

The actors are determined by my site investigations my first visit to the sites. I conducted interviews with academics, bureaucrats and inhabitants and decided to focus on the following actors.

Actors

1. The national government
2. The local government
3. The gecekondü owner
4. The developer
5. The land owner
6. The general public

The thick descriptions are related through interviews with the actors and media research. The Turkish media has often been used in research regarding gecekondü settlements. Some of the researchers that have sought to use this method were İlhan Tekeli, Tansı Şenyapılı and Ayşe Buğra. The research for the thesis is based on articles that appeared in the newspaper, Cumhuriyet¹¹. The choice of the newspaper depended on the availability of the newspaper uninterrupted between the years 1981-2000 at the Harvard Library, and the belief that the newspaper would be covering the subjects of gecekondüs thoroughly.

Due to the critical issues concerning the three neighborhoods and the theme the interviews, were conducted in an informal manner and in most of the

¹¹ Cumhuriyet is a newspaper that has a strong stance in the Turkish culture, with a particular concern for “researching the truth, being objective and following the path of Atatürk”, as summarized by its long term editor and owner, Nadir Nadi (1908-1991).¹ The mission of the newspaper was determined by responses to a survey that was sent out to its readers at the start of the newspaper in 1924. The result of the survey, summarized by the editor, Yunus Nadi was: “Cumhuriyet is not a government or political party newspaper. Cumhuriyet is the supporter of the republic, in other words democracy.”² I tried to minimize the critics of the reporters and focused on actual quotes from the actors involved. However, the choice of the subjects and quotes, of course, still reflect the author’s point of view, a fact that is insuperable in the use of such a resource. Thus the reader will also have the possibility to sense the attitude of the newspaper and its stance regarding the issues at hand.

cases the persons interviewed preferred to remain anonymous, especially the gecekondu owners. The interviews do not aim to convey the “absolute truth” and there have been no edits in search of the “right answer” because the aim of the thesis is to convey the priorities and beliefs of the various actors, in other words to portray their own description.

It is very difficult to separate the general public as a separate actor and convey a singular feeling towards the three settlements. However the media research and some of the interviews include the point of view of this very important actor and its role in the development process.

I also included physical information regarding the outcome of the process through maps, photos and plans and tried to point out the indices of development on the ground. This is an important part of the thesis because it clearly shows the results of the self-help process and how it has affected the outcome of the upgrading.

The conclusion creates a general framework for the analysis of the incidence of benefits in the three neighborhoods and the conditions that led to differences between the current status of the areas.

It is my genuine belief that an understanding of the upgrading that the neighborhoods have gone through and the benefits that have resulted from it, will offer a means of creating a framework for the analysis and planning of spontaneous settlements..

I. THE DEFINITION OF SELF-HELP AND GECEKONDU

A. The Definition of Self-Help

In order to better comprehend the self-help development method that occurred in gecekondu neighborhoods and place it into the context of the self-help literature it is imperative to understand what self-help actually means. This is not an easy task because it is not possible to fit the term into a confined description. This chapter tries to identify the context in which the term appeared and in what ways it was interpreted in order. This will create a framework for analyzing the upgrading process that can be observed in gecekondu neighborhoods, in particular the three case studies.

1960's:

The
Identification of
the "Problem"

An appropriate introduction to the self-help phenomenon would be to focus on the early observations regarding spontaneous settlements because it is in this context where the term emerged. Self-help was used to describe the methods by which the settlers provided themselves housing in spontaneous. The viewpoint that was adapted towards squatter settlements was a big determinant on how the process of self-help was analyzed.

Spontaneous settlements are a global phenomenon that began to spread in the 1950's. Initially they did not attract the attention of officials and academics when they appeared on the periphery of developing countries larger cities. As the development pace and magnitude of the settlements increased, certain labels emerged in order to define these areas. The residents of these settlements were regarded as 'making little contribution to the national economy and, due to the lack of apparent integration into the workforce or cultural life of the city, they were feared as a "marginal and alienated group who could easily be won over to radical alternatives".¹²

¹² Ward M. Peter (1982) Introduction and Purpose in Peter M. Ward ed. *Self-help Housing: A Critique* (p.3). New York: Mansell Publishing

Charles Abrams, one of the first academics, to research these settlements, provided a solution to the problems the marginal groups that inhabited these settlements were causing.: “manipulation by trouble makers is made easy”. During his visit on a U.N. Commission to analyze the causes and effects of the violent Ras Tafari cult that had been gaining momentum in the spontaneous settlements of Jamaica he stated that “the creation of a decent environment, the provision of better housing, as well as work and hope, could do much to stem the tide of discontent that surges in the squatter colonies of Kingston and elsewhere.”¹³ Abrams role was very important in setting the stage for further discussion regarding self-help because his observations were concentrated on understanding the causes of spontaneous settlements and trying to understand the way in which the communities had shaped them.

Abrams

Some scholars concentrated on the physical attributes of spontaneous settlements. Juppenplatz compared the conditions in these settlements to those of inner city slums and referred to them as “.. a fungus attached to and growing out of the carapace of the city”¹⁴. These observations and the strong negative image that was created were used to make arguments for policies that would eliminate these areas with “disreputable” characteristics. Thus the same methods that had been used for the providing solutions for slums were adapted. These were usually large demolition.

Juppenplatz

Perceived as a solution by policy makers, slum clearance, became an important international issue as more and more families were left homeless by the hand of the national governments. Administrators sought to resettle the families and provide adequate public housing in order to fulfill the

¹³ Abrams, C. (1964) *Man's Struggle for Shelter in an Urbanizing World*. Cambridge: MIT Press.

¹⁴ Juppenplatz, M (1970) *Cities in Transformation: the Urban Squatter Problem of the Developing World*. Brisbane: University of Queensland Press.

responsibilities of the government. However, these efforts were never able to provide the necessary housing to accommodate the families that were left homeless and did not provide a solution for continuous flow of rural migrants into the main cities of the developing countries.

Koenigsberger

In the late 1960's scholars such as Charles Abrams and Otto Koenigsberger prompted by these unsuccessful policies, recommended an alternative policy which would provide for more shelter and would benefit the inhabitants. In his book "Man's Struggle for Shelter in an Urbanized World", Abrams introduced the concept of "self-help housing". He described it as a phenomenon that had evolved from construction of individual homes by using local labor and resources of the community in rural areas. He observed that this process was later adapted by the rural workers who had migrated to the large cities. Abrams wrote that the 'preferable methods for the government (to adapt was to) lay out and provide plots and utilities and let each owner decide whether to use his own skills or hire others for all, most, or part of the work.'¹⁵ He also pointed out that it was necessary to provide loans for the inhabitants so that they could acquire the necessary material and labor in order to start the process.

U.N. and
USAID

International institutions such as the United Nations (U.N.) and USAID were prompted by these new ideas and advocated for new policies for spontaneous settlements. This started an era of formal and bureaucratic responses to the self-help/squatter phenomenon that led to large projects and considerable amounts of financial investment.

The manual on Self-Help Housing printed by the United Nations in 1964¹⁶ reflects the institution's view about self-help. It is an intricate guide, meant

¹⁵ Abrams, C. (1964) *Housing in the Modern World: Man's Struggle for Shelter in an Urbanizing World* (p.174) London: Faber & Faber.

¹⁶ *Manual on Self-help Housing* (1964) United Nations Department of Economic and Social Affairs. New York: U.N.

to be used by national governments that wish to adapt self-help housing as a part of their housing provision scheme. The proposed process is rather complex composed of public education, administration and evaluation. In the publication the UN lists the targets that will be reached by using this method: housing the increase in population (construction of 4.6 million urban dwellings and ancillary facilities in one year), the elimination of housing shortages in thirty years (construction of 6 million dwellings annually), meeting of current obsolescence (construction of 4 to 9 million dwellings annually).

Furthermore this complex adaptation of the whole idea did not have the necessary innovative approaches that would enable for the natural self-help phenomenon to be effectively used in providing shelter for the poor. There was very little that distinguished the new methodology from the older classical method of highly complicated administrative housing schemes that were being used at the time by local, national and international institutions.

The guide is that it assumes a top-down approach which is apparent in the following quotation:

“before being submitted to the people, the self-help housing program must be well planned in every detail. Starting with the families who will want to undertake self help, the manual surveys the various technical, human and organizational considerations that must be taken into account for a self-help housing plan”.

The family's contribution was limited to manual labor and the provision of special building materials. The design, construction and phasing of the settlements were to be set by the institution. The image of the settlement the U.N. was aiming for involved high standards of building and design.

There was very little room for personal interpretation by the inhabitants and did not resemble the populist idea that Abrams was proposing.

Turner

John Turner, a practitioner and academic, further extended the ideas regarding the issue of self-help. He pointed out that investment increases by the use of self help because the process includes unpaid labor and the families own resources in acquiring materials and labor. He reaffirmed the fact that

“funds should be diverted from high-cost public housing schemes towards ‘elements’ such as infrastructure, provision of construction materials and technical advice, and the regularization of tenure- i.e. schemes that would reach a wider proportion of the population and stimulate their participation and investment in housing¹⁷.

The ideas of Turner were influential in many projects that followed, he has been cited in many project publications as the theoretical source for the methodology adapted. However the main event that had a considerable effect on the amount of research and the number of projects that were conducted was the adaptation of Turner’s ideas by the World Bank.

1970’s: The World Bank assumes a primary role

The first attempts at recreating self-help housing in an orderly and uniform fashion were undertaken by the World Bank. The Bank formulated a housing policy in favor of “sites and services projects” and “in situ slum upgrading” since 1972. The involvement of the Bank started out as a response to the pressure from governments that were forced to deal with rapid urbanization and increasing squatter settlements. The demanded the Bank to extend its loans to urban infrastructure and housing. The result was admirable, the World Bank was involved in 116 sites and services projects

¹⁷ Turner J.F.C. *et al.* (1971-72) *Government Policy and Lower-Income Housing Systems in Mexico City*. Agency Report to AURIS, Mexico City and Cambridge, Mass.

and complementary slum upgrading schemes in 55 countries in the 1972-90 period with an average US\$ 26 million expenditure¹⁸.

An extensive amount of research has been conducted in relation to the various World Bank projects because of the generous allocation of grants for project evaluations. The projects thus came to the spotlight of international debate and opened up new theories and ideas either in favor or opposing World Bank's approaches to aided self-help.

The main motivation behind the national governments' adoption of the aided self-help scheme that was promoted by the World Bank, was the vision that they would be able produce large amounts of housing at relatively low prices in higher amounts and would eventually solve the housing problems of the low income communities. The World Bank also provided favorable financial incentives for the countries thus their method gained popularity among developing countries who were in great need of the financial support. The major goal of the bank was to create a universal design process and an accompanying implementation scheme that could be adapted to various cities around the world which would minimize the risk of the program and simplify its management.

An important intellectual step that would bring the process back to the communal arena and give a say to the community, thus the real actors was recorded in 1976. The first Habitat conference which was held in Vancouver ended with a resolution signed by the 124 expert delegations and 137 governments. They determined to adapt a participatory approach in slum upgrading/self-help housing. It was noted that communities should

¹⁸ Mayo, S (1991) *Housing Policy and Housing Research the View from the World Bank*. Paper for European Network for Housing research, Conference, Housing the Urban Poor. Istanbul, Turkey, 17-20 September 1991.

be involved in the planning, implementation and management of neighborhood schemes.¹⁹

Skinner

Participation although essential in the successful completion of self-help projects always constituted a major challenge. Skinner points out at this problem by stating that “the most difficult planning task lies in the dynamic nature of participation itself. Participation can never be precisely planned. Hoped-for participation may not be forthcoming; in other cases new opportunities for participation may unexpectedly arise.”²⁰

1980's: The Marxist Challenge

The World Bank's strong neoliberal stance in its policy formulations which in turn attracted strong criticism from the Marxist scholars such as Rod Burgess and Hans Harms. The Marxists were opposed to the Banks idea of using people's scarce resources for basic amenities, which they believed the government had the responsibility to provide. They were strongly opposed to the idea that people were adopting self-help because they had a choice. According to them the government was simply not offering any alternatives.

Harms

Hans Harms argued that the assumption of freedom to build “confused freedom to act with the necessity to survive.” He pointed out that “it implied an actual freedom of choice when in fact there was no or little other choice.”²¹ He stated that self-help has always existed in capitalist society and appeared during the crises of the capitalist system. According to Harms, the dominant class and the government promote self-help in order to ‘maintain the social relations of production’ and ‘to keep

¹⁹ United Nations (1976) *Report of Habitat-United Nations Conference on Human Settlements* (p.32). New York: United Nations

²⁰ Skinner, R.J. (1983) “Community participation: its scope and organization” in Skinner R.J. & Rodell M.J. Eds. *People, Poverty and Shelter: Problems of Self-help Housing in the Third World* (p.145) New York: Matheun and Co. Ltd.

²¹ Harms, H. (1982) “Historical Perspectives on the Practice and Purpose of Self-help Housing” in Peter M. Ward ed. *Self-help Housing: A Critique* (p.18). New York: Mansell Publishing

capitalism intact under increased strikes, widespread discontent or rebellions.²² By supporting self-help the dominant economic groups had the possibility to allocate very few resources to the lowest paid people who had the responsibility to pull themselves out of misery²³ by using their manual labor and the small amounts of savings they procured from their meager wages.

The role the international agencies played was strongly criticized by Marxist scholars. They were viewed as scapegoats that the government was using. As a result of their involvement the housing problem was privatized to the families who had a direct responsibility toward the agencies in order to pay back the loans provided to them²⁴. Furthermore agencies such as the World Bank would create new institutions inside the government to meet their objectives of cost recovery. This approach would create setbacks for service provision because it would create resentment among other state agencies and would increase the service charge collected from the inhabitants.

Sandhu and Aldrich summarize the historical development of aided self help as the alteration of policy from clearance to sites-and-services to disregarding the whole issue. They say that the aided self-help approach was appropriated because of its positive effects on “subsidizing the formal economy (and perhaps the world economy) by not requiring large amounts of capital for housing and related services”²⁵. They state that these policies were not substantial enough to rehouse the entire populations except for

Sandhu and
Aldrich

²² Ibid (p.20)

²³ Ibid (p.49)

²⁴ Payne, G.K. (1982) “Self-help Housing: A Critique of the Gecekondu’s of Ankara” in Peter M. Ward ed. *Self-help Housing: A Critique* (p.24). New York: Mansell Publishing.

²⁵ Aldrich, B.C. And Sandhu, R.S. (1995) “The Global Context of Housing Poverty.” In Aldrich B.C. And Sandhu R.S. (eds.) *Housing the Urban Poor: Policy and Practice in Developing Countries*. London and New Jersey: Zed Books.

countries, which were becoming developed, such as South Korea.²⁶ They point out how the process evolved in different contexts and mark very clearly that more comprehensive approaches that incorporated economic and social development became success stories.

Rodell

At the other side of the debate, M.J. Rodell emphasized the importance of self-help schemes, as in sites and services projects, stating that “gradual construction and self-help can extend public investments and housing subsidies to a large number of families.”²⁷ He pointed out that the so called failures related to self-help, arose because of practical reasons such as the bureaucratic systems that the inhabitants had to struggle through, the material shortages as a result of the extensive use of exported materials and the resistance of the public to abide by the design guidelines set by the agencies. He states that “difficulties lie instead (of deficiencies of self-help investment), in barriers to providing plots on a sufficient scale to reach low-income families.”²⁸

However, Rodell also pointed out that “illegal ways of housing the urban poor have become increasingly commercialized and therefore have started to become inaccessible to ever larger number of poor.”²⁹

1990's: In
Search of
Alternatives

Researchers writing about self-help housing in the 90's focus on the changing environment in populated developing country cities. Ellen

²⁶ Aldrich, B.C. and Sandhu, R.S. (1995) “The Global Context of Housing Poverty”. In Aldrich B.C. And Sandhu R.S. (eds.) *Housing the Urban Poor: Policy and Practice in Developing Countries*. London and New Jersey: Zed Books.

²⁷ Rodell, M.J. “Sites and services and low-income housing” in Skinner R.J. & Rodell M.J. Eds. *People, Poverty and Shelter: Problems of Self-help Housing in the Third World* (p.23) New York: Matheun and Co. Ltd.

²⁸ Ibid p.28-31

²⁹ Ibid. p.28-31

Brennan states that the options for the low income urban people such as unused public land are decreasing as a result of legal and illegal practices of developers in spontaneous settlements. She adds that this phenomenon is independent of the ownership type (public/private) of the land. In most developing countries land prices have risen much faster than the consumer price index. Brennan also points out at other factors that lead to this scarcity such as land speculation in countries where land has been seen as the most profitable investment. "The improvements in accessibility through public-sector investments have accrued to private developers, even as the social costs of speculation (e.g. Leapfrog development) are passed on to the public."³⁰

Another important point that Brennan stresses is that there is little or no recognition of the limited enforcement powers of planning departments in most cities. The U.N. reports also deal with the poor information base of the city, which is usually composed of 20 -30 year maps, with little or no information regarding these areas. Thus leading the policy makers to make assumptions or use standards devised in developed countries.³¹

Brennan

Cedric Pugh focuses on the commercialization of squatter settlements and its relation to income. He states that "slum upgrading and regularization of tenure in squatter settlements can, under the appropriate conditions, be the most effective approach to reduce housing poverty." He stresses the importance of homeownership stating that it "enables households to acquire and manage assets in a context where most low-income households would otherwise lack land, property and other substantial assets". His approach to tenure includes other housing provisions such as "policy

Pugh

³⁰ Brannan, E.M. (1993). *Urban Land and Housing Issues Facing the Third World* in Kasarda, J.D. And Parnall A.M eds. "Third World Cities: Problems, Policies and Prospects". California: Sage Publications (p. 75-76)

³¹ Ibid. p. 77

provisions in finance, land policy, infrastructure services, deregulation and ensuring a competitive building industry. Homeownership in itself-including in such provisions sites and services schemes- is seldom sufficient in low income housing policy”.³²

The new
millennium:
Cities Alliance

In May 1999, the Cities Alliance was launched by the World Bank and UNCHS, which would act as a key donor financing vehicle, for the preparation and design of “slum” upgrading initiatives. The major plan of the partnership was “Cities Without Slums: Action Plan for Moving Slum Upgrading to Scale” that defined the action plan for slum upgrading. The new slum upgrading approach is very powerful because international agencies are willing to cooperate in implementing the idea.

The new definition of slum upgrading is given as “Upgrading involves the provision of the most basic services: i.e. Water and sanitation, drainage, roads, footpaths, often accompanied by community facilities and security of tenure. These projects do not involve house construction since the residents can do this themselves, but often include optional loans for house improvement.”

Research and plans for this effort are conducted in the context of infrastructure provision and tenure. So the new vision accepts self-help housing as a given and relies on its adaptive character. It assumes that the results of self-help housing would further enhance the beneficial effects of the upgrading projects.

Self-help and
the City

The second dimension of self-help housing is its impacts on the cities where it occurs. These effects are the result of the interactions between the different elements that constitute the city. Kevin Lynch’s view of the city

³² Pugh, C. (1995) “The Role of the World Bank in Housing”, In Aldrich B.C. And Sandhu R.S. (eds.) *Housing the Urban Poor: Policy and Practice in Developing Countries*. London and New Jersey: Zed Books.

that is reflected in his statement “The city may be looked on as a story, a pattern of relations between human groups, a production and distribution space, a field of physical force, a set of linked decisions, or an arena of conflict” would probably put self-help as a primary determinant in the evolution of cities. This fact can be strengthened further when we consider the amount of neighborhood development achieved through self-help. Thus it is essential to look at this process through this perspective.

Spontaneous settlements have changed the dynamics of cities by introducing into the system a very large population. This brought with it a whole new set of dynamics which in most cases did not fit with the existing system of the city. The whole issue of illegality created a new wing of development. The bearing capacity of the cities was surpassed and the connections between locations and uses was shattered.

Densification was a major problem encountered in projects related to self-help. This necessitated the introduction of new land for development. This was a big problem where the land market was tight and the government did not own the necessary land. Another important setback was speculation and middle class infiltration.

Jan Van Der Linden summarizes the effects of spontaneous settlements under the general heading of “growth of the city”:

- Because of the expansion of the city, new subdivisions are created further away from the center that increases transportation costs. Thus, a previously cheap option is no longer so cheap
- Because of the population growth and the increase of demand for housing, prices of land rose.
- Price rises in their turn stimulated speculation in land. Therefore, invasions of land became ever more difficult, and in fact, rare.³³

Linden

³³Linden, J.V.D. (1986) *The Sites and Services Approach Reviewed: Solution or*

Commentary

The limited amount of self-help literature cited here shows the depth of the issue. The term self-help has been pondered upon for forty years. However it had side tracked in various times as a result of misinterpretations, labels and manipulations. Very few scholars and practitioners were able to look into the natural process. Thus alongside very in depth analysis of the phenomenon some remarkable generalizations still exist.

Labelling and bounding self-help in predetermined policy measures is a serious matter because the phenomenon by definition has started out as an alternative to these. Thus it is important to be able to distinguish self-help in its natural state and analyze the interventions as a separate issue that affects and is affected by the process.

B. The definition of Gecekondu

The squatter settlements called Gecekondu (landed overnight) began to form as early as the 1940's in the larger cities of Turkey. They have been a major concern for the national and local governments since then. Unlike most other developing countries there was very little international intervention regarding the issue and the government tried to respond to the growing demand for housing by using its resources. The main mechanisms used were passing laws aimed at regulating the development of the areas, appropriating five year economic and social plans that were begun in the year 1963 and creating physical plans, aimed at upgrading and refining the areas that were appearing all around the cities.

However, it should be noted that these laws were not fully enacted and in most cases the parties mentioned in the law, such as the inhabitants, the law enforcers, the service providers etc. interpreted the laws according to their own priorities. This fact led to spontaneous and unpredictable outcomes. An official in the Metropolitan Water and Sewage Administration explains that : "It does not matter whether there is or is not a law allowing service provision to gecekondus; you must bring services to people living there."³⁴

In the introduction of "Gecekondulu, Dolmuşlu, İşportalı Şehir"³⁵, a compiling of writings from Tekeli, Gülöksöz and Okyay that were published in the mid 1970's in several newspapers before the publication of the book, the issue of illegal development is characterized as a way of shifting the individual cost of development from the owner to the public. This kind of decision making is enforced by the constant legalization of

Tekeli,
Gülöksöz,
Okyay

³⁴ Baharoglu, D. And Leitmann, J.(1999) *Reaching Turkey's Spontaneous Settlements: The Institutional Dimension of Infrastructure Provision*. International Planning Studies, Vol. 4. No.2 (p. 195-212)

³⁵ The title of the book can be translated as "A city with gecekondu, dolmuş and işporta". Dolmuş is kind of taxi or motorboat that runs on a particular route and only starts when it is filled up with passengers. İşporta refers to street vending.

illegal settlements, which decreases the time that the decision maker has to bear the consequences of his illegal act. The researchers create a framework of analysis based on their own experiences, their literary research and media coverage.

In their book analyzes gecekondu from four different angles:

1. Gecekondu development is adapted by the lower income because their income level would not allow for traditional legal housing. Thus the gecekondu phenomenon is a spatial reflection of social classes.
2. The gecekondu phenomenon is dependent on migration caused by dependent economies between the rural and the urban.
3. Gecekondu is not a problem that occurs at the level of one building, but at the level of one neighborhood or combination of neighborhoods. Thus a large scale solution should be found.
4. The gecekondu construction is dynamic and does not fit the regular norms of formal construction which is more compatible with the economic characteristics of the owners. It minimizes the initial development cost and offers the possibility to use self-help construction.³⁶

The book cites several actors in the gecekondu development process: Owners who possess one gecekondu, owners who possess more than one gecekondu, gecekondu speculators or intermediaries, gecekondu renters, shop owners in gecekondu settlements, landowners, managers of industrial plants employing gecekondu dwellers, older city residents that cannot benefit from gecekondus and politicians.

³⁶ Tekeli İlhan, Gülöksöz Yiğit, Okyay Tarık (1976) "Gecekondu, Dolmuşlu, İşportalı Şehir". İstanbul: Cem Yayınevi

The researchers look into the effects that legalization in gecekondu settlements might lead in the future. The granting of land titles would be “detrimental to the speculators and intermediaries and benefit all the other actors. The renters will support legalization because of their wish to become owners themselves. On the other hand the landowner and the older city residents will protest the legalization because they could not acquire any benefits from the process.”³⁷

The researchers also refer to the politicians and state that legalization will interest the politicians only when the gecekondu owners will reach a number which will be enticing as a result of their voting power. In order not to be disapproved by landowners, the politicians will distribute public land will be distributed in the first stage and the private land will be turned into public land by acquiring it at market rates. The land speculators will be the main actor in this development. The researchers claim that by creating a liaison with the government officials they will be able to protect their personal interest. The shop owners will lose benefits from this development because their monopoly will be abolished. All the public money that is spent on these settlements will be regretted by the older city residents because any investment in these settlements will reduce the investment in other parts of the city.

The researchers state that they envision the most change in older and newer gecekondu settlements. They also point out at the role of the planner and state that the planner has to change his/her traditional role of master planner and become an active actor in advocating a planning system which will benefit the gecekondu owners. The main difficulty in this planning system is to determine the different benefits that the actors will be gaining and create a feasible role for the planner.

³⁷ Ibid. p.237

There is also the issue of the difficulty in dealing with mixed income squatter areas. Drakakis-Smith and Fisher reported this fact: “the slum and squatter housing in the center of Ankara, as in many other cities of the developing world, are occupied by a wide variety of household types, each of which requires a different approach if housing programs are to be effective.”³⁸

Furthermore the commercialization and increased skill levels have increased the cost of labor and material. This of course excluded the lower income group who is forced to live in rental units in the newly built apartment blocks. The high uncontrolled development of the settlements had its counterpart in various large Turkish cities including Istanbul where it has created a large burden because densities have quadrupled without no infrastructure, transportation and service scheme. Another problem arose because building codes have not been respected that caused a major safety issue due to the threat of possible natural disasters.

Şenyapılı reflects an important characteristic of gecekondu. He analyzes the gecekondu in the context of “working class settlements”³⁹ that provide housing for the industrial plants in the city and traces the relationship of gecekondu and industrial areas in the history of Istanbul. Erdal Acar depicts this relationship by looking at an aluminum molding plant that was situated in Ankara. According to his research the factory was helping the construction of the gecekondu of its workers by providing them loans and materials.

Payne

Geoffrey Payne in his detailed study of the dynamics of the “gecekondu” areas in Ankara states that the absolute and relative expansion of the

³⁸ Drakakis-Smith, (August 1976) D.W. And Fisher, W.B. *Housing in Ankara*. Ekistiks 249. p.92-98

³⁹ Şenyapılı, Tansı; Acar, Erhan “Gecekondu: Plansızlığın Ardındaki Strateji” in Kent planlamada kuram ve kılğı. Seminar 13-14 November 1980. Ankara: ÖDTÜ Mimarlık Fakültesi

middle and upper-income groups during the 1960's has increased the demand for housing and gradually these groups started settling away from their traditional central city location. The wider use of automobile made these groups accept longer commuting distances. This movement affected the existing gecekondu settlements that were at the fringe of the city.

The developer who wanted to benefit from the influx of higher income residents had the option to settle an agreement with the owner of the land and disregard the occupants. This was a very tedious and risky method because if the occupant proved that he had achieved land ownership. Thus the developers sought to agree with the occupants by providing them with apartment in the block he was building. If the land belonged to the government the land was either seized or the occupant would be rewarded in the same fashion. 'In the former case luxury gecekondus have emerged in which both planning and building regulations have frequently been bypassed and tenure legality is often open to doubt.'⁴⁰

The possibility to sell the land for high prices was further increased by the Redevelopment Laws that was passed in 1980, which were aimed at transforming gecekondu land into formal urban land stock, so that higher densities equivalent to those in surrounding housing areas were perpetuated.

In his elaborate research on urbanization, Kemal Kartal⁴¹ investigates the gecekondu phenomenon at the building scale by concentrating on three main hypotheses:

Kartal

⁴⁰ Payne, G.K. (1982) "Self-help Housing: A Critique of the Gecekondu's of Ankara" in Peter M. Ward ed. *Self-help Housing: A Critique* (p.18). New York: Mansell Publishing

⁴¹ Kartal, Kemal (1983) *Ekonomik ve sosyal yöneleriyle Türkiye 'de kentleşme* Ankara: Yurt Yayıncılık

1. The urbanization process has resulted in a “loss mechanism” because of the waste of the resources of the migrants.
2. The gecekondu is a multilateral tool that uses up most of the rural and urban resources of the migrants.
3. The government has increased the waste of resources in gecekondu.

His research shows that the migrants go through an economically confounding period in which they do not sever their economic ties with their original rural settlements and continue to invest in these areas. As a result of urbanization they dispossess themselves of these investments with high amounts of loss. At this point the main focus of this investment becomes the building of the gecekondu. In his interviews Kartal found out that the process of construction incurs loss due to the building of gecekondu. The owners had stored material that would be enough for building 110 new gecekondu. He also points out the speculative efforts of the migrants who had enough extra land to build 1213 new gecekondu. Kartal also found out that 68.5 % of the migrants were using agricultural credits even after they settled in the city by feigning their presence in their villages and 77.6 % of these credits were used in building gecekondu.

According to Kartal the government incurs a large amount of loss at this point because of acts of demolition. 402 the gecekondu owners interviewed had gone through a total of 4637 demolition acts by the government.

Ayşe Öncü in her article entitled “The politics of the urban land market in Turkey: 1950-1980”⁴² places the gecekondu (or urban poor) in the context of the land market alongside the new middle-classes and middle income groups; entrepreneurial groups and contractors. Local politicians and city administrators. Öncü states that for the urban poor the secondary land

⁴² Öncü, Ayşe (1989) “The politics of the urban land market in Turkey: 1950-1980” in the International Journal of Urban and Regional Research Vol: 12:1 p. 38-63

market is the means of upward income mobility, instead of the job market which is less stable and secure. She observes that

“the distinction between neighborhoods with squatting and non-squatting histories has in many instances become blurred through time... The original squatter neighborhoods became absorbed in the physical fabric of large metropolitan centers, no longer resembling villages with stark contrast to the multistorey concrete neighborhoods of the city proper, but simply built up, congested, low income neighborhoods”⁴³

Öncü points to the transformation of the gecekondu from waves of migrants who had full access to land and could accumulate wealth through this medium, to introduction of the secondary land market created by “squatter lords” who sold split deeds in unserviced, agricultural land at the price of urban land which blocked the way to secure land for newcomers.

Tahire Erman’s research⁴⁴ regarding the perceptions and preferences of rural to urban migrants regarding gecekondu and apartment housing identifies the different characteristics of the two settlement types and the value associated with these qualities for the migrants. Her research is based on her personal observations and surveys conducted with residents of Çukurca, a gecekondu settlement established in the 1960’s and Bağcılar and Esat, two apartment neighborhoods.

Erman

Her research shows that community oriented and gecekondu rooted migrants view gecekondu as a means for sharing, support, close neighborly relations, an area where people with similar origins reside in an environment which resembles their rural origins. Migrants with more individualistic and modern-society orientations view the gecekondu

⁴³ Ibid p. 46

⁴⁴ Erman, Tahire (1996) “Squatter (gecekondu) housing versus apartment housing: Turkish rural-to-urban migrant residents’ perspective” in *Habitat International* Vol: 28-1 pp:91-106 Great Britain: Elsevier Science Lt.

environment as repressive, not offering any privacy because of social control and an area where people they want to distance themselves from live. This view is shared by respondents, who are mainly women, living both in the gecekondur and in the apartment neighborhoods. Apartments are also seen as a means of upward social mobility for the families, and a way of freeing themselves from the “negative image” of the gecekondur.

According to Erman gender is an important factor that shapes the preferences, her research shows that the apartments are preferred more by women because of the well built nature of the apartments compared with the high daily maintenance and housework requirements of the gecekondur. Whereas gecekondur neighborhoods are characterized as “female environments” where women enjoy more freedom of movement due to the social control exercised by other women in the community. The apartments on the other hand, are viewed as confined due to the control exerted by their husbands. Gecekondur neighborhoods also allow for a more “green environment” as opposed to the concrete massing in apartment neighborhoods.

Erman states that the preferences shifted towards apartments years in the city increased. She also stresses the fact that “preferring a particular type of housing does not necessarily mean that the person will decide to live in such an housing environments. (some gecekondur residents) may decide to sell (the gecekondur) to contractors in return for apartments for economic gains or to provide housing for their children.” Erman points out that women are disadvantaged in the decision making because the husbands have the final word about such matters

Buğra

Ayşe Buğra analyzes gecekondur development in the context of the “informal economies, as areas where people seek to meet their needs outside the formal, legally bounded processes of exchange and

redistribution”⁴⁵. In her paper she looks into the moral aspects of this phenomenon. The paper points at the transformation of gecekondus from marginal segments of the population to a commercial urban land market . Buğra points out that doubts have been raised as to the self-help character of this form of housing based on arguments on the mode of construction which has shifted from self-construction to commercial channels.

The paper looks into the relationship between municipal authorities and developers in these areas, and states that the “lawfulness”, if not the legality, of the arrangements (are) highly contested” This argument is based on two reasons: the initial objective of legalization, has been turned into a mechanism for developing large residential complexes. Second these developments damage natural and historic areas of the urban landscape such as the “Bosphours coastline, which should be under the protection law”.

Bugra concludes that such an evolution of the informal sector through networks of reciprocity relations between squatters and political authorities show that non-formalized relations of generalized reciprocity might turn into negative reciprocity networks, and extend to the realm of the market, to subvert the impersonality and formal equality of the exchange relationship and lead to the emergence of a particular “immoral economy” framework.

The development of gecekondu settlements can be clearly seen in the evolution of the three case studies analyzed: Rumelihisarüstü, formerly known as Nafi Baba, Fatih Sultan Mehmet, still referred to as Armutlu and Baltalimani.

The Gecekondu
and the City:
Three Case
Studies

⁴⁵ Buğra, Ayşe (1998) “The immoral economy of housing in Turkey” in International journal of urban and regional research Vol:22/2 p: 303 Malden, USA: Joint Editors and Blackwell Publishers

See fig. 6

These settlements were initially established as gecekondu settlements as a result of factors such as : availability of employment (shipyards, two factories, electrical appliance plants and quarter comprising of hundreds of car repair shop) and the shortage of housing and high rents in the near by urban districts

The land originally belonged to the government, and had been transferred to the local government. Baltalimani was formed originally by workers employed by a quarry, which closed down later. The land belonging to the government next to the quarry owners dwelling was settled by a few migrant workers from the Black Sea region who had been living in the city for a while. The land in the area was distributed by Gypsy Hasan from Trakya, and Laz Osman from the Black Sea Region. Gypsy Hasan was the person who was cultivating the area before the settlers came. He subdivided and sold it to the incoming settlers. Consequently more relatives and friends moved in, and settled there. The Baltalimani settlements expanded southward up the hill and joined the Rumelihisarüstü settlement which was growing from the opposite side.

Robert
College

Rumelihisarüstü was established by a group of low paid employees at Robert College, which was constructed here in 1863 by foreign missionaries and later became Bosphorus University . After they settled their friends working elsewhere were also pressed by the rising rents in a nearby district and decided to set up their own dwellings.

According to the mukhtars the migration was from all regions except the Agean region. Especially from Gümüşhane, Sivas, Tokat, Giresun (Şevinkarahisar). The university has always been an important institution, which provided employment. In reality the seaside (Rumeli) part of the neighborhood is the oldest part, dating back to the times of Fatih Sultan Mehmet. The development runs along Nispetiye road, however the main

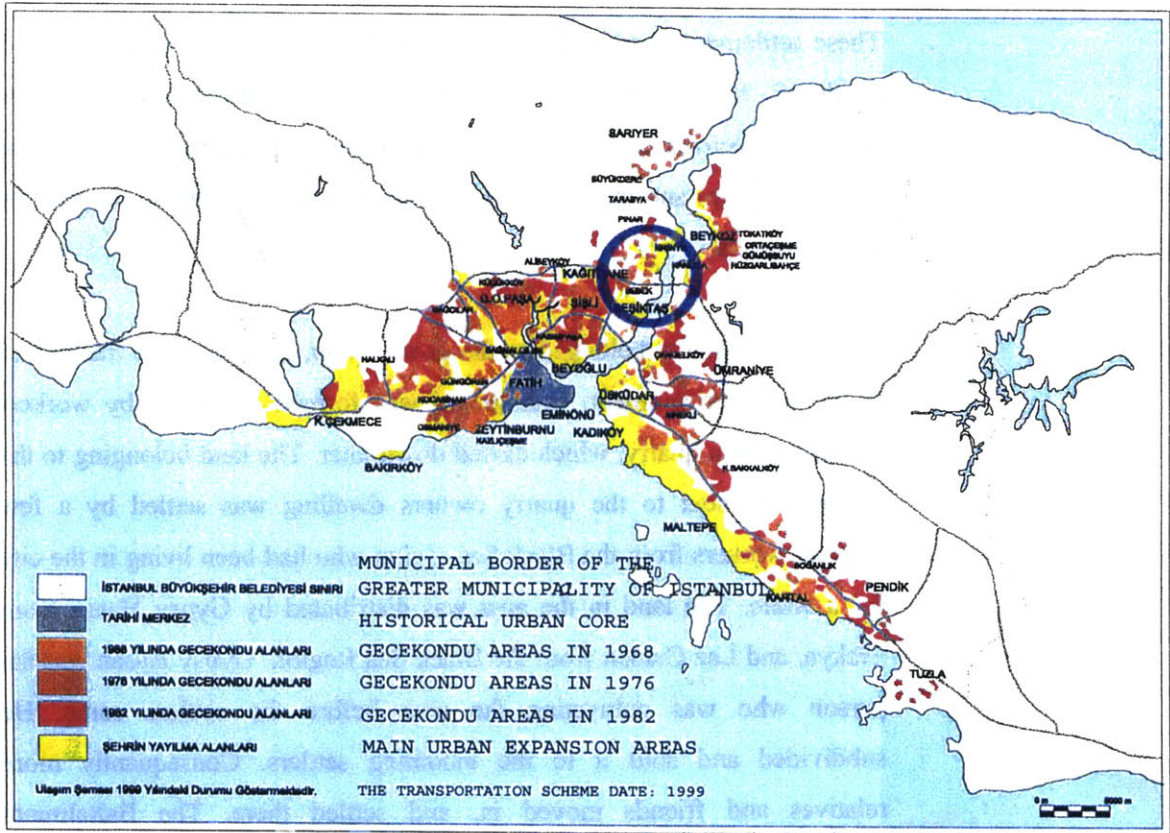


Fig. 6 The evolution of gecekondu settlements in Istanbul Nuran Zeren et. al.

development in Rumelihisarustu starts from the valley, where the highway connection to the Fatih Sultan Mehmet bridge is.

Gülersoy et al.

The report that was prepared by Nuran Zeren Gülersoy, Ahsen Özsoy, Güliden Erkut, Reyhan Genli Yiğiter and Engin Eyuboğlu is a research and implementation project in order to regain control of the Armutlu neighborhood by Istanbul Technical University. The report aims to incorporate the services that the university is planning in the area as well as create a healthier and better quality environment for the neighborhood residents. The research incorporates an extensive physical analysis of the neighborhood and the results of structured surveys conducted with 212 residents alongside mukhtars and real estate brokers.⁴⁶

This research is foreseen as the first step of a three step program. The second step is a series of meetings within the university and with professionals in the field to discuss alternate strategies. The third step is to propose the strategy that was created in the discussion series conducted in the second step. The report also looks into upgrading options that have been implemented in the past. One particular upgrading project that they

⁴⁶ According to the surveys 37% of the families have arrived from the Black Sea Region especially from the cities Rize and Tokat, followed by 32% from Central Anatolia, mainly from Sivas. 80% of the families have settled in Armutlu after 1980 and starting from this year there has been a 25% increase of population through in migration every year until 1995 when this percentage dropped to 8%.¹

The main development activity in the area is the addition of rooms (23%) and additional floors (64%) to the gecekondus. Furthermore the analysis shows that 24% of the buildings do not have a roof and have the potential of increasing their floors. 62% of the homes have been built in less than one year. And 56% of the residents have had help from family members in building their homes, 26% have had professional help from construction workers. 55% of the homes were purchased from previous owners. 73% of the respondents are owners. 45% of respondents stated that they have consulted either the municipality, the mukhtar or some other person in deciding on the number of floors and the area of the house, the rest consulted their family members.

56% of the families have water in their home. 70% of the respondents do not have any relationship with the municipality whereas 56% have been to the mukhtar.

incorporate is the Dikmen Valley upgrading project that has been conducted in Ankara.

Dikmen Valley
Upgrading
Project

The outcome of the largest gecekondu upgrading project in Turkey, “Dikmen Valley Housing and Environmental Development Project” that was realized in Ankara is evaluated by Özlem Dündar ⁴⁷based on field research, preliminary interviews and examination and analysis of related written or visual data and of the lawsuits initiated against the project. The upgrading project initiated by the Metropolitan Ankara Municipality, was based on a public-private partnership model in association with a private construction firm, Metropol A.Ş. The goal of the project was to transform the squatter area which housed 2300 unlicensed mainly one storey squatter housing units with 9809 residents, into a complex containing a culture park, housing and social infrastructure.

The resulting project incorporated 404 dwelling units, of which 44% were inhabited by the gecekondu owners, 33% rented and 9% sold to newcomers. The other units at the time of the study were vacant. The total population at the time was 1,800. The gecekondu owners who did not wish to be placed in the project were given an expropriation payment.

According to Özlem the project was not able to fulfill its goals due to the fact that it was disconnected from the rest of the city and the green areas were not able to serve the expected population, the quality of the environment did not meet the initial standards that were envisioned, a large number of families were displaced from the area, was not implemented with the active participation of the gecekondu owners or other interested city residents, the housing that was provided did not meet the needs of the occupants and according to Özlem the project is not sustainable.

⁴⁷Dündar, Özlem (1996) “The Dikmen Valley squatter housing renewal project in Ankara” in *Ekistics* v 62-376 p:116-126

The surveys conducted for the report prepared by Zeren et al. look into the perception of the residents and their visions for the future of the neighborhood.

The families stated that the main reason they like their neighborhood is because of neighbor relationships (33%), its calmness (22%) and its green areas (17%). The main problems are the bad condition of roads (26%), lack of adequate services (14%) and infrastructure (%28). The residents have contributed to the building of the mosque (45%), the infrastructure (17%) and cleaning of streets (11%) by providing labor (%37), money (%35) and collecting donations (27%).

61% of the residents do not want an increase in population and 50% of residents would not want to relocate to a new house in exchange for their land. The reasons for their refusal are:

- they want land titles,
- they have grown accustomed to the neighborhood,
- their children and relatives live in the area,
- their jobs are closer to the area,
- they have brought the neighborhood to its current state,
- they fear they will lose their homes,
- it is not possible to relocate such a large number of people,
- they need infrastructure and services,
- they like the neighborhood.

33% of the residents who would agree in a resettlement identify their reasons as:

- they feel insecure due to land titles,

- the services are inadequate,
- the neighborhood has to be re-planned,
- they will choose based on the location and the new home,
- the cultural level in the area is low,
- they do not fit into their house,
- they want a healthier environment,
- they do not want to live in a gecekondu settlement,
- they would accept going if they were offered a home in a new housing project,
- they wish to spend the rest of their lives in a more comfortable neighborhood,
- if everyone goes they would leave,
- if the equivalent of their homes is given to them they would leave,
- they wish to live somewhere that is better suited for their kids,
- they might move if its a bigger house.

The literature review takes a glimpse at the in-depth research that has been carried out by researchers since the emergence of the gecekondu. The examples cited represent some of the basic topics that the academics have looked into throughout the years. This information provides a theoretical basis for the understanding of the development in the three case studies analyzed in the thesis. It also lays the context in which the thesis can be analyzed. It is apparent that the thesis cannot be put into the same category as the rigorous analytical analysis that were conducted by some of the researchers. Instead it can be placed alongside qualitative explorations of the phenomenon. Thus it creates a framework for the analysis of the gecekondu in more detail in the future.

Commentary

II. THICK DESCRIPTION OF GECEKONDU SELF-HELP



A. The National Government

The National Government's Response to the Gecekondu Phenomena

See fig. 7, 8

Rumelihisarustu, Fatih Sultan Mehmet and Baltalimani gecekondu areas have a distinct characteristic that puts them in the spotlight when gecekondu policies are concerned. The settlements are located in the most precious land in Istanbul, and most probably Turkey: the Bosphorus. The land prices in areas of the settlements who have a view of the Bosphorus is very high which creates grounds for land speculation and draws the attention of investors in the legal and illegal development practice. Furthermore it increases the value of the property for Istanbul Technical University, the primary land owner in the area. Fatih Sultan Mehmet / Armutlu is the most affected by this phenomenon because it is situated on hills facing the Bosphorus, Baltalimani has also some areas that do benefit from the view, whereas Rumelihisarustu does not have any.

See fig. 9

All of the settlements are covered by the Bosphorus Law that was enacted in November 22, 1983. This law has defined the Bosphorus Area and split it into four main strips: Affected Zone-Front, Affected Zone-Back and Affected Zone-Urban and Affected Zone-rural. The three settlements fall under the Affected Zone-Back area. According to the Bosphorus Law the goal is to:

“protect and develop in accordance with public good, the cultural, historic and natural beauties of the Istanbul Bosphrus Area and restrict development activities that will increase the population density in the area by determining and ordering the development laws”⁴⁸.

Bosphorus Area

The authority in the Bosphorus Area is the Bosphorus Development Authority that is composed of bureaucrats from the national and local government. The General Directorate of Preservation of Cultural and

⁴⁸ Özdil, I. Z. *Tapulu Taşınmazmal Davaları*. Istanbul: Demir demir müşavirlik ve yayıncılık p. 707

Fig. 7 The three settlements are located in one of the most prestigious locations in Istanbul: The Bosphorus

Kuban, D. (1996) *Istanbul An Urban History*. Istanbul: Economic and Social History Foundation of Turkey.

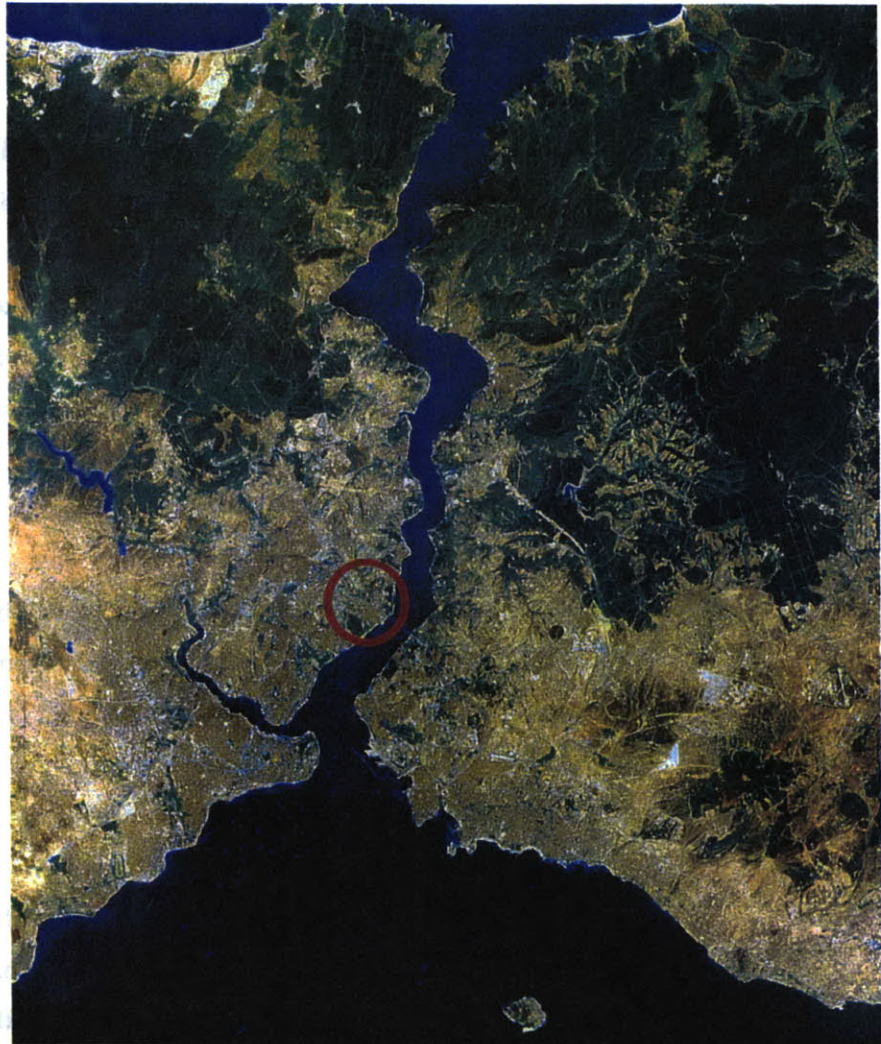
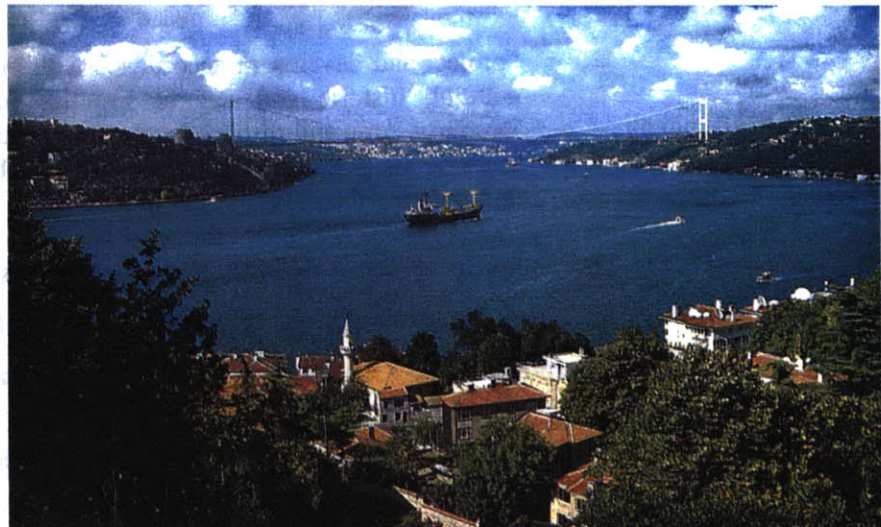


Fig. 8 A view of the Bosphorus looking towards the second Bosphorus Bridge

ibid



BOĞAZIÇI ALAN KROKİSİ

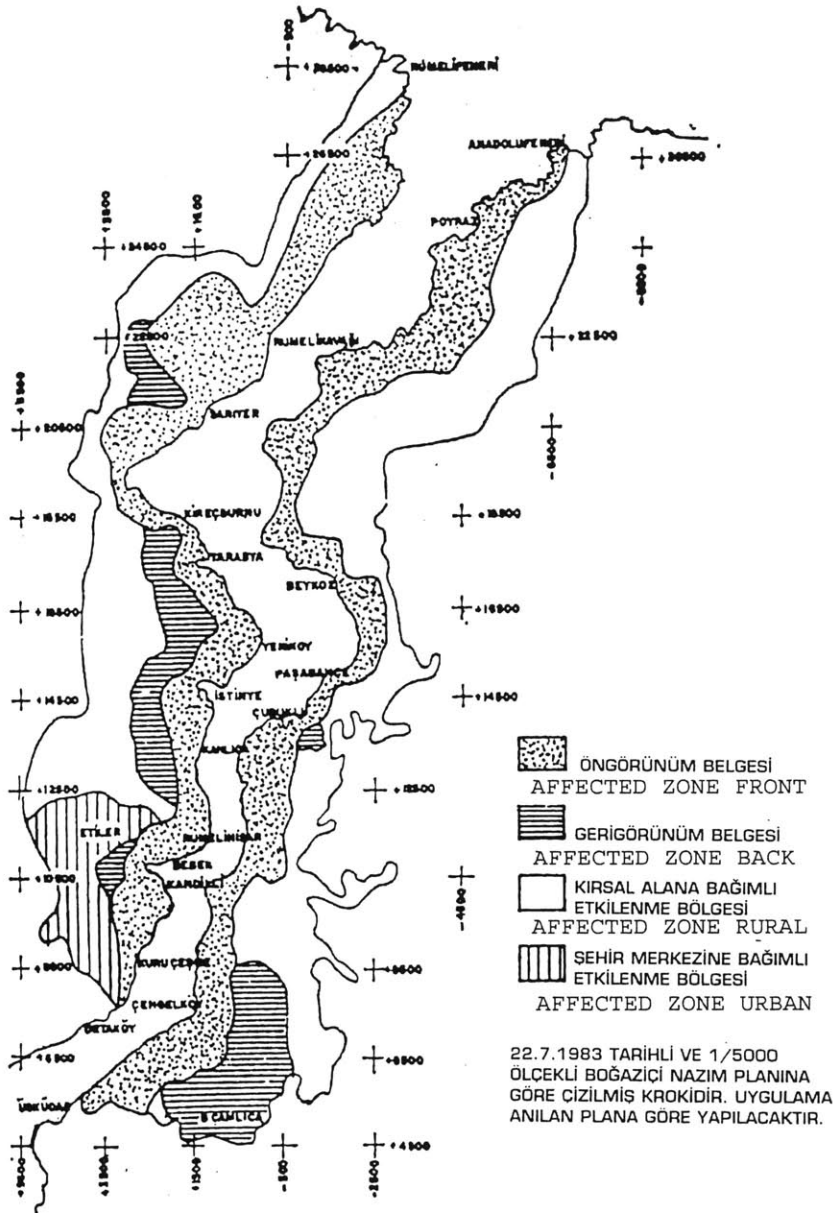


Fig. 9 The different zones in the Bosphorus Area determined by law 2960

(Bosphorus Law)

Historic Heritage (GDPCHH) is also responsible for reviewing any master plans that are created for protection zones and its director is an active member of the Bosphorus Development Authority. GDPCHH has a strong academic identity due to the fact that members include academics from prominent universities. There have been many instances where the revision of the Directorate led the Authority to change or totally disapprove the plans that were proposed for the Bosphorus area.

The basic difficulty that arises in the Bosphorus is related to the sensitivity of the area. Any major development decisions that were taken, created highly visible physical results which attracted the attention of the population and the media. The city population has always had a strong sense of ownership and for this reason opposes any development that disrupts the natural landscape landmark.

This particular characteristic of the Bosphorus further complicates the already convoluted process of urban policy making in Turkey. In most cases the legislature which is directed towards the whole country does not take into account the limited resources of the local governments. Thus national policies do not offer solutions for local problems, instead they add another layer of issues that the local governing agencies have to cope with.

The Start of
Gecekondu
Policies:
1948-1983

Law no. 2490

The first legislation in regard to gecekondu was locally oriented towards the capital city, Ankara (Law 2490, 6/22/1948)⁴⁹. The purpose behind this law was to improve the present state of squatter houses as well as to allocate land so as to prevent new squatter housing. The inadequate

⁴⁹ (Law Enabling the Ankara Municipality to Allocate and Transfer Part of its Land Under Special Circumstances and Without Having to Comply with the Provision of Law 2490, "Ankara Belediyesi, Arsa ve Arazisinden Belli bir Kısmını Mesken Yapacaklara 2490 sayılı Kanun Hükümlerine Bağlı Olmaksızın ve Muayyen Şartlarla Tahsis ve Temlik Yetkisi Verilmesi Hakkında Kanun").

resources at the disposal of the municipalities in general, prevented similar types of housing projects to be implemented in other cities.⁵⁰

Other legal measures were taken to increase the supply of legal housing for the migrants and stop the development of gecekondu in cities. Some of the policy instruments were:

- The provision of low interest credits for housing (**Law 5228**, 7/6/1948)
- Demolition of housing without permits (**Law 5431**, 6/11/1949)
- Pardon of gecekondu built on government land (**Law 1990**, 5/15/1976)
- Transfer of public land to municipalities (**Law 6188**, 7/29/1953, 7/29/1959)
- Provision of infrastructure for gecekondu areas (**Law 7367**, 9/12/1963)
- Comprehensive gecekondu improvement, elimination and prevention (**Law 775**, 6/30/1966)

Law no: 5228,
5431, 1990,
6188, 7367,
775

Law 775 was the most comprehensive among all the other laws and laid the ground for the current gecekondu policies. It covered all informal constructions that did not have tenure or building permit. The main items of the act were:

- The improvement of gecekondu areas by supplying credits
- The clearance of gecekondu where improvement was prohibitive or where the areas was subject to landslides, floods or other dangers
- To relieve the low income housing shortage by building apartments for low-income on long term low interest mortgages, construction of core houses with loans for completion, allocation of serviced sites and

⁵⁰Heper, Metin "Gecekondu Policy in Turkey" p18

prepared building projects and provision of sites and credits to cooperatives.

The government took the responsibility to house the evicted inhabitants that meant that the houses would not be removed if this responsibility was not fulfilled. One other important aspect of this legislation was that it covered only the settlements that were existing at that specific time. However, this point has been purposefully overlooked by some local authorities who did not have the means and the wish to evict the inhabitants.

As a whole these laws were not able to deliver fully the supply of housing needed. The laws required large budgets and the resources were limited. Although some laws have envisioned the increase in revenue by selling municipal land, this was not accomplished because the transfers and sales were not conducted successfully in the time brief time that was allocated.

1983: Law no.
2805

Two very important laws that set the stage for development regulations for the three cases recounted in this thesis were passed by the military government which was formed after the military coup on September 12, 1980. The legal activities of the council were different than regular governments because of the nature of their position. They took bold moves and were quick at passing new laws because they did not have political identity and had more power than regular governments.

The “ İmar ve Gecekondu Mevzuatına Aykırı Yapılara Uygulanacak Bazı İşlemler Hakkında Kanun” (Certain procedures to be applied to buildings which do not comply with the planning and gecekondu laws) law which was passed in March 21, 1983 (no:2805) was mainly regarded as a “amnesty law” by gecekondu settlers, developers and other entities that had taken part in illegal construction and development practices.

The law would envisioned that the illegal development and gecekondu problem would be solved by the year 1990, a fact contested by a member of the Ministry of Reconstruction and Resettlement who stated that the law was too intricate to implement and if the municipalities would not attain the efficiency required ,the policy would further complicate the problem rather than solving it.⁵¹

However the Minister of Construction and Resettlement, Ahmet Samsunlu, commented after the law was passed that the gecekondu movement had been stopped and that 1 million 800 families would be housed with the help of the ministry. The plan was to create Gecekondu Prevention Zones where legal development plans would be implemented. However 9500 hectares of a total of 17,000 hectares of the prevention zones was invaded by the gecekondu before the plan could be implemented.⁵²

Although the law was to be implemented nationally, very early on the Bosphorus was excluded from it because it was seen as a natural and historic landmark. The comments of the Consulting Committee which was in charge of designing the policy added a different shade to the formal reason for exclusion. Comments were made such as:

“The economically and politically strong people (in the Bosphorus) do not need to benefit from this law. The owners of buildings selling for 150 million in the Bosphorus attain permits before the Ministry of Reconstruction and Resettlement and Supreme Preservation Committee knows about it”⁵³

⁵¹ Som, Deniz (1983, March 27). Yedi yıl sonra kaçak yapı kalmayacak. *Cumhuriyet*. pp. 7

⁵² Cumhuriyet (1983, July 17). İmar Bakanı:9 milyon kişi konut sahibi olacak. *Cumhuriyet*. pp ??

⁵³ Comment by Zeki Yildirim. Cumhuriyet (1982, November 15). Boğaziçi imar affi dışında. *Cumhuriyet*. Pp. 1

Law no. 2960

The exclusion of the Bosphorus from the “development pardon” was compensated by a new law that was passed on the 22nd of November, 1983. (Law no: 2960)⁵⁴ Contrary to the permissive attitude of the pardon law this law severely limited development in the Bosphorus.⁵⁵

“Thousands of people are asking themselves “Will my house be demolished?”, hundreds of people are asking themselves “Will I not be able to build on my 100 million lira land?”, whereas millions of people are dreaming about the ideal Bosphorus”⁵⁶

This comment from a journalist expresses the sentiments of the general. Thus this area constitutes a major showcase for politicians who want to gain general political support. However these policies have been difficult to implement because firstly the politicians were also locally accountable in the municipal elections and secondly development in the Bosphorus was sought after by a lot of politically powerful entities.

The Bosphorus Law tries to deal with this dichotomy by taking away the decision power of the local municipalities and giving it to a planning commission headed by the prime minister and a separate planning institution that would function at the local level called the Bosphorus Development Authority.

This law was greatly appreciated by intellectuals and professionals who were in favor of a separate law that would conserve the natural and historic identity of the Bosphorus. The head of the Istanbul Office of the Architects and Engineers Association Engin Omacan states⁵⁷ that “the Bosphorus Law

⁵⁴ No. 2960. “Boğaziçi Kanunu”

⁵⁵ Istanbul News Agency (1983, November 19). Boğaziçi Yasası MGK’da görüşülüyor. *Cumhuriyet*. pp 8

⁵⁶ Som, Deniz (1983, December 17) Herkese açık yeşil bir Boğaziçi. *Cumhuriyet*. Pp 1

⁵⁷ Omacan, Engin (19 December, 1983) Uluslararası girişimcilerin gözleri Boğaziçi’nde. *Cumhuriyet*, pp 14

compared to other development laws is clear, prioritizes planning and has the authority to implement the goals presented in the first article of the law. He also added that the new institutional arrangement would bring a new and better implementation approach to the Bosphorus and would be able to overcome the difficulties that the municipalities had been facing.

Academics were still skeptical because they believed that this law like all the other laws, would have no value if not properly implemented. Prof. Cevat Giray commented that “It is too optimistic to assume that a the Bosphorus Law will be able to fulfill its mission in a country where illegal development cannot be controlled and is supported by “development pardon laws”.⁵⁸

6 November, 1983 brought to power a newly founded political party, Motherland Party, headed by Turgut Özal. The government was also confronted with local elections that were to be carried out on March 8th, 1984. The new government inherited a large package of planning laws which largely affected the development of gecekondu settlements. Thus it sought to redesign these laws in order to favor its local support in the coming elections.

1984: Law no.
2981

Due to problems arising in the implementation of the law no. 2805 that was passed in 1983 the parliament decided to redesign it so that it would be able to fulfill the mission to solve the illegal development problem. The head of the Development and Resettlement Commission who was responsible for the design of the new law, İbrahim Özdemir (Motherland Party) stated the reasons for this new law that they were aiming to pass as “the law could not be implemented thus it did not ease the problems of the public”.

⁵⁸ Geray, Cevat (7 February, 1984) Boğaziçi'ne toplumca sahip çıkılmalı. *Cumhuriyet*. Pp 2

He also added that the new law would bring important benefits to the gecekondü owners “Law no. 2805 required gecekondü owners to pay a “land use fee” which put them into a lot of difficulties. We have received a lot of complaints from the public before and after the elections, thus we are taking it back”. He also stated that due to fear of demolition some gecekondü owners had not reported their illegality to the authorities. He acknowledged the fact that the gecekondü owners were not able to get their land titles because of the long process. He claimed that the commission was working on a “formula” to give the land titles. He stated that in the meantime a “land title appropriation document”⁵⁹ will be provided to gecekondü owners. This document will eventually be replaced by a “land title”. State minister Sadi Türel refined this definition by saying that the replacement would only occur in gecekondüs where land is owned by public authorities and that the land titles would only be given after the “Development and Upgrading Plans” were prepared for the areas in question.⁶⁰

Development and Upgrading Plans

This new form of master plan was based on existing conditions of gecekondü settlements, and did not comply with the standards that regular master plans had to follow, such as specific allocations for public amenities and green areas. The plan was mainly a tool to legalize the illegal parts of the city by delineating the existing conditions, the property lines and major infrastructure.

Certified Technical Offices

An important method for implementing the new law that had been lacking in Law. 2805 was the formation of *Certified Private Technical Offices* that would be in charge of preparing documents for the location and review of buildings that were covered by the “amnesty law”. These offices were to be

⁵⁹ *Cumhuriyet* (23 January, 1984) İmar Affi Yasası Yeniden Düzenleniyor pp. 1

⁶⁰ *Cumhuriyet* (14 March, 1984) Gecekondular tapu için imar planını bekleyecek pp 11

formed by architects, construction engineers, planners and utility technicians and would be under the surveillance of the ministry of reconstruction.⁶¹

The head of the Union of Chambers of Turkish Engineers and Architects commented that this law was shifting the burden of solving unresolved problems to technical experts which would put them in conflict with the public. He commented that this method would not be able to provide quicker land title delivery and requested that the law be reviewed in consultation with associations and other interested entities.⁶²

The proposed law was not without controversies itself. It was not clear what would happen to gecekondu that did not comply with the master plans. Two options were pointed out, one was to give their titles anyway and the second one was to exclude them from the pardon law, however this was not feasible because 70% of the gecekondu were expected to fall into this category so the aim of the pardon law would not be fulfilled. Furthermore it was not clear what the role and responsibilities of the certified private technical offices would be and how they will be supervised. There was also the issue of providing infrastructure to areas where land titles were distributed, it was not clear how this would be financed. Prime minister Turgut Özal claimed that 200 million dollars worth of credit will be provided by the Saudi Development Fund for this.⁶³

Despite all the controversies and ambiguities the new form of the law no. **2805** was passed on the March 8th, 1984 as Law. No. **2981**. The new law was much more liberal and relaxed, with less emphasis on development control in the areas and incorporated new forms of planning by creating a

⁶¹ *Cumhuriyet* (15 February, 1984) İmar affi büroları hizmet için en az 5 bin lira alacak. Pp. 14

⁶² *Cumhuriyet* (19 March, 1984) “Tapu tahsis belgelerinin dağıtımına başlandı.” Pp 8

⁶³ *Cumhuriyet* (26 February, 1984) “Büyük kentlerin imar planları değişecek”

new planning agency called the Certified Private Technical Office that would be responsible for distributing a Land appropriation document with the use of a new type of master plan called the Development and Upgrading plans.

At the same time as the redesign of the law was conducted the World Bank issued a housing report on Turkey where various options for filling the housing gap were put forth. The agency pointed out that gecekondu neighborhoods did not resemble shantytowns and slums, and were constructed with modern construction materials and technologies. According to their calculations only 120-140 thousand housing units out of a total of 270 thousand were legal, thus the government had to change its attitude towards this type of Housing.⁶⁴

As a result of the new law, there was a big rush by the public to get the “land title appropriation” documents. The appointed prime minister Turgut Özal, who was running for elections, which would be held in 28 March, 1984, was distributing photocopies of the law to the public in his election meetings. At the same time government institutions were bombarded by gecekondu owners, both entities not sure of the whereabouts of the documents and the distribution procedures. Furthermore State Minister Sadi Turel was distributing illegal “land title appropriation documents” during his political speeches in some neighborhoods in Istanbul.

All this led to an uproar by the opposition parties who defined the documents as a “political scam”.⁶⁵ The government was set to an “alarm” position and determined the technical offices and published and distributed the necessary documents almost overnight in order to fulfill the

⁶⁴ Cumhuriyet (24 January, 1984) “Dünya Bankası Başkanı konut reçetesi getirdi”, pp. 1

⁶⁵ Cumhuriyet (22 March, 1984) “Tapu işi karıştı” pp. 1

government's commitment before election time.⁶⁶ A former government official Ergun Onaran commented that it was impossible to distribute the documents before the elections because at least one year was required to fulfill the technical procedures set by the law and that contrary to common belief the documents did not have any legal validity and just meant that the gecekondu owners application was received.⁶⁷ To this criticism the Minister of Development and Housing Safa Giray responded explaining that the regulations for the law were being prepared and if any of the documents issued had conflicts they would be amended by further notices.⁶⁸

One important element of the law which has affected the development of gecekondu since the beginning were the documents in order to prove ownership. The applications had to include electric and water bills and tax documents in order to prove that they had been built in the dates the pardon included. Thus any gecekondu who did not have infrastructure or did not pay their taxes did not have any way of proving their legal presence. .

The story of one of the first gecekondu owners who received his "land title appropriation" is as follows:

Muzzafer Tıgılı recounts that although he did not apply for the document a few people came to his house and took some measurements and asked him to go to the Register of Deeds and provide them with his application and fee. He was given his document alongside seven other gecekondu owners and he posed for photographs taken by the press. He recounted that he had difficulties when he returned to the neighborhood because the residents asked him how he had obtained the document, why he had not informed

1984: The story of a gecekondu owner and the land title appropriation document

⁶⁶ Cumhuriyet (23 March, 1984) "Tapular için alarm", pp. 1

⁶⁷ Cumhuriyet (23 March, 1984) "Tapu tahsis belgesi, dilekçeniz alınmıştır anlamında bir belgedir" pp 11

⁶⁸ Cumhuriyet (24 March, 1984) "Bakan: Tapu, nazik konudur" pp 1

them and if he had paid any bribes. Mr. Tıǧlı who was not able to solve the mystery himself said that he was not even asked to pay for any of the services and was tired of repeating that he had not paid any bribes for it and showing the document to curious neighbors.⁶⁹

1985 The
Divide: Fatih
Sultan Mehmet
Bridge

1985 was an important year in the history of the three settlements because the main artery that led to the second Bosphorus Bridge (named Fatih Sultan Mehmet Bridge) created a divide between Rumelihisarustu and the two other settlements. The construction of the artery required the demolition of 420 buildings in the Hisarüstü neighborhood. The story of the process for demolition is a good example of the actual status of gecekondus in the eyes of the government and a reflection of the values of the general public.

The government faced with the demolition of the houses with a pressing time constraint due to the nature of the demolition had to act quickly and strategically . Thus 420 homes that were in the demolition zone were acknowledged and a legal expropriation payment was proposed. However the owners were not satisfied with this arrangement, they set forth their impoverished states to claim that this payment would not cover their needs. They also complained that they had been homeowners with great difficulty and had only very recently attained local municipal services. They felt that after twenty five years in the neighborhood they deserved more than a payment, they wanted free land and homes close by because they were employed in the area and had strong community ties, thus transfers to other parts of the city would not satisfy their needs. One of the gecekondu owners commented that “the expropriation payment will not even be enough to move the rubbles”. A summary of their requests reflects the extent of the knowledge they possess regarding legal procedures:

⁶⁹ Konukçu, Şenol (24 March, 1984) “ Ben müracaat etmeden gelip tapu verdiler” *Cumhuriyet*, pp 5

“ our wish is that the state⁷⁰ would add this special case to law no. 775 and provide us with land in the vicinity of our neighborhood and deliver the expropriation payments. Thus the state would prove that it takes care of its citizens and has a potential for trust by coming up with an option that is based on state and citizen partnership”⁷¹

1985 was marked by a fervently discussed land sale that was lead by the newly elected mayor Bedrettin Dalan. Two important natural landmarks on the Bosphorus the Sevda Hill and the Kandilli Grove were to be sold to the Prince of Saudi Arabia Abdullah Bin Abdülaziz and the mayor of Jeddah, Farisi. Bedrettin Dalan acted as a liaison between the landowner (The Union of Chambers of Commerce, Industry, Maritime Trade and Commodity Exchanges of Turkey, Pension Fund of the Republic and Social Security Department) and the buyers, who he defined as “personal friends”.⁷² This sale could not be accomplished as planned because the intention of the two buyers was to build housing for themselves in these areas. and the Bosphorus Law (no. 2960) did not allow any residential development in the Bosphorus and Affected Zone-front only permitted the development of uses related to tourism. The prime minister Turgut Özal commented that a “formula” would be found to solve this problem and added that it would be inappropriate to stop this transaction because they were the ones who had proposed this sell this option to the Prince.⁷³

Law no. 3194

⁷⁰ There is a clear distinction between “state” and “government” in the eyes of the public. The “government” represents the politicians and political parties in power, whereas the “state” represents an entity that is beyond the individual politicians and parties and includes all of the agencies as a whole. This fact is very apparent in statements such as: “we have full confidence in the state, but not the government” that was repeated in interviews with the public in the three settlements.

⁷¹ Konukcu, Senol. (25 March, 1985 “Dozeri bekliyorlar: 420 konut için ‘yık’ emri” (“Waiting for the bulldozer: ‘demolition’ order for 420 homes”), *Cumhuriyet*

⁷² Küçük, Kemal (2 March, 1985). “Boğaz nasıl pazarlandı?” *Cumhuriyet*, pp1

⁷³ Tuşalp, Erbil (5 March, 1985). “Boğaz’da prens formül bulunur”. *Cumhuriyet*, pp1

The head of the Development and Housing Commission İbrahim Özdemir who was a member of the commission who drafted the “Amnesty Law” commented on the Bosphorus that there were illegal houses built in the Bosphorus area before the law was passed (which meant that they would fall under the category of those that will be pardoned) and that the local municipalities and the General Directorate of Preservation of Cultural and Historic Heritage would be in charge of solving this case. He commented that although the law did not allow the slightest development in the Bosphorus it did not solve the problem of illegal settlements. Özdemir was not sure if such a strict law was suitable for the conservation of the natural and historical identity of the Bosphorus. He commented that there should be a “comprehensive research to find a system” that would protect these resources.⁷⁴

After the problems regarding the sale to the royalty appeared the government changed this article in the law and gave the option of housing development in the Bosphorus up to 1000 m² and 2 floors without any authorization from the municipality or the General Directorate of Preservation of Cultural and Historic Heritage. This development option coincided with the requests of the royalty.⁷⁵

Bedrettin Dalan had also a lot of influence in the parliament and managed to pass a new development law (law no: 3194) on May 9, 1985 that would replace the existing law (no. 6785) that had been in place for thirty years. This law would enable him to exert his authority regarding development issues in Istanbul because it transferred the approval of master plans from the central government to the local municipalities, thus decentralizing development authority of city land. The law also included an article (no. 42) that referred to the Bosphorus Law (no. 2960) and transferred all the

⁷⁴ *Cumhuriyet* (23 March, 1985) “Boğaziçi yasaı çok katı”, *Cumhuriyet*, pp1

⁷⁵ Konukçu, Şenol (25 March, 1985) “Boğaz’da Yasa Curcunuası” *Cumhuriyet*, pp1

development authority in the Bosphorus to the Greater Municipality of Istanbul. This article also allowed for changes in development plans for the Bosphorus area and allow housing development on previously protected areas.

There were also other changes in the Development Law. Article no. 7 granted development pardons to *gecekondus* and illegal dwellings in the Bosphorus area which had been exempt from the “Amnesty Law” that was passed in 1983 due to the declaration of the area as a conservation area by the Bosphorus Law.

Although there were a lot of criticisms in the parliament, the law passed with the votes of the ruling party, Motherland Party. The law placed the development authority in the Bosphorus in the hands of the municipal leaders, Bedrettin Dalan and the “Bosphorus Development Authority” headed by the prime minister Turgut Özal.

The new Development Law (no. 3194) was not effective in solving the problems of *gecekondus* that were settled on private land. The municipal leader of Izmir, Burhan Özfatura commented that there was no hope of an agreement between the *gecekondu* owner and the land owner.⁷⁶

This problem and some others were addressed in a further amendment of the Development Law (22 May, 1986) initiated by prime minister Turgut Özal that extended the deadline for *gecekondus* to be pardoned from 1981 to 1985. The opposition parties were not content with this change and the group leader of opposition party accused the government of “conceding because it was not able to stop the development of *gecekondu* settlements”⁷⁷. One important element of this new law was that it was made

⁷⁶ *Cumhuriyet* (19 April 1986) “Özfatura yetki, *gecekonducu* tapu bekliyor”, p 5

⁷⁷ *Cumhuriyet* (23 May, 1986) “Kaçak yapıya yeni af” p 10

clear that Istanbul and Canakkale Bosphorus areas were not included in the law thus the special identity of the Bosphorus reemerged.

The transfer of the master planning authority to municipalities set by the new law, started a rigorous master planning process in Istanbul in order to complete all the 1/5000 scale master plans for the total span of Istanbul. Commenting on the this phenomenon municipal leader Bedrettin Dalan explains that

“The completion of the plans will increase the speed of development because the production of land is very important. Without plans you are unable to produce land. When you prepare master plans housing and industrial land is created. This in turn decreases the land price and increases the housing stock creating a solution for the housing problem”.⁷⁸

1987 The Story
of a Gecekondu
Owner and the
Land
Appropriation
Document

The system of distribution land appropriation documents by *Certified Private Technical Offices* (set by law no. 2805) created a myriad of problems. This system could not be integrated with the traditional urban planning system and as a result of the conflicts several gecekondu owners and bureaucrats were confronted with irresolvable problems.

One typical example of this type of conflict occurred Keçiören municipality in Ankara. The municipality was forced to demolish 30 gecekondu in order to create a park that was necessary due to the master plan. The park had to be placed in the area where the gecekondu were because it would serve two neighborhoods that were in severe need of open space and the only possible alternative was the government land that the gecekondu had settled on. The municipality had strictly followed the planning rules and regulations.

⁷⁸ *Cumhuriyet* (21April, 1986) “Halkalı ve Soğanlık’ta belediye toplu konut yapılıp halka satacak”, p 6

However a conflict arose between the gecekondu owners and the municipality because the owners had spent a considerable amount of money to obtain the land appropriation documents from the Certified Private Technical Offices and were expecting their land titles to be delivered when they were confronted with a demolition ordinance. They had paid all the fees and the price of the land to the government and were confident that they had at last obtained a kind of security after thirty years of agony. The municipality was forced to find a solution that the municipality leader Melih Gökçek explained as:

“we had no intention of creating injustice to the gecekondu owners, we will provide them with alternative land, they might not like it but what can we do? We will refund the payments of those who wish to take them back and we will also provide them with the demolition cost for their buildings.”⁷⁹

The solution offered by Melih Gökçek could be appropriate for 30 gecekondu, and the municipality might be able to piece together the financial consequences. But what would happen when the number was not 30 but 300, in some cases 3000 or more? Could the municipality provide any solution for this type of development? What would the municipalities role be when this development is on private land?

The institutions and professionals in charge of distributing the land appropriations were also dealing with a lot of issues. The land appropriations did not match one another because there wasn't a plan which outlined the property lines. The fear was that these documents would never be turned into land titles due to the inaccuracy of the content. Furthermore the gecekondu owners regarded these documents as a door to land titles and protested to any demolition by demonstrating their

⁷⁹Uysal, Hasan (9 March, 1987) “Önce tapu tahsis belgesi verdiler sonra yıkım kararı aldılar”. *Cumhuriyet*. p8

documents as a proof of their land ownership. This problem was the greatest when the gecekondus were built on private land. The owner of the land title would try to evict the gecekondus owner who in turn would try to use his land title appropriation.

1987 The
Constitutional
Court's Ruling
Regarding
Certified
Technical
Offices

The situation became more confusing when the Constitutional Court after four years of implementation, ruled that the Certified Private Technical Offices were against the constitution and the transactions completed by these offices were illegal.

This was not the only ruling of the Constitutional Court. The court also annulled the article no. 7 that had granted development pardons for the gecekondus and illegal development in the Bosphorus area. These rulings would not affect the transactions that had been carried out between the time the law was passed to the time of the ruling thus gecekondus owners who had obtained their land titles during this period would be exempt from the ruling.⁸⁰ According to a research conducted by Istanbul Technical University⁸¹ the number of gecekondus owners in the Bosphorus who had obtained their land titles during this period totaled 1119.

1987 The story
of demolition in
Armutlu

It was not long before Armutlu was faced with the municipalities bulldozers. As in similar cases the gecekondus owners were not expecting a demolition in the neighborhood and according to Muhittin Coşkun whose house was demolished they were overjoyed when they saw the bulldozers. They thought they were provided as a result of their application to the Sarıyer municipality for the construction of a sewage system. The demolition created a big uprising and extra enforcement was provided from the government police to demolish 100 houses. İsmet Silahçılar,

⁸⁰ Özbilgen, Füsün (26 April, 1987) "Yeminli büro fiyaskosu" Cumhuriyet. p5

⁸¹ Gülersoy, N.Z., Özsoy, A., Erkut, G., Yiğiter R.G., Eyuboğlu E.(1999) *I.T.U.*

Ayazağa Kampüsü Arazisinde Oluşan Armutlu Gecekondus Bölgesinin

Planlanmasına Yönelik Araştırma Projesi. İstanbul: İstanbul Technical University

department chief of the municipal police of the Metropolitan Municipality of Istanbul, who was in charge of the demolition commented that in the last few days 200 new gecekondus were built and that they were unable to stop them he said that “none of them has a land title. We cannot allow them to build on municipal land.”⁸²

Fatma Karakoç whose house was demolished questioned the act: “We have worked really hard to construct our gecekondu. Now we are left on the streets with one child and have no place to go. Aren’t we Turkish, don’t we have a right to live in this country?”⁸³ This comment is related to the common belief that the “state” has to provide housing to its people. One other important fact that supports the claims of the gecekondu owners is the cadastre and land title law which states that land which isn’t recorded in the Register of Deeds is inhabited without dispute continuously for at least 20 years and ownership can be proven by documents, witnesses or experts than ownership will be granted.⁸⁴

The demolition continued with great difficulty. There were strong protests and gecekondu owners set up barricades to fend off the bulldozers. The gecekondu owners protested that they had gotten a verbal promise from the local municipality that gecekondus that had their “documents” would not be demolished⁸⁵. Despite the protests the municipality got support from the police and demolished 90 gecekondus. Ismet Silahçılar commented that “the important thing is to show that the state is powerful. We have proved this today by starting the gecekondu demolition”.⁸⁶

⁸² Pala, Esat (June 7, 1987) “Gecekodu dramı” *Cumhuriyet* p.3

⁸³ ibid

⁸⁴ *Cumhuriyet* (8 June, 1987) “Tapusuz gayrimenkule mülkiyet izni geliyor” p. 8

⁸⁵ *Cumhuriyet* (14 June, 1987) “Gecekondu yıkılmadı” p. 12

⁸⁶ *Cumhuriyet* (18 June, 1987) “Armutlu yıkıldı” p. 8

This demolition wave was effective in İstanbul, İzmir and Ankara and raised some voices in the public. The minister of Development and Housing Safa Giray commented that the demolition was necessary and as an answer to the reproach of the gecekondu owners towards the “state” he responded a:

“this depends on how you see the “state”. We are trying to bring order. Thus we have to implement the development law. Maybe they are not aware of it but the gecekondu owners whose houses were demolished will benefit from this demolition too. The media writes against us when we cannot provide service to the gecekondus. We need regular urbanization to achieve this. What were you expecting the “state” to do, are large cities to be trodden upon?”

He further commented that the gecekondu owners were misled by the constant development pardon laws that he regarded as “mistakes of governments who did not look into the problem adequately ” and that the gecekondu owners shouldn’t expect a similar law in the following elections.⁸⁷

1987 Law no.
3386

Bedrettin Dalan also played a big role in redefining the authority that was in charge of the conservation areas. A new law that was referred to as the “Dalan law” in the media, set up a new institution called Local Directorate of Preservation of Cultural and Historic Heritage the Preservation Committee, which would be responsible for many of the issues the General Directorate of Preservation of Cultural and Historic Heritage was controlling. The new law also decreased the percentage of academics in both the local and supreme committees and created a majority of bureaucrats.⁸⁸ The new identity of the committee was strongly approved by local bureaucrats but much disapproved by the academia.⁸⁹

⁸⁷ Balbay, Mustafa (1 August, 1987) “Artık imar affı yok” Cumhuriyet p 7

⁸⁸ Küçük, Kemal (9 June, 1987) “Dalan yasası geliyor” p. 1

⁸⁹ Küçük, Kemal (10 June, 1987) “Dalan yasası belediyeleri sevindirdi” p.1

The doubts of the academia were a result of their distrust for bureaucrats. As in the laws governing gecekondus the bureaucrats' main concern was political support and preservation was not the best method of attaining this. Preservation required a considerable amount of investment. Cities like Istanbul were filled with historic structures which were in great need of repair. Preservation areas also included pristine areas with high natural value such as Bosphorus, that also accommodated natural and historic areas conservation areas amidst housing, commercial and tourism development. The real estate market in the Bosphorus was pushing for more and more development which decreased the support of bureaucrats for green areas and historic structures. The academia who participated in the preservation efforts through the Directorate of Preservation of Cultural and Historic Heritage tried to salvage the historic and natural areas by banning plans that would endanger them. However they did not have the direct means of enforcing their decisions so the local government was pressured to enforce rules that it did not support. This new law further facilitated the endeavor of local governments who viewed the historical commission as an obstacle to carry out their development plans. Unfortunately there was no other mechanism that would act as a cushion for development forces and salvage the historic and natural values of the city and the country.

See fig. 10, 11

Despite all the controversies the new law (no. 3386) was passed on June 24, 1987.⁹⁰

Commentary

Since its initial phases gecekondu development has assumed a complex structure. The government's effort to fill the housing gap has sometimes aligned with the interests of the gecekondu owners and the officials.

Until 1990 the laws regarding gecekondu development continually changed creating an irregular pattern of permission and prevention. As a result of the inefficiency of these laws and the extra complexity that was brought in

⁹⁰ Cumhuriyet (25 June, 1987) "Dalan yasası yürürlüğe girdi" p. 13

Fig. 10 Armutlu is located at a prominent location with magnificent views of the Bosphorus

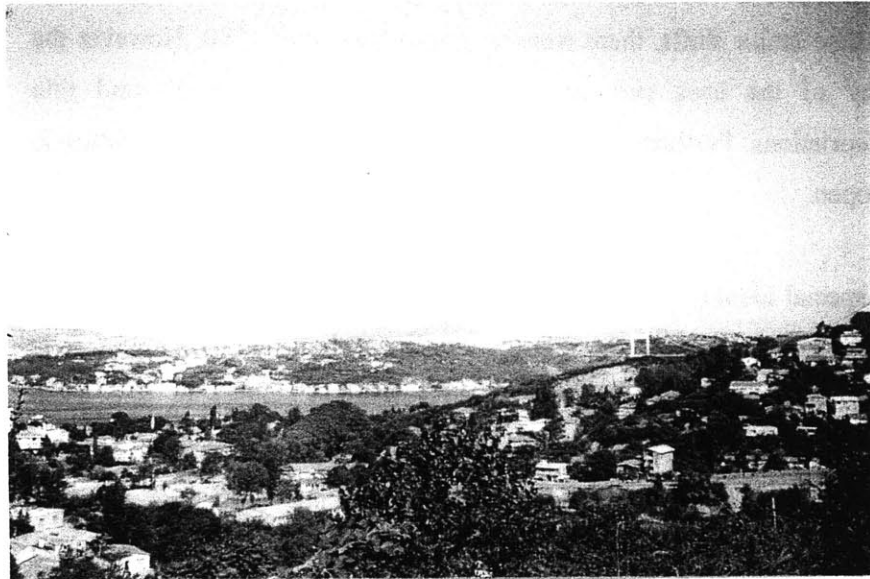
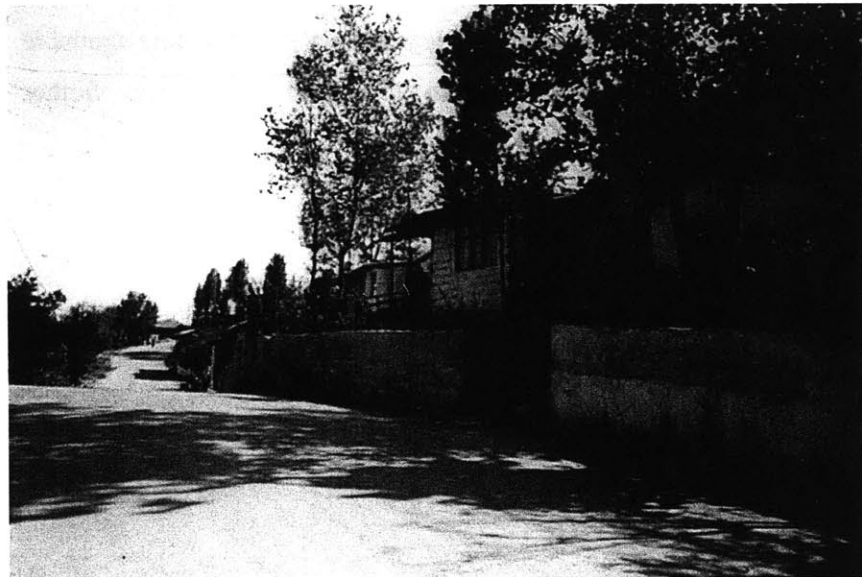


Fig. 11 The neighborhood itself still maintains its gecekonu character



by these major shifts, there were no major laws after 1990. However the legacy of the laws still continues, as in the example of land title appropriations. Furthermore the possibility of similar laws in the future is still open.

The special identity of the Bosphorus created a battleground for different interest groups, mainly the conservationists and the gecekondü owners. The government tried to deal with these conflicting interests by setting the Bosphorus aside when the issue of legalization was concerned. However, the political power of these settlements was not something that the politicians could overlook. These forces created a political dilemma: was the government fulfilling its obligations to its citizens in general by placing the benefits of the gecekondü owners as its main target? This debate still continues today and is heightened after laws that legalize the gecekondüs are passed. According to the government, legalization leads to more equitable distribution of benefits, according to the critics it triggers further exploitation.

B. The Local Government

The three gecekondu settlements studied have been entangled in a complex array of bureaucratic systems and have been subject to heated intellectual discussions. The hierarchy of local governments, and their abundance have in some cases created opportunities and in others setbacks. This chapter tries to identify the role of the bureaucratic actors and their struggles within themselves and among each other to gain a handle on the issues regarding the neighborhoods.

The
Metropolitan
Municipality of
Istanbul

It is not uncommon to hear urban historians and residents of Istanbul, talking about the “Dalan era” or the “Nurettin Sozen era”. This fact is mainly due to the prominent position of the metropolitan mayors of Istanbul in its development. Each one of them has brought with it a unique approach that has its own virtues and peculiarities. The Metropolitan Municipalities in Turkey have an administrative structure which is almost a replica of the national governance structure of Turkey, with both legislative and executive components alongside a wide variety of technocrats that are responsible for the greater municipalities service provision. It would be a very simplistic view to assume that all the departments of the greater municipality act as one whole. However the mayor should be viewed as the captain of this large crew, thus he aims to steer the organization successfully towards a certain target.

It should also be noted that the metropolitan mayor’s influence on particular neighborhoods was convoluted by the presence of local municipalities and their local agendas. However the Bosphorus and especially the gecekondu’s in the Bosphorus have always been a hot topic among mayors. They all had their own way of interpreting the needs of the neighborhood and balancing it with the demands of Istanbul in general, which had its keen eyes on the Bosphorus.

Dalan had a good grip on city politics and national politics. His term in office brought with it national policies that were spurred by the immediate problems of Istanbul. His attitude towards gecekondu and their problems was not as fervent as his approach to higher income groups and large scale urban projects. These large scale projects forced the municipality to seek financing mechanisms beyond the traditional methods and large amounts of debt was accumulated. The extra expenditure did not only occur at the metropolitan municipality level, local municipalities were also exceeding their budgets and trying to get advanced payments from the national government.

Bedrettin Dalan
Era

Dalan during his election campaign gave promises to gecekondu settlements regarding legalization, however after coming to power ordered demolition in most of these neighborhoods, especially in the three case study areas. This was not well taken by the residents. The mukhtars have sent the center of Dalan's party, Motherland Party, several letters asking questions like "Why are you demolishing, you had promised not to? You are putting us in a difficult position and we are becoming election materials for the opposing parties"⁹¹ Furthermore the opposition parties used this occasion to strengthen their role in these communities by promising that this kind of operation would not occur during their administration.⁹²

Nurettin Sözen had a strong stance towards gecekondu because of his political parties, Social Democrat Public Party (SDPP), social democratic stance. Even before his election Nurettin Sözen reported that he was against "demolishing homes and putting people on the street".⁹³ He emphasized the necessity to take action before the development occurred

Nurettin Sözen
Era

⁹¹ Küçük, Kemal (22 March, 1989) "Gecekonduyunun istediği seçilecek". *Cumhuriyet*. p. 7

⁹² Küçük, Kemal (31 December, 1988) "Dalan'ınki Atina demokrasisi" *Cumhuriyet*, p. 15

⁹³ Ibid.

rather than demolition in the aftermath. Another very common approach of SDDP was to back the lower income and try to create force on the upper income, thus the villa owners on the Bosphorus. The president of the Istanbul Bureau of SDDP, Mustafa Özyürek, proclaimed that when they came to power they “would not touch the gecekondu, but demolish the villas that Dalan did not have the courage to touch”.⁹⁴

After coming to power Nurettin Sözen and other mayors who were not members of the ruling party at the time, were faced with economic problems because the national government kept cutting their budget allocations. This economic problem was heightened by the exaggerated expenditure and the debt of the previous local governments had accumulated. The problem lasted until the newly elected government, headed by Süleyman Demirel, committed their support for the local governments.

Nurettin Sözen had a number of problems during his term of office regarding the municipal personnel and the leaders of the local municipalities. His authority was questioned in court cases against the his municipal personnel: his general secretary, Mustafa Koç; the head of the accounting division, Yalçın Bıçak; the deputy head of the budget and finance division, Meral İçhisar; the head of the Water and Sewage Administration, Ergun Göknel who were all fired by Nurettin Sözen due to legal corruption cases. The mayor was also in a big conflict with the local municipality of Sarıyer because of local municipalities attitude towards development on the coast and in illegal settlements. The main issue regarding illegal settlements was the fact that İhsan Yalçın, the local mayor of Sarıyer, refused to demolish without the support of the police even though the metropolitan municipality was insisting on demolition. As a

⁹⁴ *Cumhuriyet* (8 January, 1989) “Gecekondulara dokunmayacağız” p. 12

result of these disputes Nurettin Sözen, cut the municipal aid to the local municipality.⁹⁵

Starting with the Recep Tayyip Erdoğan the regulations in the three squatter settlements have been very strict. This trend was adopted by Ali Müfit Gürtuna who was the Assistant Municipal Leader during Erdoğan's time, after he came to power. Although Recep Tayyip Erdoğan had clashes with the central government headed by Tansu Çiller, these clashes did not result in major changes in the administration system. After the national elections his party (Prosperity) came to power which increased his authority, just like Bedrettin Dalan, and he was able to use both local and national resources for his plans in Istanbul.

Recep Tayyip
Erdoğan and
Ali Müfit
Gürtuna era

When they came to power one of the first statements of the Greater Municipality was regarding the development of squatter settlements:

“There has been an incredible amount of illegal development during the elections. When we came to power we said ‘we will not demolish, but we will not allow for further development’. However certain conditions should be fulfilled for us not to demolish. If the gecekondu is on somebody else's land (this could be the state or private ownership), these have to be demolished. If these type of buildings have accumulated in large numbers, and there is a possibility of creating large social problems, the power of the municipality is not sufficient. Thus it is very important not to allow illegal development from the start”⁹⁶

Before the national elections in 1995, Tayyip Erdoğan reinstated the opinion of the municipality:

⁹⁵ Gökbağ, Remzi (28 March, 1993) “Başkan Sözen boy hedefi”. Cumhuriyet p. 4

⁹⁶ Eminoğlu, Kahraman (General Secretary of Greater Istanbul Municipality) (15 September, 1994) Istanbul: Istanbul Kültür A.Ş. No. 1/1 p.11

“Turkey has entered an election period and some gecekondu owners as a result of old habits are planning to build illegal dwellings. Such activities have been reported to us. As Greater Municipality of Istanbul we will not allow for the development of new gecekondus and for any increase in number of floors”⁹⁷

This attitude of the Greater Municipality was very effective in the three neighborhoods and has halted the development considerably . This phenomenon can be observed in the physical layout and is pointed out by the various actors on the ground.

The Local Municipality of Sarıyer

Sarıyer municipality has always been the center of the battleground between conservationists and developers. The municipality controls some of the most precious areas in Istanbul, including a large stretch of the Bosphorus and a good portion of Istanbul’s forests. Armutlu has also been at the top of the list of problems for the municipality. Both Ali Sandıkçı, who was in power in Bedrettin Dalan’s time and İhsan Yalçın, who assumed the position during Nurettin Sözen’s time were dismissed after a general questioning of the local municipal parliament.

İhsan Yalçın

İhsan Yalçın, during the elections, was trying his best to get the support of gecekondu’s in the Sarıyer municipality region by stating that “there will be no more gecekondu demolition”⁹⁸ and that land titles will be distributed in a short time by doing Development and Upgrading Plans. This of course was the best method to be used by a local municipality to control the development in its jurisdiction without the scrutiny of the Metropolitan Municipality of Istanbul, because these plans did not need approval the other plans were subject to. These plans also gave the municipality the opportunity to request fees from the inhabitants. The municipal leader of

⁹⁷ Erdoğan, Tayyip (13 November, 1995) *Istanbul*: Istanbul Kültür A.Ş. No. 2/32 p. 5

⁹⁸ Küçük, Kemal (22 March, 1989) “Gecekondunun istediği seçilecek” *Cumhuriyet* p. 7

Ümraniye in 1990, Şinasi Öktem, explains the procedure of this plan in the following way:

“Ümraniye is an illegal settlement, even though it’s a municipality. There is only one way to solve this problem, to give land titles to the invaded land, so that the people will be able to construct their houses legally. This is our aim in doing the Development and Upgrading Plans. (After the legalization) the people will apply to the municipality for water, electricity and building permits. Thus the buildings will be legalized and an extra revenue stream will be created for the municipality.”⁹⁹

İhsan Yalçın in an interview in 1992 admitted that they were providing services to all the gecekondu developments in Sarıyer, except Küçükarmutlu. He said that they were only collecting trash and helping to pave the roads in Küçükarmutlu. He commented that “maybe what we are doing is against the laws but there are people living there”¹⁰⁰

Service
provision to
Armutlu

The accusations for İhsan Yalçın that lead to his dismissal, included condoning illegal development in Sarıyer, a claim which he fervently rejected.¹⁰¹ The local mayor claimed that the members of the parliament were trying to get rid of him because he was trying to fight the corruption in the municipal parliament regarding the illegal use of Development and Upgrading Plans.¹⁰²

Development
and Upgrading
Plans

The Metropolitan Municipality had only approved one of the nine plans that had been forwarded. The claim was that Sarıyer municipality was using these plans to open up green areas for development in order to

⁹⁹ Küçük, Kemal (15 June, 1990) “İmar mı, imha mı?” *Cumhuriyet* p. 1

¹⁰⁰ Günçikan, Berat (7 July, 1992) “Yağmalanan kent İstanbul” . *Cumhuriyet* p. 3

¹⁰¹ *Cumhuriyet* (6 March, 1993) “Başkan Yalçın düşürüldü” p. 1

¹⁰² Gökdağ, Remzi (13 March, 1993) “Devrik başkanın intikam suçlaması”, *Cumhuriyet* p. 3

increase its budget, which was in a poor state because of its disputes with the Metropolitan Municipality headed by Nurettin Sözen.¹⁰³

Thus the local municipality was not able to carry through any of the plans that it prepared because of the controversies. However it had to adopt a path to follow on the ground so for a long period of time, the municipality acted without the support of master plans. This was important for the gecekondu owners because the nonexistence of plans kept their illegal identity but also did not give grounds for demolition either. In the meantime the local municipalities actions were aimed towards the normalization of the neighborhood. It is difficult to capture the “informal plans” for the areas because of their “illegality” however it is apparent from the residents and the physical layouts that the municipality has always provided for the basic services in all the three neighborhoods and embraced Rumelihisarüstü as a regular settlement even though it still has not been totally legalized.

Local master plans

The neighborhoods were unfortunate regarding local plans, not only because of the complexity of planning in gecekondu settlements but also as a result of the difficulties the plans at larger scales were going through. In order to design the local implementation plans, the municipal planners had to be in possession of the master plans starting from 1/50,000 for the whole city to 1/5000 for the area that falls under the “Affected Zone-Back of the Bosphorus”

Court cases against 1988 Master Plan

The Architects’ Chamber was intent on pursuing court cases against plans that did not fit the Bosphorus Law and would damage its image. The Metropolitan Municipalities 1/5000 Master Plans for the Affected Zone plans were brought to court in 1988 (12 August). The Architects’ Chamber

See fig. 12

¹⁰³Gökdağ, Remzi (14 March, 1993) “İslah adı altında yağma planları”. *Cumhuriyet* P. 4

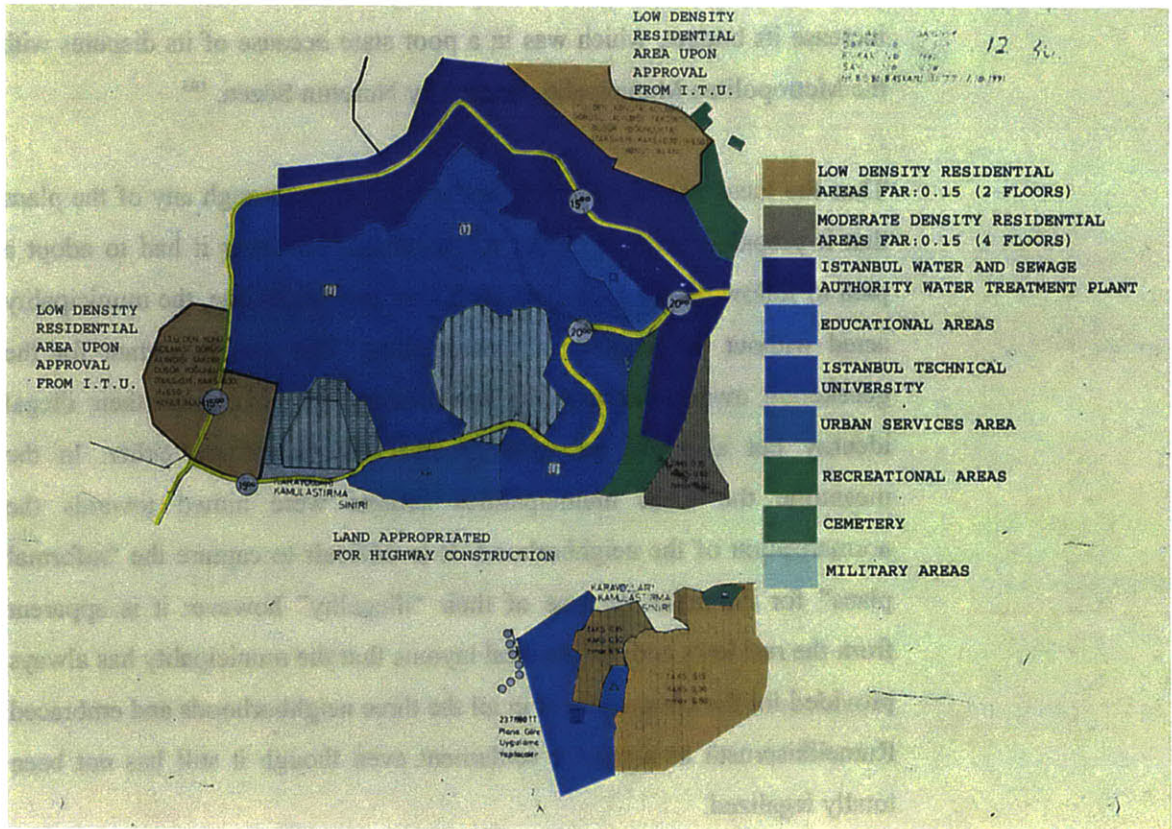


Fig. 12 The 1988 1/5000 scale master plan. The settlement on the North is Armutlu and the one on the South is Rumelihisarustu

claimed that the plans which were completed by the firm Halcrow Fox and Associates and its Turkish liaison, STFA were against the development principles set by the laws no. 2960 (Bosphorus Law) and 3194. The plans were effective starting from September 1988, allowed for an extra 2 million population in the Affected Zone. Although the original plan designed by the private firms respected the green area/protection requirements of the Bosphorus, these appropriations were changed as a result of pressure from the Metropolitan Municipality parliament and the local municipalities on the basis that there was too much intrusion into private property rights.

The Istanbul office of the Architects' Chamber was insistent on its claims against speculative and unlawful development and in 1992 had 16 court cases in process regarding the municipalities in Istanbul. The head of the Istanbul Office, Oktay Ekinçi summarizes their effort as

“the court cases are all against public entities such as municipalities, ministries, local governments and historical commissions. However the Chamber of Architects, which is also a public entity, does not believe that the acts of the respective institutions are in favor of the country and its population and its warnings are not headed by these entities. Thus its last resort is to intensify its fight in court in order to preserve the respect of the city, the cultural and natural heritage and architecture.¹⁰⁴

The Sarıyer municipality was under pressure to develop some plans for the Affected Zone so despite the controversies it completed 1/1000 implementation plans for the area based on the 1988 1/5000 master plans. The local municipality also tried to speed up the process of the revisions taking place in the 1/5000 plans by designing these itself and asking the Greater Municipality to adopt it. The Greater Municipality accepted these

¹⁰⁴Gökbağ, Remzi (November 2, 1992) “Mimarlar İstanbul’la davalı” *Cumhuriyet*, p. 14.

plans but the Historical Commission did not find them appropriate because of the allowance for major housing development in preservation areas.

See fig. 13

The latest plan that was completed by the Department of Planning at the Metropolitan Municipality of Istanbul with the assistance of Sarıyer Municipality opened up Armutlu to low density housing and asked Istanbul Technical University for its permission. The university refused so the area was considered as a “Special Planning Area”, because technically this area is supposed to be an academic area it was considered “vacant” and the existing settlement was not included in any calculations or future allocations of resources.

The planner of Sarıyer Municipality, Sevgi Kocataş, explains the current status of planning for the three neighborhoods:

The Plans for
the Three
Neighborhoods

“The historical commission has just approved the 1/5000 master plan prepared by the Planning Department of the Metropolitan Municipality of Istanbul. Sarıyer municipality was waiting for these plans to be finished. Currently the biggest problem is Istanbul Technical University because the university does not acknowledge the settlement in the area. The issues regarding the plan will be resolved in the political system of the municipality.”

Sevgi Kocataş also commented on problems they were encountering in the planning of Rumelihisarüstü area: “We are having problems when creating community areas in Rumelihisarüstü because it is a very dense development. We will try our best to plan for social areas by fitting it into the existing situation.”

How to
implement
plans without
any plans?

As a result of the difficulties in planning the agencies tried to control the pace of the development so that the plans could be implemented properly

when in place. This was a difficult task because the plans were entangled in legal processes and when they were put into effect they had no real validity because they were outdated. So the agencies were faced with plans that were never effective and regulations that were never stable. As a result their aim has mostly been trying to stop the gecekondu development.

Several methods have been tried to halt the development process, the most scandalous one being the demolition of the gecekondu. However this was almost an impossible task according to municipal reports between 1985 and 1992 2598 illegal buildings were recorded, of these 1373 were ordered for demolition. However the Bosphorus Development Authority was able to demolish only 153 because of inadequate staff and equipment. The department also complained that they were not getting the necessary support from the local government and the police.¹⁰⁵

There have also been other interesting ways such as the one adopted by the Bosphorus Development Authority in 1989. The method they chose was to block the roads into the Sariyer neighborhood and stop any construction vehicles that tried to enter. If the vehicle did not have information regarding the building site it would take the materials to, including a building permit for the particular site, the vehicle would not be allowed to enter the neighborhood. The head of the department at the time, Erdoğan Yıldız, commented that they were especially controlling “mixers carrying ready made cement, because by this method the illegal buildings can be built very quickly.”¹⁰⁶

A member of the municipal police of Sariyer explains that controlling development is a difficult task. The area that is covered is very large and

Alternative
gecekondu
prevention
means

Municipal
Police

¹⁰⁵Gökdağ, Remzi (23 July, 1992) “Boğaziçi’nin yeşilini beton kemirdi” *Cumhuriyet*. P. 14

¹⁰⁶Demirkaya, Mehmet. (14 October, 1989) “Sarıyer’de betona yasak” *Cumhuriyet*. Pp. 9

the police have to always be in the watch out for any development activities. He says that when they have to face the gecekondü owners they represent the “state”, this is how they achieve authority over the owners. However when there is a problem, backup is demanded. Backup comes from the municipal police of the Greater municipality or from the national police force.

He adds that in some cases the municipal police is forced to turn a blind eye. A common situation would be that a gecekondü owner who has the mayors support adds one floor to his building, as soon as he starts building, the gecekondüs next to him start building. When the municipal police questions these gecekondüs, they cite the one building who has started the development. In this situation the municipal police have to let go.

He recounts that the most incredible time in the municipal police’s history was during Nurettin Sözen’s time. He adds that the municipal police was actively involved in the development, and was taking large amounts of bribes. The main factor in this kind of window of opportunity for development is the relationship between the national and local governments. When the governments are from the same political party the rules are very strict, but when they aren’t the measures of regulations are less effective. According to him the reason for this is the amount support from the national government to the local governments, which diminishes considerably when they are from different parties. He also adds that community support is also very important. He admits that there have been situations where fathers or sons have reported each others illegal activities.

According to the municipal police it is easier to control development in Rumelihisarüstü because there are illegal groups in Armutlu, which back up the residents whenever the municipal police tries to intervene. Whenever the police enters the area, which is not frequent, the environment

is very hostile because all the inhabitants have had clashes with the municipal police before. In most situations the municipal police find themselves surrounded by members of the illegal groups. As a last comment he adds that the enforcement of rules in Rumelihisarüstü have diminished recently as a result of the local municipalities decisions.

Faced with inadequate resources and no real guides for implementation local municipalities have sought to find short term solutions for gecekondü settlements. The municipalities did not have many options at hand: relaxing the regulations led to dismissals, and demolition was not feasible because of the scale of the settlements. As a result they sought to halt the development. However the development force was so big that the municipalities stoppages lost footage at various times. The municipality had no means or measures to deal with these problems. Thus development continued at a frantic pace, without any leashes until the municipality was able to gain a footage. Furthermore the political identity of the municipality softened its regulatory role, especially during election times, which backfired when it had to regain its authority

Commentary

C The Mukhtar

Definition

The mukhtar has its origins in the rural administration in Turkey. He is the elected head of the village council. He is accountable to the governor of the provincial district. However the governor does not have the right to decide on the mukhtars behalf. Mukhtars play an important role in the functioning of neighborhoods in the cities in Turkey. They have the dual role of representing the government's authority and at the same time being the neighborhoods representative. Their legal mission is mostly related to demographics, military service, health and security. The mukhtar can be characterized as the representative of the national government working in municipal boundaries. Additionally the mukhtars in the three neighborhoods that are being analyzed have fulfilled a very important role until the 1980's. They were the local authority regarding development issues and were entitled to authorize any kind of development activity in their neighborhood.

The three neighborhoods are socially and politically very closely related. The mukhtar of Baltalimanı , Vedat Dilsiz was the previous mukhtar of Rumelihisarüstü and the mukhtar of Fatih Sultan Mehmet/Armutlu, Hulusi Ulucan was born in Rumelihisarüstü. In the minds of the mukhtars they are still one community. When explaining the neighborhoods political power the, Hulusi Ulucan, reported that they had 35,000 people living in the three neighborhoods thus they had a political power in the elections.

Role of the mukhtar in the neighborhood

Although their duties are limited the mukhtars have strong impact in the neighborhood. This is especially the case in gecekondu areas, where mukhtars are the foremost institutions the residents apply to. In her survey conducted in Umraniye, one of the biggest gecekondu settlements in Istanbul, Sema Erder points out that mukhtars are the first institutions the

residents apply to followed by the municipality and the provincial district.¹⁰⁷

According to a study conducted by Istanbul University, Department of Anthropology in 1987 regarding 553 mukhtars in Istanbul, the mukhtar's primary characteristics to be elected were their high-performance, their ability to communicate successfully with people, their honesty and their abilities as good speakers. The study found that these characteristics became very important especially in the neighborhoods of Beykoz, Gaziosmanpaşa, Zeytinburnu and Sarıyer.¹⁰⁸

The mukhtar of Armutlu, Hulusi Ulucan underlines this characteristic by stating that he has contact with all the legal and illegal organizations in the neighborhood. He says that his mission is to communicate with these factions and be their voice when he talks to officials. According to the mukhtar there is a consensus among organizations because they are all in favor of the communities well being. This unifying role is important especially after the initial settling phases have been accomplished. The residents become less inclined to convene, and the social structures that bring them together weaken. Metin Heper who analyzed Rumelihisarustu in its initial development phase summarizes this phenomenon as:

“... The communal leadership continued for a while. The coffeehouse, workplace, or home acted as the center for informal meetings where community problems were discussed, consensus reached, and then acted upon... More recently they have behaved in a more relaxed and uninvolved fashion. Nowadays they get together only whenever there is a real emergency situation, such as a threat of their houses being demolished or the issue of title to the land.”¹⁰⁹

¹⁰⁷Erder, Sema. *Istanbul'a bir kent kondu: Umraniye*, İletişim. P 274-275

¹⁰⁸Akkaylan, Taylan (18 March, 1989) “Her mahalleye bir pazar”, *Cumhuriyet*, p.13

¹⁰⁹Heper, Metin. *Gecekondu policy in Turkey: Evaluation with a case study of*

Community
Support

Not all residents of Armutlu agree with Hulusi Ulucan. Members of political factions other than the nationalist party state that he is too focused on his political agenda and does not incorporate the community in his actions. Some don't even view him as a representative of the community and classify him as incapable when it comes to solving problems regarding the neighborhood.

Vedat Dilsiz, the mukhtar of Baltalimanı also complained about the community not supporting him in his actions, even when the outcome was the demolition of housing. He mentioned two instances where he was unsuccessful in mobilizing the neighborhood. The first incidence was regarding a couple of gecekondus that were built next to the school building. The school officials had decided to build a wall alongside the building in order to create a safer environment for the children and the gecekondus had to be torn down because they were on school property. The mukhtar was able to convince the officials to keep the gecekondus on condition that they obeyed sanitary regulations. Although the owners of the gecekondus were notified about the incident they continued to dump their sewer and trash on the schools garden, thus they were demolished after the first sanitary inspection.

A second event was regarding gecekondus on property owned by the Directorate of Waqfs¹¹⁰. The directorate was about to demolish the houses on its property when the mukhtar intervened and asked them to listen to the owners of the gecekondus. He set up a meeting with the director but was unable to convince the residents to attend the meeting.

Rumelihisarustu squatter area in Istanbul. Bosphorusi University Publications, Istanbul Turkey. 1978 p 50

¹¹⁰Waqf:religios or charitable foundation created by an endowed trust fund

Due to their nonpolitical identity the mukhtars are also able to maneuver in the complicated local political governance structure. The mukhtar of Baltalimani, states that he is not affiliated with any party, which gives him an advantage when he is dealing with different people in the local government and local representatives of political parties. He recounts how he was turned away by a progressive party member when by mistake he greeted him with an islamic greeting, and how he managed to get his support again some time later when he aligned his attitude with politician. Another similar stance was adopted by the mukhtar of Armutlu, Hulusi Ulucan, who is visibly connected to the nationalist movement party. He says his motto is to let go politics when it comes to doing business for the neighborhood.

The mukhtars role and his resources evolve over time, all of the mukhtars pointed out that they had improved the conditions of the mukhtar administration when they came to power, Vedat Dilsiz, pointed out that before his term the mukhtar did not even have an office and used to work in a booth by the bus stop, and that he, using his social network in the political arena was able to secure a prefabricated building with a computer. The mukhtar of RHU points out that he had to start from scratch and gather all the demographic information of neighborhoods residents and incorporate it into his software system he had acquired alongside his computer with the help of the municipality.

The mukhtar has very limited legal powers but is regarded as an important authority by the people in the neighborhood. His role as the head of the settlement starts with the first stage of the gecekondu development. His most important mission at this point is to create a foundation for the distribution of the land. The method used is called mukhtar's title deed , a document that is used in villages to verify the acquiring, renting or selling of land. This document has no value in cities because there are other

Land
Development

institutions that control the ownership of land, such as the Registry of Deeds and the municipality. However the illegal character of the settlement, which is created by settling on either government or private property without acquisition does not allow for legal procedures. Thus the settlers apt for this traditional method of land distribution.

The mukhtar is also involved in dispute management between residents over land borders. In the case of disputes he is the one who the residents first refer to because legal authorities cannot process complaints regarding illegal property. The mukhtar in turn tries to set the terms of development in its initial stages relying on his social authority in the neighborhood.

Housing Development

The local administration system in Turkey is defined very strictly along the lines of central versus local governance. However these boundaries are not as clear in real life. Although the mukhtar is a representative of the central government, in all of the three neighborhoods the mukhtars are a strong link between the neighborhood and the local municipality. This gives them an extra mission, which is the responsibility of upgrading the settlement. The mukhtars had the power to allow or inhibit development till 1980, after this date this mission was transferred to the local government.

Development control

The mukhtar of Armutlu for example stated that he was in total control of the development in the area, if he did not think a building development was not suitable he would report it to the municipality who would come and tear it down. This strong claim was seen as a means of creating a false authority by the mukhtar of Baltalimani, who said that previous mukhtars of his neighborhood had convinced the settlers that they had the power and authority to control the development of the settlement. They later had used this in order to get bribes for buildings that would anyhow be torn down by the local government. Vedat Dilsiz, said that he himself is trying to steer the local and central governments to act according to the residents wishes

but believes that this should not be a means for gaining extra profit. He also adds that there is no guarantee for any of his actions because in certain cases the government is quite strict about its intentions and he believes none of the mukhtars would have the power to stop it.

The mukhtar of Rumelihisarüstü, Zeki Yuksel, seemed to have the same opinion. He said that development depended on the attitude of the local government, he himself had a gecekondü he wanted to rebuild but couldn't because of the strict regulations imposed by the current municipality government. He added that the local government was informed mainly by the residents in the community. Especially residents who were still living in one floor gecekondus were on the watch out for any building activity and would report it to the municipal police immediately.

In the case of Armutlu, the mukhtar is also a means of controlling the real estate market the development of the area. During my brief interview with the mukhtar in the summer of 2000, a building owner came to him and told him that she was interesting in renting out one of her apartments. They in turn discussed the amount of rent and the mukhtar agreed to find a renter for her. The mukhtar of Baltalimanı informed me that he helped students of Bosphorus University find apartments to rent. He said he encouraged the students to choose Baltalimanı over Rumelihisarüstü because of the lower rents.

Real Estate
Market

The mukhtar of Baltalimanı pointed out that during his office at Rumelihisarüstü (1990-1992) the greater municipal leader of Istanbul at the time, Nurettin Sozen, had started a gecekondü upgrading project. The mukhtar had an important task in the upgrading. He would pick five gecekondus at a time and give them directions for upgrading. The mukhtar stated that things got out of hand and several gecekondü owners started

building apartments as soon as they learnt that they had permission to do so.

According to the mukhtar of Armutlu the main expectation of the residents is the ownership of their land. He claims that the state has to provide housing to the people. The gecekondu owners also deserve service because they pay their taxes. Without mentioning any names the mukhtar explained that currently two institutions stand in the way of their wish.

Infrastructure
Development

Another important issue that the mukhtars had to deal with was the building of the infrastructure. The mukhtars were responsible for communicating with the local governments and other politicians to come up with a means for providing infrastructure. He was also responsible to bring together the money that was necessary. The mukhtar of Baltalimanı believes that fee collection is a negative occurrence. He states that during the collection the mukhtars did not take into consideration the financial capabilities of the residents and threatened them that their streets would be excluded from the upgrading if they did not give their payments. The money was collected before the actual construction. The mukhtars got the machines for free from the local municipality, but had to pay for the transportation cost and the drivers, the pipes were donated by the greater municipality and the labor was provided by either residents or by tapping into the labor market.

The improvement of the pavement of roads was done step by step. The residents created more stable roads with a similar partnership to the one they used for the provision of the sewage system but had to depend on the local municipality to provide for the final asphalt paving. The asphalt paving was conducted in an haphazard way, there was no plan for how it would be carried out, in some cases minor streets were able to receive the

service before major roads because there were influential people living on that street.

The mukhtar of Rumelihisarüstü points out that he had to personally take the responsibility for the improvement of the sewer system in the neighborhood and had spent many days at the Water and Sewage Authority to make this happen. A big infrastructure improvement by the Authority has been completed in 2000, all the sewage pipes have been replaced.

The mukhtars of Baltalimanı and Armutlu, because of their more pronounced illegal status seem to work better with the local representatives of the political parties rather than the municipality. They try to gain some favors for the neighborhood by using their political and social power. In Armutlu the residents managed to accumulate money to put asphalt on 1964 street.

The sewage system was put into place during the years 1989-90-91 by the Motherland Party. The machines were given by Sariyer municipality, and materials were provided by the Metropolitan Municipality of Istanbul, Delivery and labor costs were provided by the neighborhood. In order to collect the money a Committee was formed in the neighborhood. The committee was responsible for setting the deal with the municipality and the other institutions involved. It also collected the money for the installment.

The mukhtars of Baltalimanı and Armutlu, comment that the infrastructure is not adequate because the Water and Sewage Authority does not work in illegal neighborhoods. Although the infrastructure is inadequate, the residents still regularly pay their fees.

Commentary

Although the mukhtar does not have any means of enforcing his authority , he is able to acquire it through his social status and through the use of his individual connections with institutions that the neighborhood is dependent on. Thus he is in constant communication with more powerful actors that have the possibility of accommodating the needs of the community. He is the first step to any kind of solution for problems in the neighborhood and is always on his toes because of his physical presence in the neighborhood and the constant scrutiny of the neighborhood residents.

The mukhtar's nonpolitical identity also creates the image of a "statesman" rather than a politician. This is an important distinction for the residents who view the government and the state as separate entities. The mukhtars has to deliver tangible results in gecekondu settlements because the problems are very visible and the pressure to solve them is high.

As a go-between the mukhtar is very effective in channeling the development pattern of the neighborhood. He can strategically use the power of the voters in order to channel the services of the municipality and use his position in the neighborhood in order to disseminate the benefits.

D. The Gecekondu Owner

The development of the three neighborhoods, Rumelihisarüstü, Fatih Sultan Mehmet/Armutlu and Baltalimanı, can be characterized at two different scales of development. One at micro level, which is the development path a single building takes, the other is at a macro level, which is the development of the neighborhood as a whole. The story of the gecekondu owner places the micro development pattern into the macro development context. In some cases the gecekondu owner is able to follow the macro development patterns in developing his building, in others he is either in front or behind the macro development trend.

The three neighborhoods follow a cyclical pattern similar to that of the real estate market. In the formal or legal real estate market, this cycle is created by factors such as the general economy, supply and demand etc. The gecekondu cycle is affected by these factors but also by the cycles that are created in the political arena. The elections and the change in governments help define the nature of the cycles, in some instances inhibiting development, in others creating windows of opportunity.

The development process of the buildings is the same in all the three neighborhoods. The greatest distinction is the stage of development of each building.

Micro-
development

The owner of a gecekondu is aware of the asset he possesses and that he is limited in his actions because he does not own the land title. Thus he assumes a big risk when he attempts to develop the building and the land it sits upon. The amount of risk does not remain constant, it diminishes considerably during times of election and political support.

Risk

The gecekondü owner's aim is to develop the building with the minimum risk of it being destroyed and to stabilize his presence as a strong candidate for land ownership. For both of the activities he needs money which he accumulates by putting aside earnings from his families earnings.

The money spent on development is allocated for materials and labor. The materials for the initial gecekondü and for the development of the apartment is supplied by the local hardware dealer who supplies the merchandise and gives a loan that is paid back in two or three years. The owner either gains the necessary building skills through his own work in the legal construction industry in Istanbul, or seeks the help of others who have the acquired the skill.

The gecekondü owners who do not possess title deeds assume large risks. The title appropriations although not legal are a means of diminished this risk. The real extent of the risk is determined by factors such as:

- if the land belongs to a politically motivated agency there is less risk
- if the real owner of the land is willing to keep the land then the risk remains
- if the real owner has political power the risk increases considerably
- if the local government supports development, the risk of development decreases.

The risk the gecekondü owner is assuming brings him high rewards, both financially and socially. Furthermore it provides him with a strong asset which increases constantly in value as a result of speculation and "unearned income" in the market.

Muzaffer Atakan, a resident in Rumelihisarustu recounts the development of their apartment building:

“It was built as a gecekondü in 1965, my children demolished the gecekondü and built this apartment in 1980-85. Right now my children own one apartment unit each (three in total), I have one unit, and we rent out 2 units to students and 2 other units to families.”

Another building owner describes a similar process:

“We moved here in 1955, I was employed in Robert College (now Bosphorus University), the roads were muddy, we laid the first stones ourselves. The paving from the government came with the help of a disabled resident who was living in one of the gecekondüs on our street, he had connections with the president’s office. We demolished our gecekondü in 1995 and built an apartment by agreeing with a master builder (kalfa), he bought the necessary materials and built the frame and walls of the house. Later we did the interiors ourselves and I finished the exterior (mosaic) this year. We have ten units, my family lives in five of the units, and we rent out the other five.”

The gecekondü owner who has accumulated enough wealth starts developing his/her house. The owner’s strategy is to build the frame of the building up to the height that is desired. There are several things that determine the height of the building:

- the amount of money that was accumulated and could be borrowed
- the amount of compensation requested by the local government for each floor of development
- the relations with the local politicians and the municipal police
- the height of buildings surrounding the particular gecekondü
- the likelihood of demolition teams coming to the neighborhood.

Scale of
Development

The construction has to be completed quickly because of political instability and the possibility of being stopped by the local government.

An important factor that also contributed to the conversion of the gecekondus into apartments is the increase in family size and the demand for rental housing. The apartments accommodate the families of the gecekondu owners children and provide income through the rents. Although the number of apartments required by the family members are limited to family size, the number of rental apartments could be as much as the real estate market can accommodate.

Macro-
development

The development when observed at a macro level, assumes a different picture. The main issue in gaining control is to prove the land has been maintained in good order and developed. In order to prove this fact the gecekondu owner is willing to invest in the upgrading of the neighborhood and pay the regular property taxes and service fees. The bills received from these institutions and the physical improvement of the neighborhood significantly diminishes the risk of development for the gecekondu owner because it gives him proof of his good conduct and his presence on the land.

Fatih Sultan
Mehmet and
Baltalimanı
Neighborhood

Armutlu, which has recently acquired the name of Fatih Sultan Mehmet, is a combination of two separate sub-neighborhoods that have formed in different time periods: Küçük Armutlu and Büyük Armutlu. According to the legal documents there is no distinction between the two but the residents of the neighborhood and even Istanbul distinguish the two. Baltalimanı which is much smaller in scale follows the general development path of Armutlu.

According to the residents of the oldest families in Büyük Armutlu, the two sub-neighborhoods of Büyük and Küçük Armutlu were linked only after the construction of the Fatih Sultan Mehmet Bridge. Before the road was constructed Büyükarmutlu was connected to the now wealthy

neighborhood of Uçaksavar which was initially a gecekodu area too. Küçükarmutlu was linked to Rumelihisarüstü and only developed after the 1980's.

According to the residents, the first settlers in Buyukarmutlu came to the area in the 1950's-60's from Rize, situated in the northern part of Turkey. They were farmers and their livelihood depended on agriculture. The main reason for their choice for settling here was that there was water for growing the crops, which included flower greenhouses, fruits, figs and mulberry. Some of the families were also able to acquire land titles for 27 parcels from the Greek settlers in the area. A third generation of one of these families recounts that the settlement began to develop as a result of the greenhouses. He claims that until 1980 about 40% of the land was covered with greenhouses. The first roads were opened to provide coal and fertilizers to the green houses and the first water system was also built for watering the plants. He recalls that at first there was not even a decent road to the area from neighboring settlements and says that the paths of the major roads did not change a lot since the initial dirt roads. Electricity first came to the neighborhood in 1978 for the watering system for the greenhouses.

Greenhouses

The settlement slowly changed its character in the late 1960's as the greenhouses disappeared and the owners began to work in urban jobs. Slowly the families began to grow. As a result land was subdivided and given to family members or sold to newcomers. The first families were not in pursuit of large sums of money so the land was sold for decent prices. However the families were not attentive enough to distinguish between genuine buyers and the land speculators. Thus a few land speculators that were able to receive very high profits.

Land
Subdivision

A very similar process occurred in Baltalimanı. The first settlers, that arrived from Rize, settled in the area and started growing crops. Some of the residents were also able to get employed in the nearby Baltalimanı Hospital. The two neighborhoods started developing at opposite sides and as years passed they grew towards each other and by the 1980's they completely merged.

Terrorist Groups

According to the residents of Büyükarmutlu, the main distinction between their sub-neighborhood and Küçükarmutlu is the presence of terrorists in the latter settlement. They relate that the terrorist groups that were hiding in Rümelihisarüstü had gotten into a fight with the military regime that came to power after a military coup in 1980. The terrorists shifted towards Büyükarmutlu to settle and protect themselves from the attacks of the military. The residents of Büyükarmutlu found themselves in between the two forces. Since that day people do not distinguish the two communities and for long years because of the presence of "terrorist groups", this area has been classified as "dangerous" and a "police free zone". It is interesting to observe the fact that still now there is very little police enforcement in the area.

The residents of Büyükarmutlu say that they initially accepted to be identified as united with the terrorist groups because this brought them power to resist the government in cases of demolition. Without this protection their history would have been similar to the one of Uçaksavar, which they view as a crafted political scam. According to the residents the gecekondü owners in the Uçaksavar area were thrown out of their neighborhood by the military command because the area was designated as an anti-aircraft missile location for the defense of the Bosphorus Bridge. The residents believe this was just a way of shoving away the residents because the military did not stay in the neighborhood for long. The area was eventually sold to large developers that built luxury housing projects.

A resident that had moved to Büyükarmutlu after the 1980's says that he was warned several times before he moved to the neighborhood because it was considered unsafe. Despite the warnings, he had the courage to venture into the neighborhood and realized that this was not the case. Thus he decided to build his gecekonu in the area. The issue of terrorists would at certain times lead to large scale safety operations in the neighborhood, such as the general arrest of terrorists in May of 1992. It involved a raid by 2000 policeman at 4:00 am and after a general search in the neighborhood of Armutlu, the police arrested 7 people. The head of the police department, Necdet Menzir commented that the police was aware of the fact that illegal groups had been settling in the area for a long time. He added that these groups had been disturbing the inhabitants and trying to force them to join their group. At the same time the inhabitants of Armutlu complained stating that services would never come to the neighborhood as a result of these operations which they believed were used to fabricate the image that they were public enemies.

“ Are all the 20,000 inhabitants of the neighborhood terrorists? They cut off our electricity and water claiming that there are terrorists in the area. This is a kind of torture. Where is the service? For the past few years we have given signed petitions to the central government, the municipality and TEK, however have still not received services.”¹¹¹

In 1989 where the most development occurs, the families have the opportunity to accommodate the increase in family size by expanding at the ground level rather than vertically. According to some inhabitants one of the reasons why development is not so high is that the mukhtar asks for money to do the jobs regarding appropriation and permission. Some inhabitants do not accept this deal and do not develop the buildings.

Scale of
Development

¹¹¹Cumhuriyet (5 May, 1992) “2 bin polis Armutlu’yu didik didik aradi” p. 1

See fig. 14, 15,
16

The influx of newcomers was resented by the older residents because some of them used Armutlu as a financial tool and began land speculation. These newcomers are characterized, as insensitive to the context of the neighborhood. The claim is based on the role of the newcomers in land subdivisions, which considerably decreased the amount of open space. Some of the older residents regret having sold their land, they do not believe the newcomers appreciate the value of the land and the neighborhood as much as they themselves did. Most of the newcomers are seen as having no stake in the neighborhood because they live in other neighborhoods and would not be affected if their buildings in Armutlu were demolished.

See fig 17, 18,
19

The land in some parts of Armutlu are very high in value because of the views to the Bosphorus which is the single most element that sky rockets an apartment or a villa's value in the market. However for the same reasons it is in a natural conservation zone, that was designated to protect the image of the Bosphorus, so the regulations for development and ownership are more stricter than other neighborhoods. On top of the local government there is a historical commission that has to acknowledge the development in the area. This commission is formed by academicians and similar non political figures. The aim of the commission is to conserve the historical and natural identity of the Bosphorus, thus it is very difficult for the settlers to get their opinions across with the mediums they use for political figures.

The residents believe that the future of the neighborhood is highly dependent on the "states" attitude. They are aware of the fact that their fate is in the hands of various different actors such as the municipality, the historical commission and Istanbul Technical University. They are no



Fig. 14. A general view of Armutlu



Fig. 15. A general view of Armutlu



Fig. 16 A general view of Baltalimani

Fig. 17, 18 Two elementary schools in Armutlu

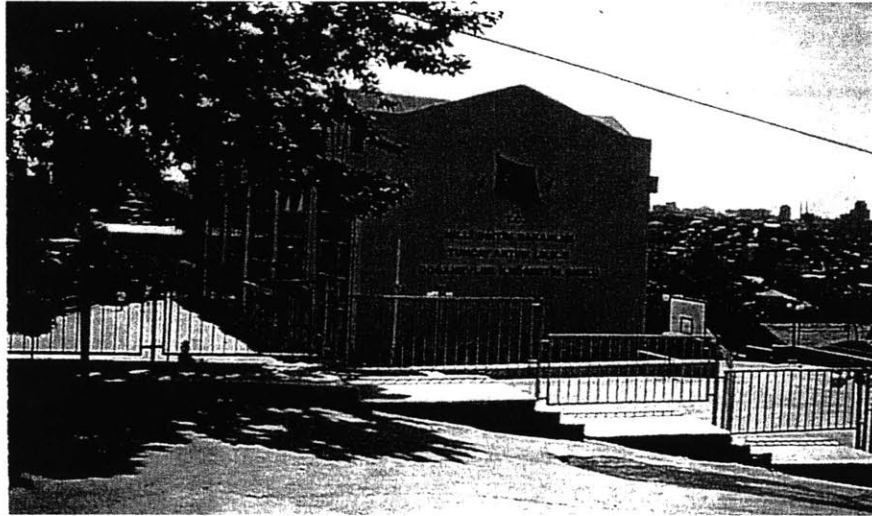


Fig. 19 The water treatment plant of the Water and Sewage Authority of Istanbul located in Armutlu



confident that they will be able to achieve their goals because they lack a strong voice. They fear that the future of the neighborhood will be similar to Uçaksavar because they have heard rumors that the military is planning to create a base in the area for the protection of the Fatih Sultan Mehmet Bridge. According to them demolishing the gecekondus is a waste of money and labor.

For some of the older residents it does not make sense that they should be thrown out of the land that they have inhabited for more than fifty years. Most of them were born in the area. They believe that they have been taken advantage of. They claim they have a right over the land because they have paid for it. They claim that the new municipal government had only recently stopped the collection of “protection money” that had been adopted by previous governments. They hope that the good intention of the municipality would also be reflected in its promise regarding the provision of land titles.

The resident’s view of trying to set up a dialog between the parties is:

“Everybody is busy trying to earn a living, no one cares about a dialog”.

Rumelihisarüstü

According to the inhabitants the peak for real estate development in Rumelihisarustu was after 1990, during the administration of Nurettin Sozen (Mayor of Istanbul) and İhsan Yalçın (Mayor of Sarıyer). This development created a big transformation in the neighborhood. Due to the high development, the area which was once filled with homes with gardens (and about 1000 trees as one inhabitant observes) became an area covered with concrete structures.

Before 1990-95 the settlement had just one story gecekondus. During this period due to the elections and political anxiety, a blind eye was turned towards the development in the settlement. The political party Social

Scale of
Development

towards the development in the settlement. The political party Social Democrat Public Party, used the gecekondus as a kind of election propaganda.

The owners who had been able to accumulate enough earnings, demolished their gecekondus constructed apartment blocks. The development in the 1990's also brought with it some infrastructure improvements, it was in this period when the roads became asphalt roads. This fact has been stated by several inhabitants. It is considered as a main element in the transition from a gecekondu neighborhood to a more stabilized neighborhood.

The mukhtar points out the main thrust of the development was the accumulated wealth of the families coming from the city of Gumushane. During this time they had either given their gecekondus to their relatives to take care of or they had rented them out. After putting aside a good amount of money acquired during their work in Germany, they returned and began building apartments that would accommodate their family members and provide them with income from rental units. Some of them also sold their buildings or rented them out and moved to other locations.

The development went hand in hand with the regularization and legalization of ownership. This was possible mainly due to the fact that Rumelihisarustu was developed on land that was divided among property owners who were mainly educational and government institutions. The land plots were small so the institutions were willing to sell. Furthermore a residential development was an asset for Bosphorus University who owned some of the property in the area. The housing stock could accommodate university students who could not be housed in university dorms.

The demand for housing was really high because the neighborhood was in the midst of high income neighborhoods, close to employment and city center and next to Bosphorus university. Moreover the neighborhood had assumed a more orderly image as its infrastructure was built, its roads paved, its transportation network provided, its trash collection regularized etc. Thus it became an ideal location for various renters, ranging from students with very little need for comfort, to married couples and families who were seeking more elaborate units. Thus the demand for any type of housing was almost infinite.

See fig. 20, 21,
22

The fast paced development stopped after 1995 and no development permissions were given. Only roof repair and similar minor improvements are permitted. As a result about 300 gecekondus were not able to develop.

These factors also played a role in the development of a presently very vibrant commercial base. According to a convenience store owner who has been living in Rumelihisarustu for 27 years, the shops started appearing at the same time as the houses. Their development followed a similar path as the housing. They started out as small shacks and gradually developed into first floor retail in apartment buildings.

See fig. 23, 24,
25

The main commercial area is located at the south border of the neighborhood in between the neighborhood and Bosphorus University along Nispetiye road. Most of the gecekondu owners were able to acquire land titles and have developed a high density mixed use commercial strip. After 1997 there have been spill overs to streets that open up to this main artery. According to a local shop owner, they have chosen this location primarily because of its close proximity to the main commercial street. He adds that shops began opening on the street only after the major infrastructure improvements were completed. He comments that “no one would invest in a street that hasn’t been developed”. He says that the

See fig. 26, 27

Fig. 20 Rumeli-hisarustu is surrounded by high income neighborhoods



Fig. 21 Nispetiye Road that runs along the southern border of Rumeli-hisarustu has created a vibrant mixed use area

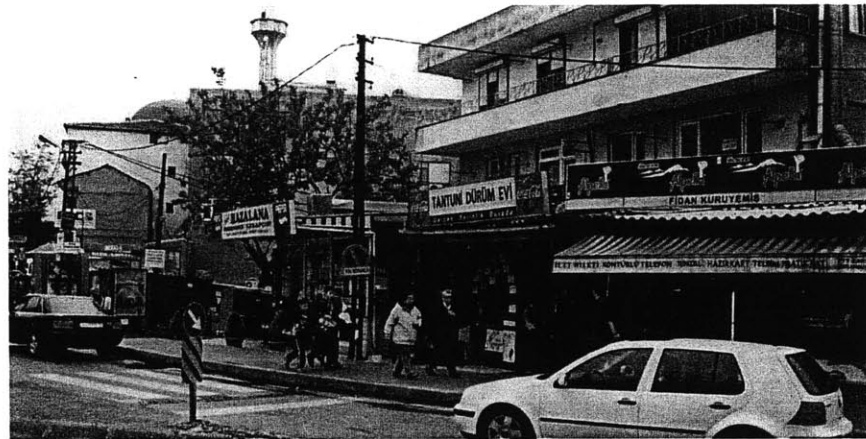


Fig. 22 Bosphorus University has an important role in the formation and development of Rumelihisarustu





Fig 23, 24, 25 Some detailed pictures depicting Nispetiye road



Fig. 26 The retail has spilt to the inner streets adjacent to Nispetiye Road in Rumeli-hisarustu



Fig. 27 One of the residential streets in the inner part of the neighborhood



monthly rents range between \$200-\$250 per shop. As a shop owner and resident of the neighborhood he believes that it would be to the benefit of the neighborhood if the gecekondü owners who have not been able convert their buildings to apartments would have a chance to do so. However he also points out that 6-7 story buildings are not safe due to the threat of an earthquake.

Retail

The customer base for the commercial areas is not limited to the families in the neighborhood and students of the university. The area attracts also wealth families from the high end neighborhoods, Uçaksavar and Etiler.

In the initial phases of development there was not enough retail to meet the demands of the neighborhood. The inhabitants had to go to the other retail centers in the vicinity and in some cases to the main commercial centers of Istanbul because it was cheaper and provided more variety.

The residential and commercial development has mainly benefited the gecekondü owners who were able to capture the profits from the development of the neighborhood. According to a convenience store owner that is located in an internal street of the neighborhood the rents have risen after students began to settle in the neighborhood. A renter in the area since 1986 he had to relocate in the neighborhood several times and was forced to pay higher amounts for lower and lower quality units. He believes the main reason for this high demand is the lack of adequate dorms and affordable housing around Bosphorus University.

Renters

After the main development in the 1990's, the renters shifted from Rumelihisarustu to Armutlu because of the sudden increase in rents. Some of the renters were able to secure a plot of land and built a gecekondü for themselves. The shopkeeper says that the option to move to Armutlu is not available anymore because there isn't any available land left and renters in

his position seek to move to gecekondü settlements in the Anatolian side. According to the shopkeeper, being a renter in gecekondü settlements involves a lot of risk because of the unstable conditions and prefers to accumulate some money to become a homeowner. He says that it is virtually impossible for someone with his income to buy a unit in Rumelihisarüstü because the smallest unit (one bedroom) is about \$40,000. He states that the development was beneficial for the shop owners, especially those on the main artery. These shops were able to get 100% profit, whereas convenience stores and similar shops in the inner streets, which serve the neighborhood residents, had to block their profit at 80%.

The development however did not go hand in hand with basic services such as health care. There is no land available for the construction of vital service areas that the neighborhood is in need of. The maximization of the density used by individual households left no land for common areas. The inhabitants believe that this is a result of the incompetence of the bureaucrats. The amenities of the neighborhood are aligned alongside its borders. The neighborhood has an elementary school, thanks to the renown actress Turkan Soray who has donated the money to build the school. The municipality also upgraded a muddy soccer field into a neighborhood park.

Commentary

The development patterns for Rumelihisarüstü and Armutlu -Baltalıman has changed after the physical split between the neighborhoods. While Rumelihisarüstü had the opportunity to physically “normalize” as a result of the positive factors such as the Bosphorus university, the income gained through workers in Germany, the favorable market conditions and the nature of the land ownership. The other two neighborhoods had more difficulties at getting a foothold in the area. Furthermore they were less constrained physically because there was less market demand for the area and there was ample space to develop horizontally along the land.

The high demand for Rumelihisarüstü led to deviation in the distribution of benefits in the community. The owners that were able to use the development opportunities developed their buildings to its maximum. The only mechanism that controlled their development was the physical conditions of the terrain and the existence of other buildings. The physical manifestation of this kind of development has created several drawbacks for the residents.

The residents have used all the opportunities that were granted to them to increase their security in both areas. This benefited them because they minimized their risk for development and put them one step forward in the normalization process. The normalization of the neighborhoods gave them the opportunity to obtain economical gains by means of opening businesses in the area or by renting out the extra rooms or units that they built. This economic opportunity also increased the inflow of inhabitants into the area the newcomers were accepted by the inhabitants because of the economic benefits but at the same rejected because of the difference in mentality. The influx of newcomers was most harmful for renters in the Rumelihisarüstü area that were not able to accumulate the necessary money to buy their own home and pushed out by the high income renters.

Normalization

E. The Developer

In the first phases of the development of the gecekondu the responsibility for the construction and its financing rests upon the gecekondu owner. The owner does not invest too much at this time period because construction involves a high amount of demolition risk.

A gecekondu owner, Mustafa Özkaya, who lives in Alibeyköy, Istanbul, recounts the story of his gecekondu.

Building the
gecekondu

“They come. You know they will demolish. The person you are in contact is the municipal police, he has to obey his orders. He says ‘They told me to demolish, and I will demolish’. Some people protest. Telling the municipal police that they haven’t demolished the house of another person and they are demolishing his. Then the municipal police demolishes the protesters building and ruins his materials. I never protest. I take the hammer in my hand and demolish the building myself. Why? Neither the bricks, nor the briquette’s, or the trees¹¹² get ruined. I demolish and put aside the materials. When the municipal police leave, I reconstruct the house by just paying for the cement.”¹¹³

Building the
apartment

Transforming the small gecekondu into an apartment building is far more complex and requires both skills and a major investment. The skills are either acquired by the gecekondu owner himself by working in the formal development industry. Another option would be to hire a “master builder” who builds the necessary portion of the building.

They are concrete structure with foundations. Thus in most cases the gecekondu owner employs a master builder or developer to carry out the

¹¹²The trees are very significant in gecekondu development because they are used to convey the image that the gecekondu owners have been living there for a long time. The most common tree the poplar because it grows really fast.

¹¹³Nebiler, Halil. (October, 2, 1989) “Gecekondu, kırk yamalı bohça”. Cumhuriyet, p. 8

work. After the frame has been laid out the other phases follow. These phases are:

1. Laying of bricks
2. Building a roof
3. Construction of the interior
4. Coating of exterior walls

See fig. 28, 29,
30

The most difficult phase is the construction of the frame which requires skills, money and resources. The other phases occur gradually and involve less risk. The risk for the initial phase is the possibility of a demolition. Unlike the initial gecekondus which are easy to rebuild, the demolition of the frame means that all the investment is lost. The initial gecekondus are built in such a way that they could be easily demolished, with little damage to the building materials, whereas the concrete frame has to remain intact to be of any value.

The typical arrangement for the construction of the apartment is to give the land to the developer. The units that the developer builds are split by certain percentage e.g.: 30% for the developer, 70% for the gecekondur owner. The percentage of the split is variable and in cases where the land has more value and is in great demand the owner can demand a higher percentage. Usually an agreement is reached by the two parties based on the profitability of the land.

Arrangements for
Development

The materials are acquired through a hardware dealer whom the gecekondur owner knows, usually one which is settled in the neighborhood. The general hardware dealers are all concentrated in one area of Istanbul, Sirkeci, however these are not preferred because the gecekondur owner is able to use his personal relationship with the hardware dealer to demand a loan on the materials. This is very important because it is impossible for

Construction
Materials

Fig. 28, 29, 30
Gecekondus at
different phases
of development



the owner to acquire the material for the frame of the building in small pieces furthermore. The developer or the owner has to finish the construction of the frame during the short times when regulations are relaxed, this creates a big pressure for both of the actors and may lead to unfavorable outcomes .

According to a formal developer, who has helped one of his workers build his gecekondu, it was necessary to get construction permission for the building. The owner had to prove his residency in the area through the “mukhtar’s title deed” and had to pay a certain amount of money. The amount was determined by the number of floors the owner was intending to build. The maximum number of floors was set by the municipality, and usually owners did not exceed the number of floors in the area because their building would stand out in an inspection. The developer helped his worker by providing him with the machinery for constructing the frame and assisting him in building the roof. In this particular case the original gecekondu was demolished but it is possible to build on top of the original building if it is originally constructed with this intent.

Construction
Permission

The master builders only accept offers that are profitable. This is achieved by the owner and master builder splitting the units. This of course is only possible if the building is in a high demand area and the master builder feels he will be able to sell off the units. This kind of development takes much less time than the step by step process that gecekondu builders adapt. Thus the master builder is able to build and sell off his units in one year.

Some gecekondu owners are lucky and find a means of acquiring architectural drawings from acquaintances. The gecekondu owners or their relatives might be working in construction or architectural firms and would ask the architects to do them a favor and design a house during their spare

time.¹¹⁴ These relationships are also used for acquiring free materials for the gecekondus, like used doors, bathroom fixtures, closets, rugs etc.

The development of gecekondu settlements is strongly dependent on actors that create a business out of this process. These actors are able to create systems to accommodate the requirements of this development and make a living out of it. Although these actors seem quite small in effect, maybe a developer that builds one small apartment building a year, their overall impact on the whole development is extremely high. Furthermore these actors have more flexibility in dealing with economic and political problems because they can adapt their business pattern accordingly. For example during a recession it is impossible to ask a bank to defer a loan that has been set but a hardware dealer would be able to fix the term of the payment so that it fits the conditions. The most important factor for this kind of mentality is that these actors are dependent on this kind of development and if they cannot deal with it they are out of business.

One major problem with these actors is that they have no liability whatsoever because their activities are not monitored or regulated by any agency. This is especially critical in the building industry because they are able to build without the use of any codes or regulations which creates large amounts of health and safety risks.

¹¹⁴In my work experience I have come across two similar instances. One was the design of a small gecekondu building for a cleaning lady in a construction firm and the other was the design of an apartment building for the driver of an architectural firm. In both cases these designs were really generic and the architect only knew the dimensions of the parcel.

F. The Landowner

The land of the three neighborhoods has a very complex ownership structure which is claimed by mainly five main entities.

Actors who have claims over ownership.

1. The military
2. The Greater Municipality of Istanbul
3. The Local Municipality of Sariyer
4. Istanbul Technical University
5. The gecekondu owners

Military

The claims of the first entity which is the military is not included in this portion because it was not possible to attain any information, however the gecekondu owners are expecting a claim and Istanbul Technical University believes that the army will backup any move to expel the gecekondu from the area.

In this part of the description the aim is not to come to a conclusion regarding the ownership. Istanbul Technical University has actually started several court cases to determine the actual ownership of the areas. This clearly shows that the decision will be based on a legal ruling. Thus this part of the paper will limit itself to describing as clearly as possible the claims. The laws and rulings regarding similar cases will also be mentioned. Rather than searching for the rightfulness of the claim this chapter tries to understand how these laws and rulings have affected the claims and the steps taken by the actors. In most cases the relation between the laws and the claims is confounding as the actors do not explicitly refer to any law, thus this portion of the research is primarily based on implications.

One important factor that should be noted regarding property rights in Turkey is its integrated approach regarding land ownership. The legal system accepts the building and the land as one whole no matter what their individual value is¹¹⁵. The building's ownership comes with the ownership of the land and it is not possible to legally separate the two entities from each other. Thus any claims of ownership over land bring with it claims regarding the buildings on top of the land and any ownership for a particular building, in this case a gecekondü has to satisfy the requirement of a legal land title.

Property Rights

Another important issue regarding ownership is that the registration of the land titles can also be contested. This is especially important because there have been various instances where the registrations were forfeited. One important event occurred in Istanbul in 1994. It was discovered that since 1984 2 million square meters of land, buildings, and offices were sold, without the knowledge of their owners. This area was equal to one third of the area of the city at the time. 145 deed officials were found responsible for these illegal transactions. According to the officials even if the officers were not a part of the activity, the culprits found a means of forging ownership documents for the buildings and acquiring the titles.¹¹⁶

Title deeds

According the report prepared by the Greater Municipality of Istanbul (Planning and Development Department) in December, 1997 for the 1/5000 scale Master Plan of Sariyer Affected Zone-Back . The land ownership structure of the three settlements mainly is divided among the Metropolitan Municipality of Istanbul and Istanbul Technical University. There are also several parcels of land that fall under the ownership of Sariyer Municipality. In several instances the Metropolitan Municipality of Istanbul, granted land ownership privileges to the gecekondü owners. Some

The Metropolitan Municipality of Istanbul and the Local Municipality of Sariyer

See fig. 31A

¹¹⁵Ayan, Mehmet (2000) Eşya hukuku II: Mülkiyet. Mimoza: Konya. Pp 10

¹¹⁶Güç, Mehmet (January 2, 1994) "İstanbul'un üçte birini sattılar" Cumhuriyet. P 7

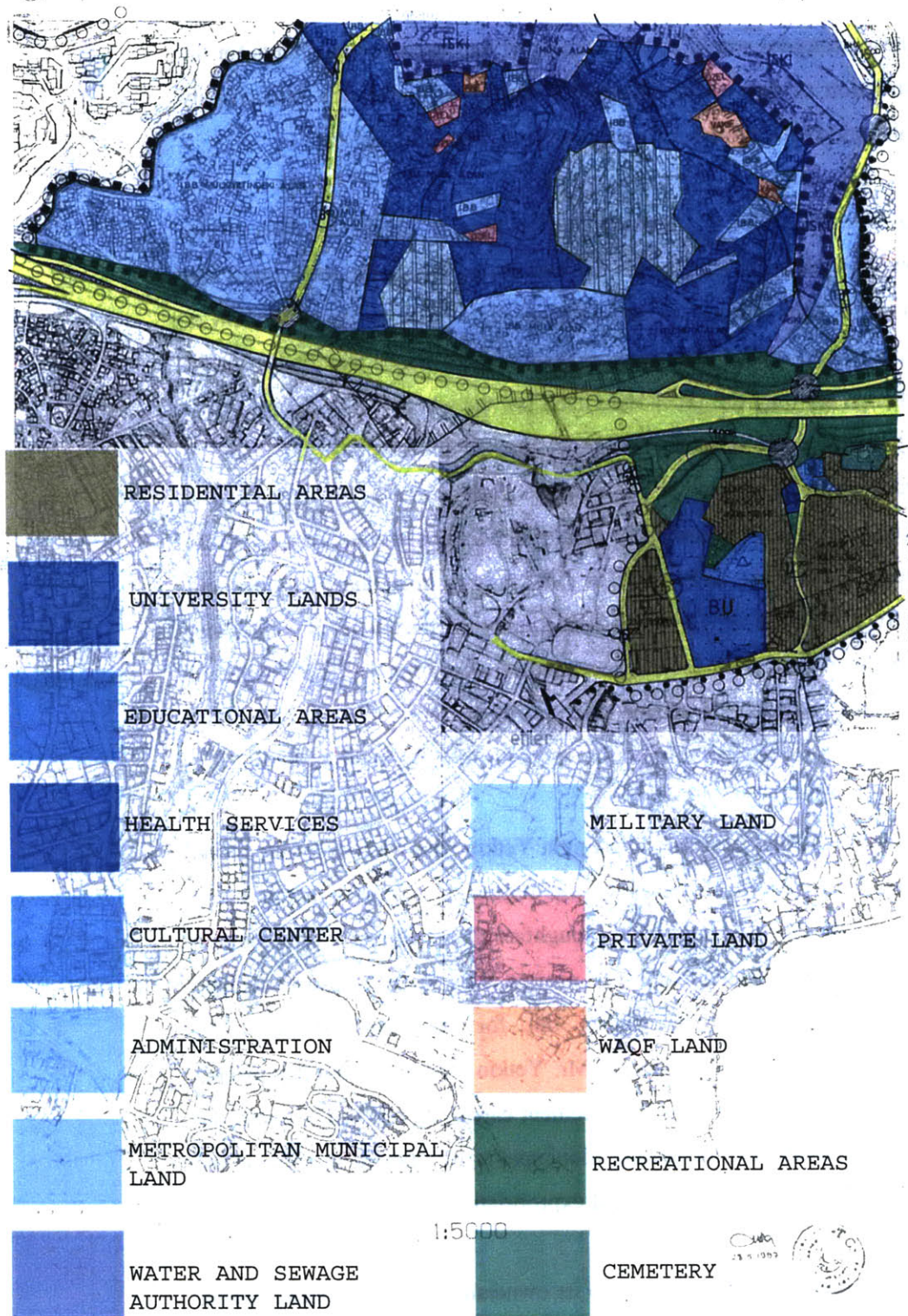


Fig. 31A Land ownership information provided for the preparation of the 1999 master plan Metropolitan Municipality of Istanbul

of these examples would be the granting of expropriation payments for the construction of the second Bosphorus Bridge. However the municipality has also tried to demolish the gecekondu in several occasions.

Today the attitude of the municipality has been to accept the facts on the ground and base its plans on the existing conditions of the settlement. The main motivation behind this act is that the ignorance of the settlement or the “unrealistic” belief that the gecekondu owners can be expelled from the area harms not only the gecekondu itself but the whole of the planning area and the city itself because the population in the settlement cannot be included in the infrastructure and area calculations as it is not considered a housing area. Thus the necessary budget allocations are not made and the municipality is faced with a deficit that leads to inadequate services and infrastructure. The municipalities acceptance of the ownership does not provide legal protection for the gecekondu owners due to the existence of other land owners. However the residents are able to negotiate compensation for any demolition that takes place in the neighborhood.

Acceptance of
Ownership

An example that has been cited by Engin Yetkin who was one of the urban planners who worked on the plan, was regarding a project that is being carried out for the widening of a thoroughfare that is currently running on a dangerous road in Baltalimani. The project aims to develop an adequate road to accommodate the traffic, but for this approximately 100 gecekondu have to be demolished. Mr. Yetkin comments that this project cannot be completed because an agreement cannot be reached between the gecekondu owners and the greater municipality of Istanbul in spite of the municipalities proposal to offer legal expropriation payments.

The municipality is trying to give up its ownership claims by using master plans and opening up the area to housing development. This way the municipality believes that it is possible to sell the land to the gecekondu

owners and create a legal structure. However because the land is split between Istanbul Technical University and the Greater Municipality of Istanbul it is not possible to act without the consent of the University.

One other important step that the municipality has taken to accept ownership is to collect real estate and service taxes from the gecekondü owners. This not only creates the grounds for a claim for the owners in regards to municipal land but also to land that belongs to Istanbul Technical University.

The relevant laws and regulations regarding the municipalities claims

The Metropolitan Municipality of Istanbul has the right to appropriate the land in its possession to housing and by using the cadastre system will be able to identify the different parcels and owners that reside on the land. This would open up the possibility to sell the land to the owners of the gecekondus. The next step would be to design a Master Plan where these parcels would be reconfigured in order to accommodate public uses and up to 30% of each individual parcel can be taken for this purpose.¹¹⁷This system seems to be in place in the case in Rumelihisarüstü. In the ownership maps of the municipality this area is designated as municipal area, it is probable that the municipality has appropriated this land for public use and given the legal fees to its former owners (including Istanbul Technical University and Bosphorus University).¹¹⁸

For Armutlu and Baltalimani the municipality has also tried to implement this system but because of the appropriations to Istanbul Technical University, it had to include a designate the a clause that the plan could

¹¹⁷Laws no. 6785 (alterations: 1605, 2805, 2981) and 3194 and their respective statutes.

¹¹⁸The municipality has the right to appropriate the land for public use under Article no. 45 of the Constitution. This usually occurs in large areas of gecekondü development that have become a neighborhood or a settlement, and the reason for this appropriation is considered as “public good”.

only be implemented in this manner if the consent of the university is taken.¹¹⁹

Istanbul Technical University has started a comprehensive study regarding the existing situation in the Armutlu and Baltalimani neighborhoods which are included in the most recent land appropriation by the national government to the university. The appropriation to the university was first given in 1966 when the university demanded land for the construction of a university campus. This appropriation changed in the years 1969, 1983 and 1991. The report that was prepared as a part of the study incorporates the existing situation of the settlements by means of physical analysis, surveys and the universities documents regarding ownership. It also lays the ground for discussion by pointing out several different options for the reconciliation of the ownership problem from around the world including examples such as Ciudad Guyana, Venezuela; Hyderabad, India and Bangkok, Thailand.

Istanbul
Technical
University

I was fortunate to take part in a preliminary presentation of the report to the president of the university Prof. Gülsün Sağlamer, where the existing situation and the different options were discussed. This presentation was among the first discussion sessions planned by the Research Committee that included Prof. Nuran Zeren Gulersoy, Prof. Ahsen Özsoy, Assoc. Prof. Güliden Erkut, Asst. Prof. Reyhan Genli Yiğiter and Engin Eyuboğlu.

The aim of the university in the preliminary presentation was to construct a Technopolis in the area and none of the examples that have been pointed out were regarded as a solution, thus the administration opted for a more radical solution that would have to depend on proof of ownership and the

¹¹⁹The legend of 1/5000 scale Master Plan for the area has designated Armutlu and Baltalimani neighborhoods as "Housing" under the condition that the I.T.U. agrees with the land use.

eviction of the gecekondu. Prof. Gülsün Sağlamer comments regarding the technopolis are

“it is apparent that this kind of a project will add a lot of value to Istanbul and the country. Our aim is to create the “Technopolis but the invasion of the land (by gecekondu) creates a lot of distress. Furthermore the area is a designated SIT area. We need to place the university’s R&D functions in the land in Armutlu. The gecekondu have completely invaded this area. There are approximately 5000 families, with a total population of 25,000 on the Istanbul Technical University’s land. We have warned the municipality and the responsible institutions several times to stop the invasion, however these have not been useful. It is not appropriate to accept this kind of behavior from “citizens”. It is apparent that we need this land. However it is not possible for the university to succeed on its own.”¹²⁰

According to Prof. Ismet Kilincaslan, professor of urban planning who is currently the Vice President of the university an agreement with the central government had been made regarding the appropriations. Every year the government would include a budget line for the acquisition of the land that had been appropriated for the university and the university would acquire a part of the property every year. By this method the university has been able to acquire the land where the campus was built. However the administration did not envision the universities current demand for extra land and has not taken the appropriate measures to protect its land from invasion by the gecekondu. The first attempt for the protection of the university land was to build a fence around the campus in 1989. In 1992 the construction of a wall was decided upon.¹²¹

¹²⁰*Cumhuriyet*, (October 15, 1999) “Teknopolis’e gecekondu engeli”

¹²¹Gulersoy, N.Z et al (1999) *İ.T.Ü. Ayazağa kampüsü arazisinde oluşan Armutlu gecekondu bölgesinin planlanmasına yönelik araştırma projesi 1. Aşama*. Istanbul Technical University, Istanbul

Since 1992 the university is actively opposing the gecekondu development and was able to pass demolition ordinances for gecekondu in its Vakıftepe facility (to the west of Baltalimani) and along the walls bordering the Reşitpaşa neighborhood. These ordinances were passed as result of various applications to the Greater Municipality of Istanbul, the Bosphorus Development Department and Sarıyer District Government.¹²²

Prof. Kılınçaslan admits that the responsibility partly is due to the ignorance of previous administrations. He believes this land is very valuable for the university and that the university is planning to build housing for its faculty and staff. He also envisions a part of the campus being located on the prominent locations of the neighborhood, such as those overlooking the Bosphorus. The method which the university has adapted to get hold of the land is to open cases against gecekondu owners. However this has to be done parcel by parcel, and the cases will be conducted separately. Prof. Kılınçaslan says that they have been advised that the university holds a strong position. The cases will be opened firstly for the land that the university has acquired titles for and then the land that has been appropriated to the university.

See. Fig. 31B

Although the vice president is not sure of the possibility of the actual eviction, he is confident that the local government and the Minister of Interiors will back up any legal decision. He states that the president has made the necessary arrangements for implementation. He is not content with the attitude of the municipality and does not see a possibility for the municipality to accept the responsibility for eviction. However he points out that the university has tried to start a dialogue with the local municipality by asking their cooperation in laying the claims for the universities ownership. The municipality has forwarded this demand to

¹²²ibid.

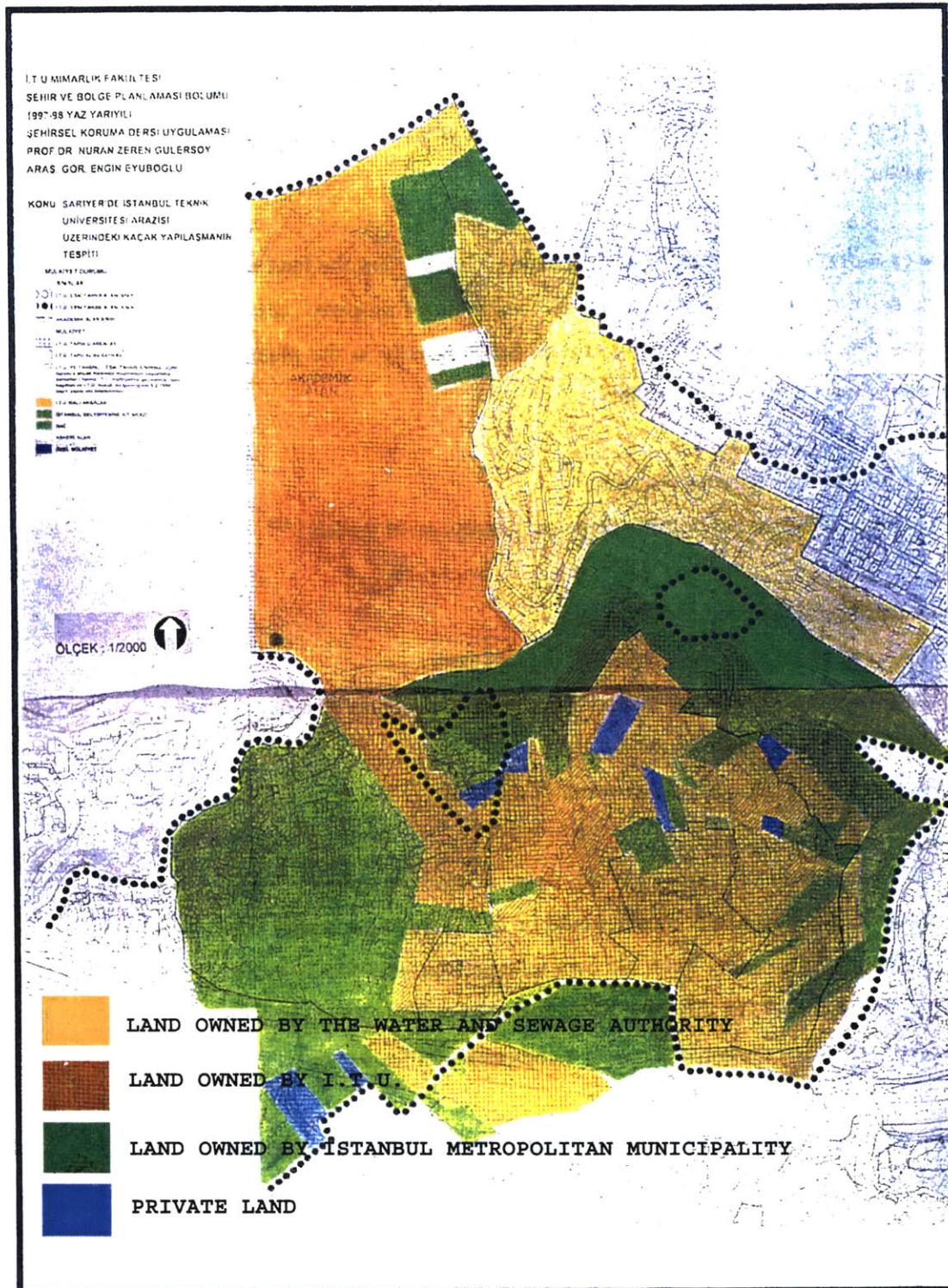


Fig. 31B Land ownership information Istanbul Technical University

Prof. Nuran Zeren Gülersoy. Prof. Kılınçaslan does not believe that there is an alternative method to solve this problem because any other option might lead to unpredictable results and would be too risky for anyone to assume the responsibility.

In the case of the land that Istanbul Technical University has the land titles for the university has the right to open an “action for of property” case. In this case the burden of proof would lie on the university as the plaintiff. Thus the university has to prove that:

- It is the rightful owner of the land
- That the defendant has unjustly achieved possession of the land ¹²³

The relevant laws and regulations regarding the universities claims

As a defense the defendant can claim that

- The act of possession was conducted in good faith
- The ownership has become invalid because of a long lapse of time
- There has been a legal alteration

Thus the plaintiff is not the rightful owner of the land.

The university has also the right to open a case regarding “Illegal Construction. The gecekondu owner would be considered as an entity who has “constructed a building with his own materials on land that is owned by some other entity”. In this case the university has the right to ask for either the removal of the construction or a compensation for damages.

For the removal of the construction the plaintiff has to fulfill the following conditions. ¹²⁴

¹²³Ayan, Mehmet (2000) Eşya hukuku II: Mülkiyet. Mimoza: Konya. Pp 94-95

¹²⁴Ibid. pp. 213-214

- The removal of the materials should not incur excessive costs (if the cost of the removal of the materials exceeds the benefits that the owner of the land will achieve it is considered an excessive cost)
- The removal of the materials should be for in the public interest.
- The plaintiff should have warned the defendant that the land belongs to him.

The owner of the materials has the right to ask for a compensation in case the plaintiff does not wish the removal of the construction or if the court decides that it is the removal will lead to excessive cost. The reason for the request is based on the assumption that the landowner would incur benefits from the construction. If the owner of the materials is considered to have had bad intentions he can only ask for the minimum worth of the materials. The owner of the materials if considered to have good intentions and the value of the building is more than the land, can also demand the land title in exchange for a compensation.

In the case of land that has been appropriated to the university but the university has no land titles the legal procedure is quite complicated and depends on several issues. If the land is not registered in the Registry of Deeds and is suitable for private ownership (in this case the fact that the land is suitable for agriculture proves that it is suitable for private ownership) but has not been registered then the owner can be determined by the lapse of time.

The university has also the right to claim that it has achieved the land title but it was not properly registered. However this is a difficult claim to pursue because the laws are quite sensitive about registration and any claims to land titles without registration are difficult to prove and have a lot requirements to be fulfilled. If the land is registered as “public land” than the municipality or whoever is preparing the master plans of the area has

the right to define the use of the area and “legalize” it. Furthermore one has to bear in mind that the national government can change its priorities and appropriate the land to another entity, and possibly for housing. In fact the university has had this similar problems regarding one of its academic buildings where the government had decided to switch the appropriation from Istanbul Technical University to a hotel developer. ITU had to go through a long and tedious legal battle to recuperate its rights on the building. Thus as an institution it is well aware of the ground it stands upon.

Furthermore Law no. 775 has transferred “public land” to municipalities at no cost and if the municipal assembly and the Ministry of Housing and Development give their consent this area can be allocated to housing.

In response to the ownership problem the gecekondü owners come up with several claims for their rights:

Gecekondü
Owner

- The land was not utilized until they came along, they initially cultivated it and then built the neighborhoods out of nothing.
- They have a long history in the neighborhoods, they are into the second and in some cases third generation.
- They have spent a lot of personal resources for the development of their homes and have achieved a better quality settlement.
- Housing is the best use for the area, green areas do not contribute to the community as much as housing.
- They have been responsible inhabitants, they have regularly paid their taxes and their bills.
- They have paid for their land both to its former owners and to the government (for land title appropriations) and have documents proving their point.

- They have always supported the political parties in power and have been faithful to their word.
- The state has the mission of offering its citizens a home.

As can be seen from the list the claims are many, each owner places one of these claims as its priority. It is apparent that there is a great fear of deprivation of their “rights”. Thus they try to fulfill any obligation that would create a footing for their claims. In a way they try to maximize the possibilities they have. All this is done intentionally and each member of the community tries to fulfill the requirements of these claims. Some of these claims have given various inhabitants in the neighborhoods the possibility to acquire their land titles, and these positive examples are not confined to the neighborhood, these claims have been the foundation for the legalization of large neighborhoods around Istanbul. However unlike other neighborhoods the residents of these settlements are confronted with the specifications of their location on the Bosphorus and in most cases claims that are valid for other areas in Istanbul are irrelevant for this precious landmark area.

The residents are also at various positions in their claims, those in Rumelihisarüstü have almost no obstacles left, whereas those in Baltalimani and Armutlu are very much aware of their critical situation.

According to the mukhtar of Rumelihisarüstü, Zeki Yüksel, the southern portion of the settlement has acquired its land titles. The Master Plan report prepared by the Greater Municipality of Istanbul, defines this area as Hisseli Tapu (Shared land titles/subdivision). Currently this kind of land title is not legal. The municipalities that were dealing with gecekondus 10-20 years ago now have to deal with this kind of development, where land owners subdivide their land into very small lots, that do not comply with the minimum standards regarding development and exert a lot of

development pressure, thus increasing the density beyond the specified limits. This kind of development is regarded as a natural occurrence after the legalization of gecekondü settlements, and is clearly observed in the case of Rumelihisarüstü.

Furthermore there are no strong claims for the other parcels in Rumelihisarüstü so the gecekondü owners are very confident of their ownership even though they do not have their land titles. They regard their title appropriations as valuable tools to acquire their land titles. However this confidence does have its limits, the gecekondü owners are really concerned about paying their taxes and their bills and continuing their good rapport with the local administration. Some of the inhabitants comment that the community support and relationship that existed before has slowly disappeared as the immediate threat faded.

The residents of Armutlu and Baltalimani are still on the alert. As one inhabitant has commented they feel like renters in their own homes. Their claims are more pronounced and more insistent, coming up in every conversation. There is also a constant fear against foreigners and especially foreigners like me who are asking a lot of questions. Thus there have been many instances where my questions were disregarded or answered politically. In some of my conversations after the obtaining the trust of the owner, I inadvertently became a judge, and was asked to evaluate their position and their claims for ownership. In some situations they even tried to convince me to help them out.

The residents place a lot of importance on the land title appropriation documents. According to Law no. 2960 (Bosphorus Law) these documents have no value in the protection zones of the Bosphorus. However the gecekondü owners are well aware of the fact that for a short period of time these documents had legal validity, and this gave some fortunate

The relevant laws and regulations regarding the gecekondü owners claims

gecekondu owners the possibility to acquire the necessary land titles. Currently the documents have no legal validity and the court cases result in demolition decisions.¹²⁶

Most of the claims of the gecekondu owners are very relevant to cases of “possession”.¹²⁷ A specific law regarding possession which covers “extraordinary lapse of time” offers the possessor of the land to obtain a land title if the following criteria are met:

- The land is suitable for private land ownership
- The land is not in a SIT area (in this case a lengthy procedure is needed to clarify if the proposed use incurs any harm to the area under protection, if no harm is identified by an expert than the case can proceed)
- The land is not registered in the Registry of Deeds or it is not possible to identify the owner of the land from the Registry
- The land should be under the possession of the claimant for 20 years without any dispute (no court cases against ownership have been opened and won) and without any interference.

The defendant has the right to object under the following headings:

- The land is not suitable to be included in the “extraordinary laps of time”
- The registration at the Registry of Deeds belongs to the actual owner
- The requirement of 20 year s is not met
- The possessor has not acted as the “owner” of the land.

¹²⁶I.H.D. 4.6.1998-6743/7157

¹²⁷Ayan, Mehmet (2000) Eşya hukuku II: Mülkiyet. Mımoza: Konya. Pp 174

The laws and regulations included in this chapter are all very basic and do not delve into the intricacies and details that would appear in a court case. It should be noted that there are a lot of discussions regarding the interpretation of the laws mentioned and in some cases the number of court cases quadruples as a result of objections and protests. According to Prof. Yücel Ünal, a renown expert in the field, property rights and especially gecekondü development can be classified as the most complex specialization in the field. As a result it is also a very tedious and time consuming effort. In most cases the court lags behind the pace of development and implementation.

Commentary

Notwithstanding the complexity, the actions of the gecekondü owners and their claims reflect a good understanding of their legal position. They are far from ignorant when it comes to dealing with issues regarding legalization. This is not extraordinary because it is a result of common knowledge, which is perfected and sharpened with years of discussion and enlightened by a myriad of practical cases.

G. The Outcome

The description of the actors inadvertently creates an image for the three settlements. Thus it is important to be able to look into the physical reality of the outcome. The maps that are shown in this part of the thesis reflect the conditions on the ground in 1987 and in 1995 for three focus areas in the neighborhood. These years cover an important development period that has been cited by most of the actors.

Through these maps the increase in new buildings, the evolution of the roads and the actual change in the footprint of each building can be observed. It is important to note that the change does not only occur two dimensionally. The buildings also increase in number of floors during this transformation.

The second part of the outcome looks more in detail at the transformation of Rumelihisarustu, the neighborhood that has been able to normalize due to the upgrading process. It reflects the duality that exists in the neighborhood and some striking qualities that are not discernible through the narrated descriptions. In order to assess the overall benefits of the process for the community it is important to bear in mind these qualities.

The physical analysis of Rumelihisarustu looks into issues that are raised in normal neighborhoods such as safety, public health and sustainability. It is imperative for a process such as self-help upgrading to satisfy the standards that these issues require in order to be deemed successful.

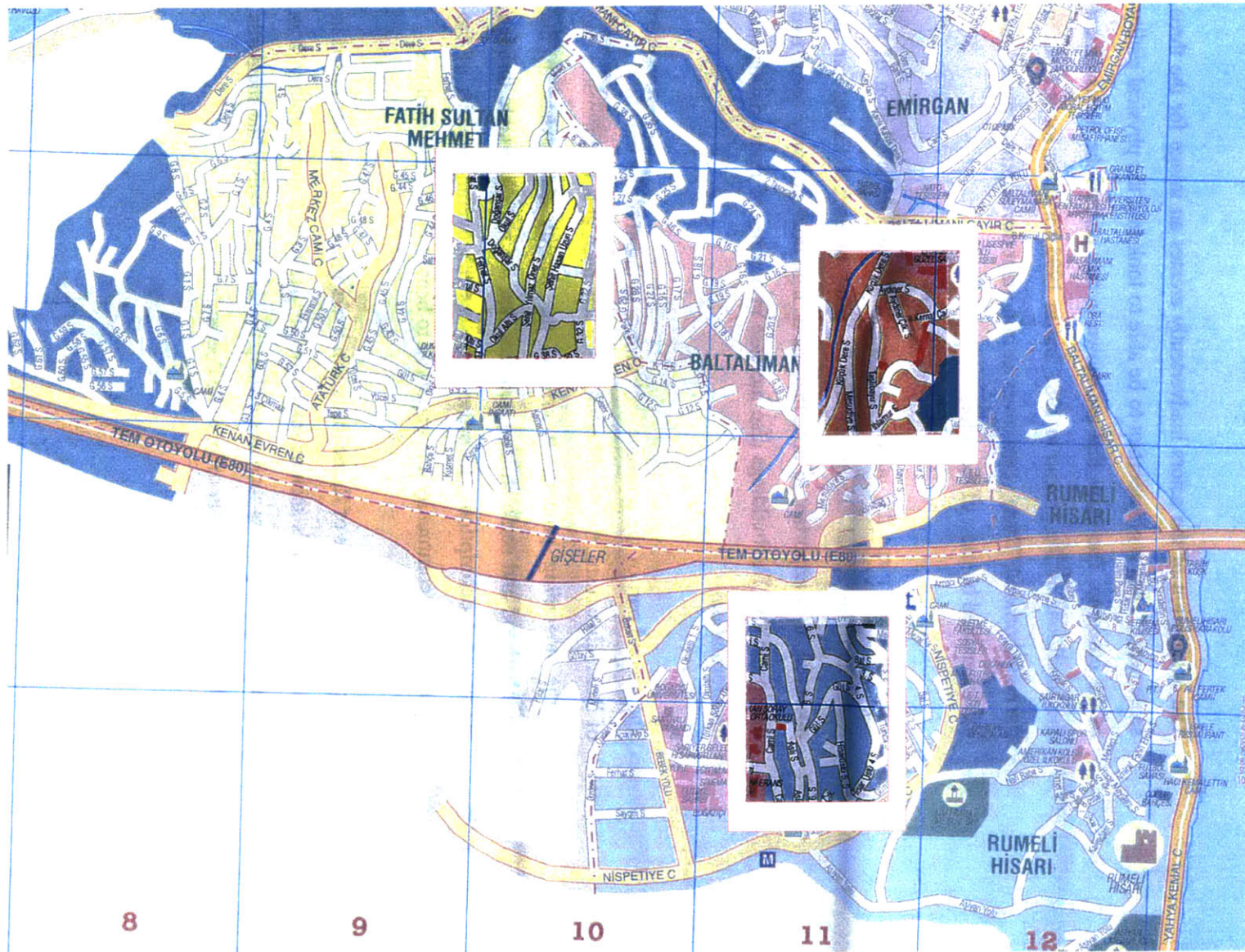


Fig. 32 The physical analysis looks into the transformation of the focus areas in the three neighborhoods.

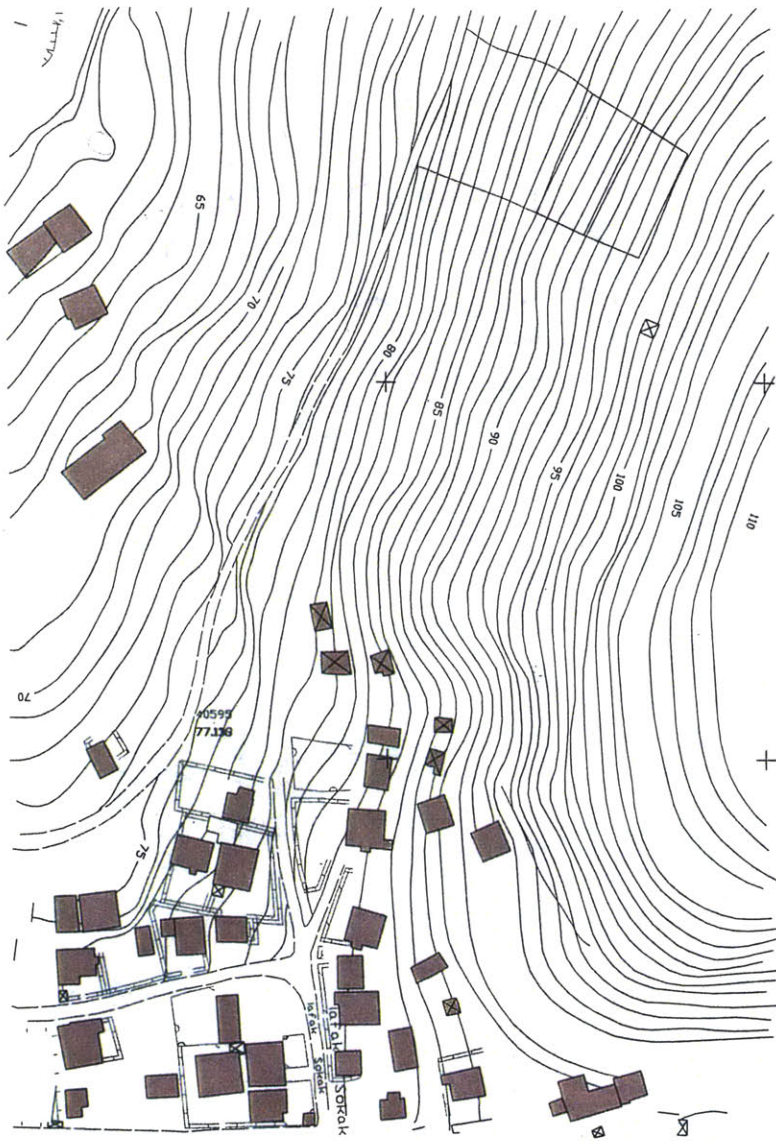


Fig. 33 Armutlu: The footprints of buildings in 1987

Scale: 1/2000 (metric)



Fig. 34 Armutlu: The footprints of buildings in 1995
Scale: 1/2000 (metric)



Fig. 37 Rumelihisarustu: The footprints of buildings in 1987
Scale: 1/2000 (metric)

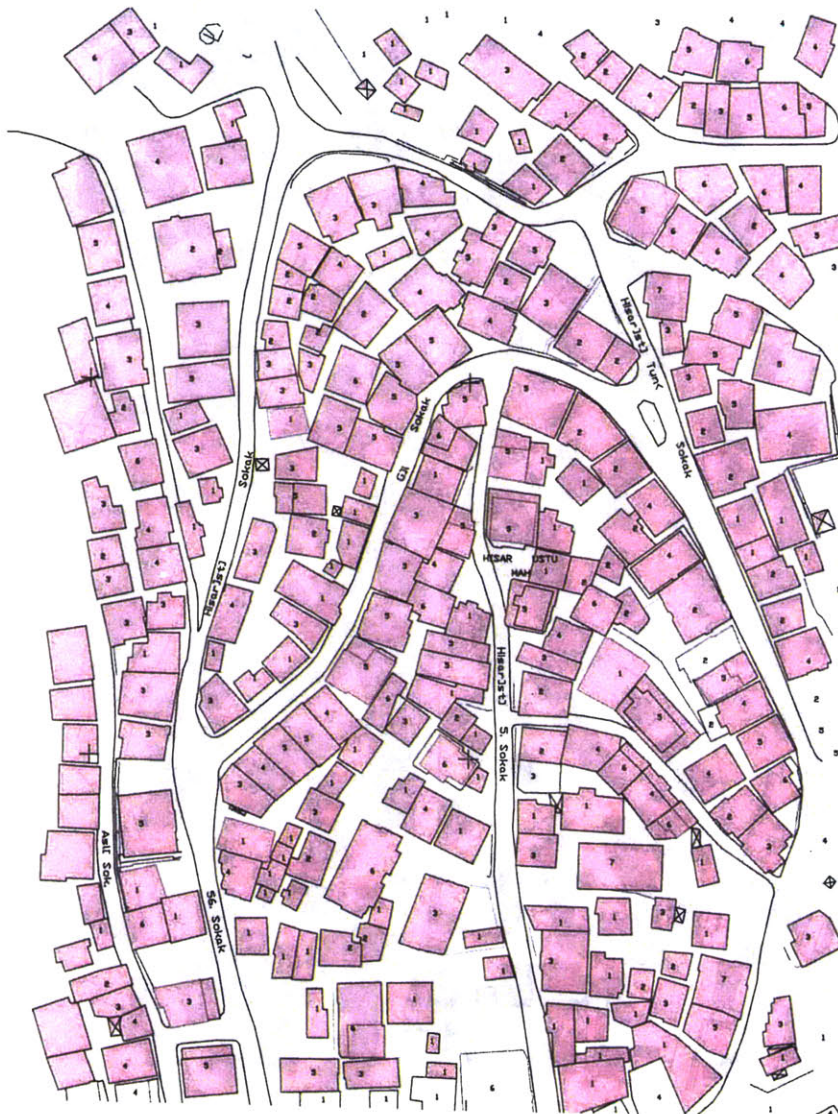


Fig. 38 Rumelihisarustu: The footprints of buildings in 1995
Scale: 1/2000 (metric)



Fig. 39 Armutlu: The difference of footprints of buildings between 1987 and 1995
Scale: 1/2000 (metric)



Fig. 40 Baltalimani: The difference of footprints of buildings between 1987 and 1995
Scale: 1/2000 (metric)



Fig. 41 Rumelihisarustu: The difference of footprints of buildings between 1987 and 1995
Scale: 1/2000 (metric)



Fig. 42A



Fig. 42B



Fig. 42C



Fig. 42D



Fig. 42E

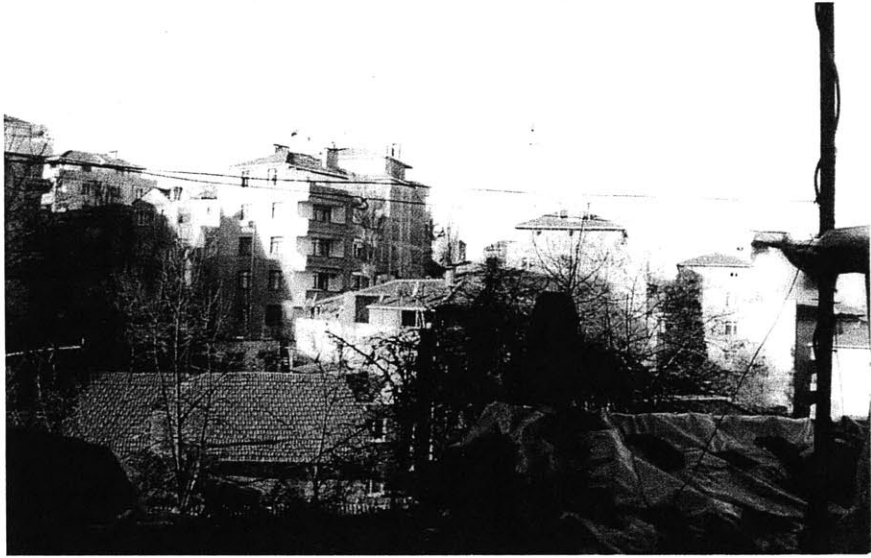


Fig. 42F



Fig. 43, 44 Rumelihisarustu: Buildings (2000)

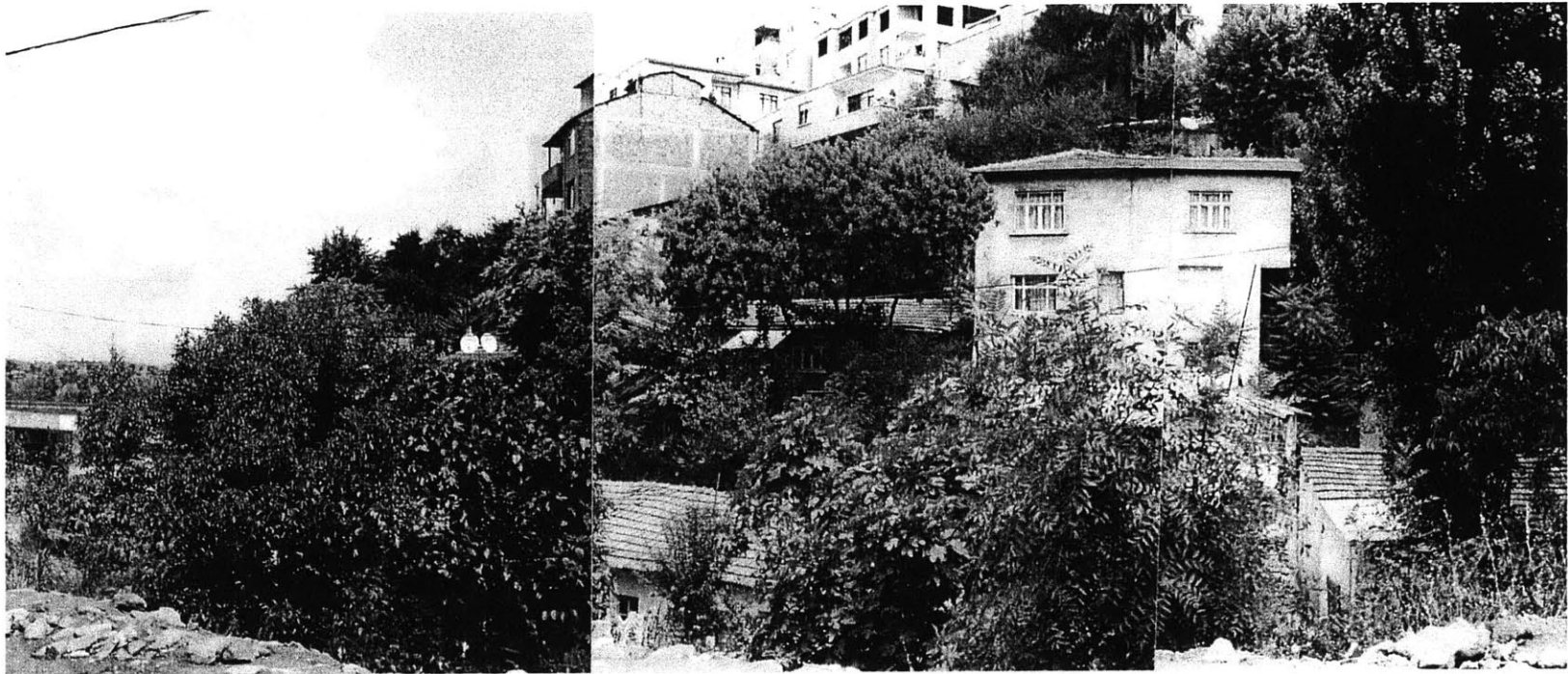


Fig. 45 Rumelihisarustu: Buildings in riverbed (2000)



Fig. 46, 47 Rumelihisarustu: left over spaces (2000)

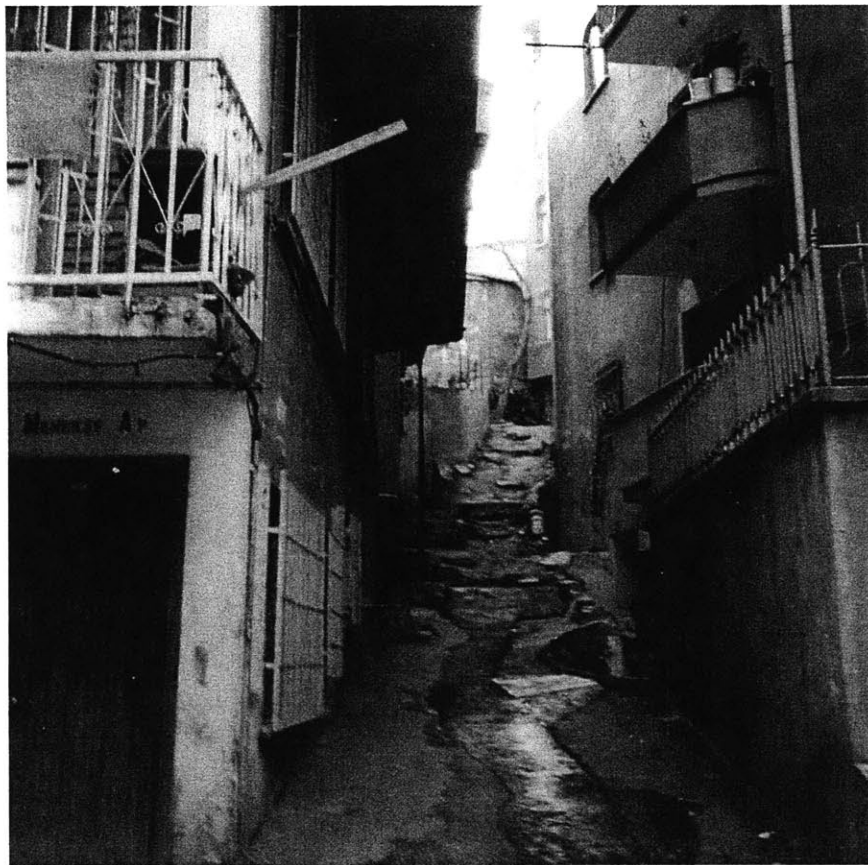


Fig. 48, 49 Rumelisarustu: In between spaces (2000)



Fig. 50-51 Rumelihisarustu: Neighbors (2000)



III. CONCLUSION

The “thick description” of the upgrading process in the three gecekondu settlements indicates that it is not possible to fit the process in a description of a “project” with specific goals or missions. This fact creates a difficulty in identifying the benefits the upgrading produces and the incidence of these benefits. In order to begin to understand what the benefits are it is possible to look at the effectiveness of the actors in the development of the neighborhoods and the benefits the actors were aiming to achieve through the process.

The self-help process evolved as different actors like the gecekondu owners or the municipality took lead in steering it. It can be observed from the development of Rumelihisarüstü that the power of the landowners was slowly diminished in the 1980’s as the gecekondu owners established themselves in the neighborhood in large numbers and established connections with the local government. This triggered a response from the landowners who were lead to an agreement for the transfer of rights. In the 1990’s as the gecekondu owners began to be more effective in the decision making and were able to accumulate enough wealth, developers started playing an important role in shaping the future of the neighborhood, placing themselves alongside the gecekondu owners.

In Baltalimanı and Armutlu until the 1980’s the process appeared to be very similar to the one in Rumelihisarüstü, however the expansion of the neighborhood towards the Bosphorus at this time led to a strong awareness in the general public. This put the national and local government in the spotlight and the informal relationships between these entities and the gecekondu owners could not be strengthened. The government was constrained by the laws that restricted development in the area and was pressured to act upon it by the general public. Thus the efforts of the Historical Commission to stall this development were effective. Despite

the pressure, the gecekondu owners were able to retain their presence in the neighborhood and in time began to establish themselves by coordinating upgrading efforts for the infrastructure and developing their housing. However their path was blocked in the 1990's by one of the main landowners in the area, Istanbul Technical University, that did not agree to give up its rights over the land.

It is possible to divide the actors as those who are the benefit providers and those who are the recipients of these benefits. The benefit providers can be roughly covered by : the national government, the municipality and the mukhtar. The thick descriptions of the actors relates some information regarding the intentions of the benefit providers and their goals in the distribution of these benefits.

The national government's aim was to provide housing to the myriad of families that were migrating to the larger cities of Turkey. There were two main means of achieving this, the first was to deal with the problem before the appearance of gecekondu by using the government's own resources in providing public housing and/or serviced land and the second was to legalize the existing gecekondu neighborhoods. It was clear that the government's direct efforts at providing housing were not achieving and would not be able to achieve the sweeping number of housing units that gecekondu were bringing to the table. Thus the government opted for the second option. However legalization of the gecekondu, was stalled by the general public's reaction to this policy. These policies were not accepted because of the perceived illegality of the original act and the negative "image" that these settlements had.

One of the main benefit providers, the municipalities, had the task of providing services and sustaining the functionality of the city. In Istanbul sometimes providing even very basic amenities was a problem for the

municipalities. The city did not have adequate resources and infrastructure to accommodate this influx of population that had started migrating to the cities after the 1950's. Furthermore it was confronted with issues of preservation without the actual means of providing for these. In order to provide better services for the whole of the city and the gecekondu residents, the municipality had to find a way of legalizing the neighborhoods. The municipality's main tool for legalization and service provision was to create master plans for these neighborhoods. This was not an easy task because the municipality was bound by the density and the pace of the development, which did not allow for the creation of traditional plans that had standards and conditions attached to them. For these reasons the municipalities were going through a continuous struggle. They were trying to balance the immediate needs of the inhabitants and the long term requirements of traditional planning.

The mukhtar had a very particular role in the provision of benefits. He/she had the opportunity to acquire and channel benefits by using formal and informal connections. The mukhtar was also the cornerstone of the settlement. He/she was the focus of communication and was very important in the dissemination of information. He/she acted as a representative for the neighborhoods in question and was crucial in the acknowledgment of the needs of the community.

The receivers of the benefits: the gecekondu owner, the landowner, the developer and the general public have a particular role in self-help development. In some instances they demand the provision of the benefits from the traditional benefit providers and in some instances they seek ways of achieving these benefits on their own. In the gecekondu settlements analyzed this phenomenon has led to legal demands and at the same time self-help practices which were mainly illegal.

The gecekondu owner wanted to develop his/her land with the minimum risk of being evicted. The necessary investment for the development of the land was quite high and demolition would have severely affected the prospect of achieving the goals of the gecekondu owner. The development of the land was for the fulfillment of the housing needs of the family member and to provide for economic benefits through rental income. Thus the number of housing units developed as a result of demand in the neighborhood would be doubled, tripled or even quadrupled by the strong housing market in the city that the gecekondu owners were trying to tap into.

The gecekondu owners were able to achieve power through numbers, which came into play during election time. The magnitude of the population was directly proportional to the power of the neighborhood as it translated into potential votes for the election candidates. The gecekondu owners were also individually in pursuit of means for achieving results. These relied upon individual social ties with the benefit providers in order to achieve their benefits.

The developer's role was that of a businessman with particular characteristics. His motivation was to sustain his business and achieve profits from it. He was prone to high amounts of risk but had the possibility of entering the niche of gecekondu development with very little capital and minimum skills. The developer had the lowest stake in the long term effects of the development and had no legal liabilities towards the gecekondu owner because of the illegal character of his practice.

The landowner, Istanbul Technical University, wanted to gain control over its land. The main channel to gain control was going to court. This meant a complicated and lengthy legal process which did not always lead to results. Previous examples of similar court cases showed that the enforcement of

legal decisions was not always possible due to the magnitude of the settlements. The restricted resources of the authorities and the complicated network of benefits between the authorities and the gecekondu owners made it difficult for the government to enforce the demolition

In the case of public land owners, such as the municipality, the institutions benefited from self-help development in different ways. They had the possibility of turning their assets to cash by selling the land to gecekondu owners or they had the opportunity to increase revenues by legalizing the gecekondu and demanding service fees. Thus in contrast to private land owners they benefited more from selling the land than from keeping it.

The general public had no direct benefits from these developments and believed correctly, that it had been “cheated”. Law abiding citizens resented the development of gecekondu because these settlements and their inhabitants had achieved wealth and services through illegal activities. The public also felt deprived because it had sacrificed amenities such as public land, green areas etc. for the accommodation of the gecekondu.

When these benefits are taken into consideration it is interesting to note that almost all the benefits of the different actors are achieved in the Rumelihisarüstü neighborhood except for the benefits of the general public, whereas none of the actors have benefited from the development of the two other settlements. It is interesting to note that the main difference between the two is the attitude of the landowner.

In the Rumelihisarüstü neighborhood the landowners were ready to sell the land when the option of legalization was brought to the table, whereas in the other two settlements, Istanbul Technical University is still not willing to give up its land. It is highly probable that a change in attitude from the

university would shift the weights and lead to a similar development pattern to Rumelihisarüstü in the other two settlements.

According to this analysis everything may seem to fall in place when Istanbul Technical University agrees to sell its land. But will it be so?

Not exactly. It is important to analyze the overall benefits of Rumelihisarüstü from the point of view of the community. Does it provide a safe and healthy environment? Does it provide for public space and amenities? Is it sustainable in the long term? Unfortunately the answers to all these questions are negative as can be observed from the physical analysis of the neighborhood. The rapid and unregulated upgrading process has led to results that do not incorporate these necessary conditions.

In order to understand the reasons for this outcome the process of upgrading should be considered. The thick description clearly delineates the position of the national and local government towards gecekondu settlements. Throughout the years these institutions have not been able to maintain a steady policy stance and have moved in between the “legalization” and the “regulation” of these settlements. In both stances the government has been radical in its outlook, “legalization” has led to total abandonment of regulations and “regulation” blocked all the ways for legalization.

The implementation of these policies were not effective as a result of a lack of coordination between various administrations. Thus legalization periods over benefited some gecekondu owners. Not all the gecekondu owners benefited from these windows of opportunity because the owner had to have “capital”. He/she had to have the monetary means for developing the land and social means to make it happen. Without the necessary financial investment, and established relationships with key players such as

municipal authorities, developers, mukhtars etc. the gecekondü owner would not be able to gain any benefits from the legalization effort because he/she would not have the agility or flexibility to accomplish his/her intent in such a brief time.

Gecekondü owners used the times when the policy tended towards regulation for increasing their individual "capital" and exerting pressure for a move towards legalization. Pressure was achieved through communal power whereas capital was increased through personal means. Thus the incidence of benefits depended on the individuals capacity as well as the power of the community. This meant that a gecekondü owner living in a large gecekondü settlement had more power to achieve benefits, but the extent of benefits he/she would achieve was also dependent on his/her own individual capacity.

Because decision making and power shifted from the community towards the individual during the times of opportunity, development was based on individual benefits rather than communal benefits. The physical manifestation of the legalization period did not incorporate communal values such as amenities for the whole of the neighborhood (green spaces, space for school, health institutions etc.) Furthermore because the development had to occur in a very short time period, with limited "capital", the development density was maximized and health and safety issues were not addressed or prioritized. The negative effect of the development was further increased by the fact that during legalization regulations that would cater for these important issues were not enforced or could not be enforced.

From the "thick description" of the case studies it is apparent that self-help development has the potential to provide benefits for all the actors involved, however the authorities have the responsibility to enforce

regulations regarding development during the process. This enforcement would decrease the benefits for the gecekondü owners but substantially increase the benefits for the whole of the community as well as the benefits of all the other actors because it would offer better quality housing for the residents, efficient means of services by the municipality, protect the rights of the landowners, enforce the liability of the developer and ameliorate the “image” of the gecekondü in the eyes of the public.

Enforcing regulations during legalization periods is much more difficult than during regulatory periods. However the authorities are liable for the outcomes of their legalization activities and should be able to find means to achieve a more beneficial development process. It is very interesting to note that the actor that would play a crucial role in achieving this purpose, the mukhtar, is the one with the least legal authority and resources. It is also clear from the current community policing in Rumelihisarustu towards illegal development, that the gecekondü owners take the side of the local authorities when their own individual benefits are concerned. Furthermore where grounds for partnership has been created by the community for the provision of infrastructure for their neighborhoods, this partnership has the potential to be extended further for the legalization of the settlement.

Understanding the role of the actors in the upgrading of spontaneous settlements is essential in determining a structured analysis that looks into different hypothesis. The setbacks for the beneficial development in these settlements should be noted in considering policies that are expected to function at the level of the neighborhood. It is apparent that generalizations and labels that only narrowly define the process cannot lead to beneficial results.

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