POLITICO-INSTITUTIONAL CHANGE AND URBAN RENEWAL IN THE NEOLIBERAL ERA: THE CASE OF ULUS SQUARE, ANKARA

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ABSTRACT

POLITICO-INSTITUTIONAL CHANGE AND URBAN RENEWAL IN THE NEOLIBERAL ERA: THE CASE OF ULUS SQUARE, ANKARA

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Due to the proliferation of rules governing urban renewal processes and the multiplicity of actors involved, renewal processes are increasingly confronted with challenges, many of which become subjects of judicial proceedings. In order to overcome these challenges that hinder urban renewal, public authorities navigate on the edge of legality/illegality and formality/informality, demonstrating a tendency to leverage legal indeterminacies and informalities. This dissertation focuses on examining this tendency by centering on urban renewal initiatives of the Ankara Metropolitan Municipality (AMM) in Ulus Square, located at the heart of the historical city center of Ankara, in the post-2000 period.

The study investigates why these initiatives failed and what administrative tactics the AMM employed to address this failure. Additionally, it analyzes how the AMM utilized legal indeterminacy and informality in the urban renewal process. It highlights Ulus Square as an overregulated and multi-actor urban space, thereby demonstrating the complexity and contentious nature of the urban renewal process. The study suggests that the challenges AMM faced in the urban renewal process stem from various factors, including financial constraints, urban policy priorities, the historical

and cultural significance of the area, social resistance, legitimacy concerns, legal challenges initiated by professional associations and local residents, and upcoming elections.

Furthermore, the study argues that the failure of AMM's urban renewal initiatives is closely related to the absence of large, monolithic, and negotiable interests in the region, hindering the formation of an urban coalition. It contends that the failure to establish an urban coalition renders informal channels ineffective. Consequently, it identifies that the AMM increasingly stepped outside the legal sphere to break the deadlock in the urban renewal process.

Keywords: urban entrepreneurialism, legal indeterminacy, informality, administrative tactics, urban renewal

ÖZ

NEOLİBERAL DÖNEMDE SİYASİ-KURUMSAL DEĞİŞİM VE KENTSEL YENİLEME: ULUS MEYDANI, ANKARA ÖRNEĞİ

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Kentsel yenileme süreçlerini düzenleyen kuralların çoğalması ve sürece dahil olan aktörlerin çokluğu sebebiyle, yenileme süreçleri giderek daha fazla sorunla karşı karşıya kalmakta ve bunların birçoğu yargı süreçlerine konu olmaktadır. Kentsel yenilemenin önünde engel olarak görülen bu zorlukların üstesinden gelmek için kamu otoriteleri yasallık/yasadışılık ve formellik/enformellik sınırlarında gezinmekte, hatta kimi zaman yasal ve formel alanın dışına çıkma eğilimi göstermektedir. Bu çalışma, Ankara Büyükşehir Belediyesi'nin (ABB) 2000 sonrası dönemde Ankara'nın tarihi kent merkezinin kalbinde yer alan Ulus Meydanı'ndaki kentsel yenileme girişimlerini merkeze alarak bu eğilimi incelemeyi amaçlamaktadır.

Çalışma, ABB'nin bu girişimlerin neden başarısız olduğunu ve bu başarısızlığı aşmak için hangi yönetimsel taktikleri kullandığını soruşturmaktadır. Ayrıca, ABB'nin yasal belirsizlik ve enformelliği kentsel yenileme sürecinde nasıl kullandığını da analiz etmektedir. Ulus Meydanı'nın çok kurallı ve çok aktörlü yapıda bir kentsel mekan olduğunu ve bu nedenle kentsel yenileme sürecinin karmaşık ve çatışmalı olduğunu ortaya koymaktadır. ABB'nin kentsel yenileme sürecinde karşılaştığı zorlukların, mali sınırlamalar, kentsel politika öncelikleri, bölgenin tarihi ve kültürel önemi, sosyal

direnç, meşruiyet kaygıları, meslek odaları ve yerel sakinler tarafından başlatılan yasal itirazlar ve yaklaşan seçimler gibi çeşitli faktörlerden kaynaklandığını ileri sürmektedir.

Bunun yanında çalışma, ABB'nin kentsel yenileme girişimlerinin başarısızlığının, bölgede büyük, tekil ve uzlaşılabilir çıkarların olmaması ve kentsel koalisyonun kurulamaması ile de yakından ilişkili olduğunu savunmaktadır. Kentsel koalisyonun kurulamamasının enformel kanalları işlemez hale getirdiğini ileri sürmektedir. Buna bağlı olarak, kentsel yenileme sürecindeki kilitlenmeyi açmak için ABB'nin artan biçimde yasal alanın dışına çıktığını tespit etmektedir.

Anahtar Kelimeler: kentsel girişimcilik, yasal belirsizlik, enformellik, yönetsel taktikler, kentsel yenileme

To Elif and Umut

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TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF ABBREVIATIONS

ACC	Ankara Regional Council for the Conservation of Cultural and Natural Property (Ankara Conservation Council)
ACC No. II	Ankara Regional Council for the Conservation of Cultural Property No. II (Ankara Conservation Council No. II)
ARACC	Ankara Renewal Area Regional Council for the Conservation of Cultural and Natural Property (Ankara Renewal Area Conservation Council)
ARCC	Ankara Regional Council for the Conservation of Cultural Property (Ankara Regional Conservation Council)
AMM	Ankara Metropolitan Municipality
CLS	Critical Legal Studies
ÇEKÜL	Foundation for the Protection and Promotion of the Environment and Cultural Heritage
docomomo_Türkiye	Türkiye Working Party for Documentation and Conservation of Buildings, Sites and Neighborhoods of the Modern Movement
EGO	Ankara Electricity, Gas and Bus Operations Organization
EU	European Union
G7	Group of Seven
GNAT	Grand National Assembly of Türkiye
ICOMOS	International Council on Monuments and Sites
IMF	International Monetary Fund
JDP	Justice and Development Party
KORDER	Conservation and Restoration Specialists Association
KWNS	Keynesian welfare national state
METU FA	Middle East Technical University Faculty of Architecture
MHA	Mass Housing Administration
MP	Motherland Party
NGOs	Non-governmental organizations
NMP	Nationalist Movement Party
NPM	New public management
OECD	Organization for Economic Co-operation and Development

RPP	Republican People's Party
SPP	Socialdemocratic Populist Party
SSUA	Social Sciences University of Ankara
SWPR	Schumpeterian workfare post-national regime
TL	Turkish Lira
TPCPTU	Transition period conservation principles and terms of use
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
USA	United States of America
USAID	United States Agency for International Development
USD	United States Dollar
USSR	Union of Soviet Socialist Republics
VEKAM	Koç University Vehbi Koç Ankara Studies Research Center
VP	Virtue Party
WB	World Bank
WP	Welfare Party
WTO	World Trade Organization

CHAPTER 1

INTRODUCTION

1.1. The subject matter and the research questions

Due to the proliferation of rules governing urban renewal processes and the multiplicity of actors involved, these processes are increasingly confronted with challenges, many of which become subjects of judicial proceedings. In order to overcome these challenges that hinder urban renewal, actors navigate on the edge of legality/illegality and formality/informality, demonstrating a tendency to leverage legal indeterminacies and informalities. This dissertation focuses on examining this tendency by centering on urban renewal initiatives of the Ankara Metropolitan Municipality (AMM) in and around Ulus Square, located at the heart of the historical city center of Ankara.

These initiatives of the AMM since the mid-2000s have fallen short of achieving the intended built environment, despite leveraging legal indeterminacies and administrative tactics. Various factors have contributed to this outcome, including financial limitations, urban policy priorities, the region's historical and cultural significance, social resistance, concerns regarding legitimacy, legal challenges initiated primarily by professional associations and local residents, and the approaching elections.

Equally significant is the absence of investors and entrepreneurial entities willing to undertake the ambiguous-scale urban renewal project and its associated risks in Ulus Square and its environs, an area characterized by numerous regulations and stakeholders. Moreover, the lack of consensus among diverse interest groups regarding rent-sharing has impeded the formation of an urban coalition to realize this project. Coupled with the aforementioned factors, this has led to the prolonged stagnation of the AMM’s urban renewal process in and around Ulus Square since the 2000s.

Ulus Square and its immediate surroundings have hosted many civilizations since Roman times, making it a multicultural, multilayered, and multifunctional urban space. The square, which had become the only public open space in Ankara during the late Ottoman period, served as the headquarter of the War of Independence and then, transformed into the political, administrative, commercial, financial, and sociocultural center of the newly established Republic after the declaration of Ankara as Türkiye's capital. In the 1960s, large-scale business and shopping centers featuring modern architectural styles have been constructed in and around Ulus Square. However, by the late 1970s, the preeminence of the Kızılay district as the esteemed city center has had marginalized Ulus Square and its environs (Ayhan Koçyiğit, 2019).

Although comprehensive conservation and rehabilitation efforts for Ulus Historic City Center were initiated in the late 1980s, the programs and projects envisaged by these efforts were shelved by the AMM in the mid-1990s. Consequently, certain parts of the historic city center fell into obsolescence (Erkal, Kıral, & Günay, 2005). The principal catalyst for this downturn was the election of İbrahim Melih Gökçek from the Islamist Welfare Party (WP) as the AMM Mayor in the 1994 local elections. As this political shift extended to the central government in the early 2000s, Gökçek, securing victory in two consecutive local elections in 1999 and 2004, endeavored to launch urban renewal projects in Ulus Square, which had been neglected for nearly a decade.

The post-2004 period has been marked, on the one hand, by AMM's advocacy for urban renewal projects in and around the square emphasizing the area's obsolescence, and on the other, by experts and academics rightly raising concerns about the irreversible impact of these projects on historical and cultural assets above and below ground. Additionally, shopkeepers in the area, integral to Ankara's leading central business district, are apprehensive about the potential loss of their workplaces. Therefore, it was unrealistic for the AMM to succeed in solving the multidimensional problems of Ulus Square, which have been accumulating for years and concern different segments of society, through urban renewal initiatives that focused solely on the physical transformation of the area.

Besides, Ulus Square and its surroundings has been regulated by both conservation and renewal legislation from 2005 onwards, causing a thickness in the legal and

administrative framework surrounding the area. The complex legal and administrative ecology has created a deadlock in the urban renewal process, as an urban alliance for the realization of urban renewal has not been established in this area where interests are small, fragmented, and irreconcilable. In other words, in the absence of large, monolithic, and reconcilable interests, informal relations between public authorities and interest groups do not come into play to overcome the deadlocks of urban renewal processes. In this case, it is mostly local governments that seek to unlock these processes through their practices that extend into the illegal sphere within thick regulatory frameworks.

With these in mind, this study aims to reveal the underlying reasons for the failure of urban renewal activities of local governments and the administrative tactics employed by local governments to eliminate these reasons. To achieve this, the study concentrates on AMM's urban renewal initiatives in Ulus Square and its practices that challenged legal and formal limits to realize these initiatives. Through this exploration, it aims to offer insights into the legal and administrative complexities surrounding unsuccessful or incomplete urban renewal projects, with the initiatives in Ulus Square serving as a key case study.

Accordingly, this study has two main research questions: (1) Why did the AMM fail to complete urban renewal initiatives in Ulus Square? (2) What are the administrative tactics the AMM (ab)used to overcome this failure? To support these research questions, several sub-questions have been identified. These include investigating the impact of legal indeterminacies on the implementation of AMM's administrative tactics employed in the urban renewal initiatives in and around Ulus Square. Additionally, the study explores whether the AMM consistently complies with the formal laws, procedures, and court verdicts, adhering to the rule of law principle. Furthermore, an examination of continuities and discontinuities in these matters will be conducted under different AMM mayors.

1.2. The significance of the study

Studies related to the urban renewal projects in Türkiye are predominantly centered around İstanbul in the urban studies literature. Considering this "geographical blindness" (Penpecioğlu, Bayırbağ, & Schindler, 2022, p. 170), it can be argued that

the literature is insufficient in terms of research on urban renewal initiatives in other cities. Especially given Ankara's pioneering role in the urbanization history of the Republic of Türkiye, in-depth studies on Ankara's urbanization narrative have not yet reached a saturation point. Therefore, this study aims to contribute to addressing such deficiencies in the urban studies literature by focusing on renewal efforts in the Ulus Square, an emblematic place for Ankara's urbanization history.

Additionally, the urban studies literature, particularly those focused on the cities of Türkiye, often encompasses studies related to urban renewal projects in legal or illegal residential areas. Therefore, it is obvious that studies focusing on areas other than residential areas will offer different perspectives to the literature. Accordingly, this study aims to contribute to urban studies by focusing on urban renewal initiatives in a central business district with historical and cultural attributes.

The relevant literature also largely focuses on urban renewal processes that have completed the development and implementation stages. Numerous urban renewal initiatives that have not progressed to the implementation phase or could not complete the implementation have received limited scholarly attention, except for a few pioneering studies (Ay & Penpecioğlu, 2022; Bezmez, 2008; Kuyucu, 2018a; Kuyucu, 2018b; Kuyucu, 2022). Therefore, focusing on the case of Ulus Square, this research aims to fill another gap in the literature by examining an incomplete urban renewal activity.

Furthermore, the study focuses on administrative strategies that merit further exploration in the urban studies literature, such as the instrumentalization of the (ab)use of legal indeterminacy, administrative arbitrariness, and the use of informality by public authorities and officials to eliminate factors contributing to the impasse of urban renewal initiatives (Demirtaş-Milz, 2013; Kuyucu, 2014). The reasons behind the ineffectiveness of these administrative strategies in the context of urban renewal initiatives in Ulus Square are also examined among the topics in this study.

The multicultural, multilayered, and multifunctional nature of Ulus Square adds depth to this research as it is a significant central business district located in the historical city center of Ankara. In this regard, the buildings in and around Ulus Square embody architectural, singularity and uniqueness, aesthetics, functionality, commemoration,

societal, and economic values. Furthermore, these structures are recognized on a national scale as a 'common cultural heritage' due to their integration into the social and cultural life of Ankara residents, individuals from nearby towns and villages, and even those who arrived in Ankara during the early years of the Republic (Chamber of Architects Ankara Branch, 2007, pp. 4-5).

As the AMM aims to implement an urban renewal project in Ulus Square, which is located within the boundaries of the urban site, the square has become the subject of both renewal and conservation legislation. Hence, a comprehensive review of conservation and renewal legislation has been conducted, which is one of the distinctive features of this study. Moreover, due to the involvement of a myriad of actors ranging from public institutions to private firms, individuals, and civil society organizations, decision-making processes related to Ulus Square have given rise to a complex and dispersed urban policy ecology. To capture the perspectives of the numerous actors within this urban policy ecology, multiple data collection methods were employed, contributing to the robustness of this research.

1.3. Theoretical focus of the study

To contextualize the AMM's urban renewal initiatives in Ulus Square within the framework of neoliberal urban policies, the dissertation first draws on critical theoretical approaches on neoliberalism and its contradictory nature. These approaches shed light on the discrepancy between neoliberalism's theoretical advocacy for minimal state, attributing the economic crises of the 1970s to redistributive state intervention in the economy, and its practical endorsement for authoritarian state interventions in the urban land market to overcome the stagnation of industrial capitalism. On the basis of these debates, it is possible to comprehend the market-oriented rationale underlying the legislative and administrative infrastructure that facilitated aggressive spatial interventions in Ulus Square and other urban spaces.

The study then touches upon the theoretical aspects of the emergence of the governance approach, posited as a legitimizing tool for the neoliberal state's authoritarian pro-market interventions. The discussions within this theoretical framework suggest that the network-based governance approach, which envisions multi-scalar and multi-sectoral participatory decision-making mechanisms, results in

fragmented and complex policy-making and implementing processes involving informal actors, rules, and processes. Consequently, these discussions highlight the emergence of powerful executive units as network managers equipped with the authority and resources to coordinate intertwined formal and informal actors, rules, and processes. Thus, the theoretical foundation is established to elucidate the role of the AMM in the urban renewal initiatives at Ulus Square, along with the power and resources at its disposal.

Subsequently, the dissertation engages in a theoretical discussion on the reflections of neoliberal restructuring on urban policy planning. This discussion is conducted within the framework of concepts such as decentralization, urban entrepreneurialism, pragmatism and deregulation, and the blurring of legal and administrative boundaries. In light of these concepts, the discussion explores (1) the increase in the authority and responsibilities of local governments, (2) their adoption of managerial and entrepreneurial roles to fulfill these responsibilities, (3) the tendency of elected local administrators, especially those elected by the public for a limited term, to act pragmatically and deviate from formal rules and procedures to quickly achieve results, and (4) the indeterminacies surrounding legal and administrative boundaries as local governments share their growing responsibilities with private sector and civil society actors. Therefore, this discussion provides the theoretical basis for the expansion of AMM's responsibilities and powers in urban renewal since the 2000s, its approach to urban renewal activities in Ulus Square, the stance of mayors in these activities, and the legal and administrative mapping of this urban renewal process.

Lastly, the broad maneuverability of top-level local officials, especially mayors, who exhibit a tendency to break, bend, or ignore formal rules and procedures in an urban policy environment with indeterminate legal and administrative frameworks inevitably directs the theoretical discussion towards the rule of law principle. This discussion reveals that there is no consensus on the purpose of the rule of law ideal. Neoliberal theorists argue that it provides a legal foundation for the smooth functioning of the free market and the protection of individual rights and freedoms. On the other hand, a critical faction within legal scholarship claims that the rule of law ultimately serves the interests of capitalist classes and the state, concealing the socioeconomic inequalities and injustices inherent in capitalism. An alternative perspective suggests

that, despite legitimizing capital's dominance, the rule of law enables marginalized groups to strategically use law against the state and capital. The theoretical discussion here provides a foundation for whether the rule of law principle operates in favor of the AMM in its urban renewal efforts in Ulus Square or in favor of those opposing these efforts.

1.4. Analytical focus of the study

The analytical focus of this study primarily centers on the instrumentalization of urban renewal projects during the neoliberal era for the investment and consumption purposes of middle- and high-income groups on the one hand, and for entrepreneurial local governments to excel in the interurban competition for attracting capital. It reveals an intent to establish a deregulated framework within the scope of neoliberal urban renewal, bypassing any political, administrative, or legal obstacles, allowing project processes to swiftly materialize.

The objective is to sideline political and social opposition, prolonged bureaucratic procedures, restrictive city plans, and inhibitive legal regulations to create an environment conducive to expedited urban renewal. In the changing context of urban policy governance, local governments and their officials wield substantial maneuverability within this deregulated urban renewal environment, operating as strong executive units with the capacity to control local resources and coordinate local actors. The relative autonomy of local governments in this context becomes a significant claim among the analytical assertions of the study.

The analytical focus further aims to comprehend the rationale underlying the concentration of urban renewal activities in historical city centers during the neoliberal era. It asserts that the increasing interest of the new middle class in these areas creates a rent gap, making urban renewal projects appealing to investors. Consequently, it emphasizes that urban renewal projects in historical city centers cater to the investment and consumption objectives of local, national, and international economic powers. As a result, entrepreneurial local governments, as observed in renewal initiatives such as those in Ulus Square, strategically approach historical and cultural heritage as objects of city marketing, leveraging their exchange value to gain a competitive edge in inter-city competition.

Subsequently, the analytical focus of the study examines the impact of differences in the urbanization experiences between developed and developing countries on urban renewal projects. It contrasts the centuries-long urbanization experience of developed countries, characterized by clear, specific, and formal rules and processes, with the rapid urbanization experience of developing countries, characterized by more ambiguous, ever-changing, and contradictory legal and administrative frameworks. Additionally, the study suggests that, although not exclusive to developing countries, public authorities in these countries tolerate and even instrumentalize informality, especially in the context of urban renewal. Here, it is worth noting that when large-scale interests are in play informal mechanisms work, and when they are not the authoritarian and illegal tendencies of public authorities come to the fore.

The discussions presented here will contribute to understanding the underlying targets and reasons behind the AMM's urban renewal initiatives in Ulus Square; the attractive effects of its historical city center status on these activities; and the nature of the formal rules and processes, as well as legal indeterminacies and informal tactics it relies on during the materialization of these activities.

1.5. Empirical focus of the study

The dissertation's empirical focus draws on the AMM's renewal initiatives in Ulus Square in the post-2000 period. In Ulus Historic City Center, being the spatial context of Ulus Square, the existing building stock, infrastructure, ownership, as well as historical and cultural accumulation, are all intertwined in a multi-input and complex manner. At the same time, the physical environment is open to ideological and political confrontations. The buildings surrounding Ulus Square and Government Square, the prominent spatial representation of the ideology of the Republic, and the iconic religious spaces, such as Hacıbayram Mosque and Augustus Temple, coexist.

The Ulus region is also an urban space where various actors frequently encounter each other due to the ownership and decision-making authority held by institutions, such as foundations, conservation council, Ankara Atatürk Cultural Center, and the municipality. Therefore, it is an area where all these institutions interact, sometimes in compromise, sometimes in conflict. Above all, there are property owners, residents and users, who sometimes have conflicting expectations.

The fundamental challenge here is to define the interest of the city and the region, which are susceptible to determination based on ideological differences. Therefore, if a spatial transformation is to take place in the Ulus Square, all strata involved in this transformation must compromise and reconcile by making concessions and gains on certain issues. Otherwise, the concept of legal engineering becomes operationalized as a natural part of the spatial intervention processes in Ulus Square (Chamber of Architects Ankara Branch, 2007, pp. 60-61).

In addition to its multi-actor characteristic, Ulus Square and its surroundings have a multi-rule structure as an overregulated urban space as mentioned earlier. The ambiguity of the scale of the urban renewal project to be implemented in the region – in fact, no information on the project was shared with the public until 2018 – has prevented large-scale interest groups from being motivated to take part in the project. On the other side, numerous small-scale interests, which cannot be reconciled, have been trapped in the complex regulatory framework. It is therefore not possible to argue that there was significant pressure on the AMM for the renewal of Ulus Square and its surroundings.

As previously stated, the study seeks to answer the questions of why these initiatives of the AMM failed and what tactics and strategies the AMM employed to overcome this failure. In doing so, it aims to identify whether legal indeterminacies facilitated or hindered AMM's tactics and strategies, whether the AMM consistently adhered to formal rules and processes and judicial decisions within the framework of the rule of law, and whether there is continuities and discontinuities in the AMM's modes of operation under different mayors. It has also been explained above why the empirical focus of the study is on Ankara, Ulus Square, the failed urban renewal initiatives of the AMM, and the formal and informal administrative tactics the AMM utilized to overcome this failure.

The research employed multiple data collection methods involving in-depth semi-structured interviews, online media analysis, and examination of administrative lawsuit files with a particular focus on expert reports. To thoroughly investigate the perspectives of the parties that take part in the urban renewal initiatives in Ulus Square, the research included those who are affected by, observe, intervene in, and both

observe and intervene in the renewal process (e.g., shopkeepers, journalists, city planners, architects, municipal bureaucrats, a former district mayor, conservation council members, an artist, and academics). In addition, the study conducted a comprehensive online media analysis covering both national and local sources from the early 2000s to the present. Furthermore, it scrutinized administrative lawsuit files in both administrative courts and the Council of State with their expert reports to bolster the evidence gathered.

Within the empirical focus of the study, the timeframe spanning from the late Ottoman period when Ulus Square began to emerge as a public open space to the 2000s when urban renewal initiatives gained prominence is first approached. This period encompasses the historical development of Ulus Square and sets the context for the examination of urban renewal efforts. The post-2000 developments concerning the renewal initiatives in Ulus Square can be summarized as follows:

- With the political shift in the central government in the early 2000s, the AMM, under the mayoralty of İbrahim Melih Gökçek, who took advantage of the integration of the neoliberal understanding into the urban renewal legislation, attempted to initiate a renewal project in Ulus Square, which envisaged the demolition of a very large area.

- Accordingly, in 2005, the AMM Council canceled the comprehensive conservation plan developed in the late 1980s for the Ulus Historic City Center, which included a significant part of Ulus Square.

- The Council of Ministers declared Ulus Historic City Center as a renewal area, which was determined by the AMM, first in 2005 and then in 2010. The former was annulled by the Council of State. In anticipation of its potential annulment by the Council of State, the latter was repealed and a new one has been declared in 2015 through the collaboration between the AMM and the Council of Ministers.

- In 2007 and 2013, two conservation plans commissioned by the AMM to private firms were approved, but the execution of both plans were soon suspended and canceled by the administrative courts. Since Ulus Square and

its surroundings were within the boundaries of urban site, any spatial interventions to the square had to be conducted within the framework of a conservation plan. The intended renewal projects were to be integrated into the conservation plans to be made.

- The last renewal-oriented conservation plan attempt of the AMM for Ulus Historic City Center, which has remained unplanned since the cancellation of the conservation plan by the AMM in 2005, was halted by the judiciary in 2015. Consequently, starting from 2015, the AMM abandoned the idea of developing a new conservation plan and began employing transition period construction conditions to implement its piecemeal spatial interventions in Ulus Square.

- The mayor of the AMM changed twice, unexpectedly in the second half of 2017 and in the first half of 2019 with local elections.

- A high-rise office block around Ulus Square was demolished by the AMM in 2018 and a commercial complex/bazaar in 2023. Other commercial complexes/bazaars surrounding the square were subject to restoration and renovation from mid-2022 to mid-2023.

- In 2023, the AMM initiated the preparatory works and studies on the development of the Ulus Historic City Center Site Conservation Plan.

Considering these, the empirical focus of the study is on the works and actions the AMM undertook to carry out urban renewal activities in Ulus Square in the post-2000 period, the obstacles that stood in its way, legal indeterminacies and administrative tactics it used to overcome these obstacles, the success or failure of these indeterminacies and tactics, and the continuities and ruptures in the use of these indeterminacies and tactics under different AMM mayors.

1.6. Structure of the study

Concentrating on the AMM's unsuccessful urban renewal activities in Ulus Square in the post-2000 period, the study begins with a theoretical framework. In this section, the contradictory and multi-faceted nature of neoliberalism, the neoliberal

restructuring of the state, and its effects on urban policy planning are discussed in detail. An analytical framework is then presented, examining issues, such as the effects of neoliberal policies on urban renewal, the (ab)use of tactical informality, legal indeterminacy, and the role of state informality in urban renewal. The historical framework chapter explains the evolution of urban renewal and conservation policies in Türkiye with a particular focus on the legal and administrative framework of urban renewal and conservation. The methodology chapter explains why Ulus Square was chosen as a case study, data sources and data collection methods, and potential limitations of the study. This is followed by a chapter examining the urban development activities of Ulus Square from prehistory to the 2000s. In the rest of the study, the urban renewal attempts in Ulus Square in the post-2000 period are examined in detail. Within this framework, the post-2000 period has been divided into five distinct terms corresponding to the terms of office of three consecutive AMM Mayors. Each term has been scrutinized under the headings of renewal area processes, conservation plan development processes, and transitional period construction conditions. However, since the recent renewal activities in Ulus Square were carried out within the framework of the transition period construction conditions, which were extended as of 2018, they were addressed in a unified structure rather than under separate headings. Within these categories, data obtained from discussions with identified actors related to urban renewal initiatives in Ulus Square, media analysis, and examination of lawsuit files are also incorporated. Finally, the research closes with a concluding chapter that interprets empirical findings and theoretical implications of the research and provides recommendations for future research.

CHAPTER 2

THEORETICAL FRAMEWORK

After the Second World War, the rivalry between the former allies – the United States of America (USA) and the Union of Soviet Socialist Republics (USSR) – led to a bipolar world order. Seeing communism as a threat, Western capitalist countries, especially continental European countries aligned with the USA, started implementing Keynesian welfare policies to reduce tension and to build a consensus between the labor forces and the capitalist class. These policies tasked the state with reconciling the interests of labor and capital by ensuring economic growth, full employment, and social welfare.

This does not mean that the state is at odds with the market economy. On the contrary, the state continued to support market economy in the post-war period, but it also assumed the role of intervening in market processes to protect society from the unrestrained market functioning. In this respect, the state's responsibility extended to actively pursuing social change in the public interest, which includes social justice, equality, and redistribution (Brabazon, 2017, pp. 171-172).

Contrary to the arguments of classical liberal theory, which strongly refuse state intervention in the economic sphere, the state became influential in market relations by protecting both domestic labor and capital. The limited fiscal resources and social justice issues in the aftermath of the war created the need for rational decision-making based on scientific specialization. This resulted in the design of a planning-based public policy process in which decision-making power was concentrated in the central government (Bayırbağ, 2015, p. 49). This form of political-economic organization, usually called 'embedded liberalism', started to dissolve in the late 1960s. A global recession was triggered by an oil crisis in 1973, which caused an increase in oil prices and, thus, a decline in the profitability of industrial production. The capital

accumulation, jammed in the national borders, stalled. Besides, the concentration of decision-making power within the expansive institutional structure of the central government led to administrative challenges. With unemployment and inflation rising everywhere, the world economy also entered a phase of stagflation that lasted until the 1980s (Harvey, 2005, p. 12).

Consequently, the social expenditures of national governments skyrocketed while their tax revenues plummeted, leading to the fiscal crises of the state. The socioeconomic problems generated by these crises compelled public authorities to act pragmatically and respond to these problems rapidly. Hence, policy-makers increasingly needed ready-made policies and thus, they put policy transfer on their agendas (Bayırbağ, 2015, p. 53). These policies are centered on the idea of minimal state, decentralization of state organization, privatization of public services, business-like public administration, and entrepreneurial public authorities.

2.1. The Janus-faced nature of neoliberalism: A contradictory and variegated ideology

The political and economic response to this macroeconomic crisis, which is characterized by the perceived failures of capital accumulation, Keynesian welfare state, and post-war social democratic consensus, was neoliberal policies. These policies, shaped by Hayek and Friedman's ultra-liberal market-oriented approach, were first experimented with in Chile following the military coup in 1973 (Bedirhanoğlu, 2009, p. 44). Then, they were aggressively implemented in Britain and the USA in the late 1970s through "state-authored restructuring projects of Thatcher and Reagan" (Peck & Tickell, 2002, p. 388).

In the 1980s, more moderate forms of neoliberal policies were mobilized in Canada, Australia, New Zealand, Western Europe (e.g., Germany, the Netherlands, France, and Italy), Scandinavia (e.g., Sweden) (Peck, Theodore, & Brenner, 2009, p. 50). Under the political pressure of the Group of Seven (G7)[1] and supranational institutions (e.g., the World Trade Organization – WTO, the World Bank – WB, the International

[1] Group of Seven (G7) is an organization of leaders from some of the world's largest economies, namely the USA, the United Kingdom, France, Germany, Italy, Canada, and Japan. The G7 members convene annually to address urgent global issues and collaborate on policies, with discussions often focused on international security and the world economy (LeBlanc, 2021).

Monetary Fund – IMF, the Organization for Economic Co-operation and Development – OECD, the European Union – EU, etc.), neoliberal structural adjustment and fiscal austerity programs in the Global South countries also concurred in the early 1980s (Golub, 2013). These programs expanded to post-socialist Eastern and Central European countries in the 1990s following the collapse of the USSR (Jessop, 2002a, p. 457).

Harvey (2005, p. 2) defines neoliberalism as "a theory of political-economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade". In this respect, neoliberal ideology is based on the idea that socioeconomic development can be optimally achieved by allowing entrepreneurial individuals to compete in unregulated markets free from state and social interference (Peck, Theodore, & Brenner, 2009, p. 50).

As is seen, the ideological tendency of neoliberalism is dominated by liberal discourse. This discourse is built on an understanding of an entirely free market economy and a state whose socioeconomic functions have been reduced to the minimum, albeit with a strong emphasis on its law-and-order function (Şaylan, 2000, pp. 12-13). In line with this, neoliberalism advocates the liberalization and deregulation of economic transactions both within and across national borders, the privatization of state-owned enterprises and state-provided services, the inclusion of market actors and principles in the residual public sector, and the state's retreat from the provision of social welfare services and public welfare spending (Jessop, 2002a, p. 454). The state and the market are portrayed by neoliberal ideology as if they adhere to fundamentally different principles of social and economic organization (Peck, Theodore, & Brenner, 2009).

State intervention in the economic sphere is viewed as the most crucial constraint to the efficient functioning of market mechanisms, freedom of choice, entrepreneurial capacities, and corporate activities. It is also thought to cause systemic economic problems, such as resource misallocation, rent-seeking behavior, and technological backwardness (Saad-Filho, 2003, p. 7). Thus, neoliberal restructuring programs suggest eliminating interventionist economic policies and social welfare services to make market discipline prevail. Besides, they aim to articulate national economies

with the global market and restructure the countries' political, administrative, and legal structures accordingly. This signals the replacement of the social welfare policies of the postwar period with neoliberal policies that highlight the withdrawal of the state, capital mobility, privatization, and deregulation.

Nevertheless, liberal discourse is not the only pillar of neoliberalism. The other pillar is the conservative ideology that views the socioeconomic tasks undertaken by the state to create a relatively fair and egalitarian social order as a waste of resources in a similar vein as classical liberal thought. According to conservatism, these tasks should be assumed by traditional solidarity networks. This ideology also emphasized the state's law-and-order function, which tends to create an internal paradox within the neoliberal ideology. More and more resources are allocated for its law-and-order function (Şaylan, 2000, p. 13). This internal paradox of the neoliberal ideology brought the need for a new restructuring by the mid-1990s.

In the field of political economy, it is argued that there are two successive periods in the historical development of the neoliberal globalization. The first of these periods is called the Washington Consensus, which lasted roughly until the mid-1990s. This period was when financial and trade liberalization and privatization policies were intertwined with deregulation in all countries. The deregulation is rooted in the clash of the legal infrastructure of developmentalist capitalism with the market-oriented tendencies of the period on the one hand and the lack of political ground to replace it with a new legal structure on the other (Bedirhanoğlu, 2009, pp. 46-47).

The second period, the Post-Washington Consensus, is when the institutional and constitutional guarantee of the disciplinary and policing regulations are established to prevent social and political dissent against the new conditions of capital accumulation (Bedirhanoğlu, 2009, p. 47). According to Brenner and Theodore (2002), these indicate a process of institutional creative destruction in which extant welfarist institutional arrangements and political compromises are partially destructed through market-oriented reform initiatives and new infrastructure for market-oriented economic growth, commodification, and the rule of capital is tendentially created through aggressive reregulation, disciplining, and containment of social unrest created by the neoliberalization of the 1980s.

Jessop (2002a, pp. 459-460) explains this process of institutional and regulatory creative destruction as the transition from Keynesian welfare national state (KWNS) to Schumpeterian workfare post-national regime (SWPR) [2]. He identifies four distinctive characteristics of SWPR as follows: (1) Economic policy focusing on innovation and competition rather than on full employment and planning, (2) dismantlement of social policy to encourage entrepreneurialism and eliminate welfare dependency, (3) rescaling of policy-making and implementation from the national scale to subnational and supranational scales, and (4) replacement of top-down decision-making models with partnerships, networks, and negotiations.

Even though such general tendencies of neoliberal restructuring have been identified, different geographies with diverse institutional contexts are going through "variegated" neoliberalisms throughout the world (Brenner, Peck, & Theodore, 2010). This is because the restructuring process does not start with a clean slate. It is reproduced upon geographical specificity and "the legacies of inherited institutional frameworks, policy regimes, regulatory practices, and political struggles" of preceding periods (Brenner & Theodore, 2002, p. 349). Because neoliberal restructuring has been taking place since the early 1970s in different geographies with various institutional legacies, it is unsurprising that different countries have experienced this restructuring process and adopted varying institutional, policy, regulatory, and political approaches. In that regard, it should be noted that public authorities at other scales also develop their institutional frameworks, policy preferences, and political approaches accordingly.

Nevertheless, it should be noted that the variegation within neoliberalism does not falsify its hegemonic characteristics, such as the invasion of market mechanisms into all aspects of society. Instead, it emphasizes neoliberalism's essential contradictions, contextuality, flexibility, and pragmatism. Although neoliberalism's variegated form tends to produce socioeconomic inequalities (such as spatial unevenness), it is one of the strengths of neoliberalism. Owing to this, neoliberal restructuring is furnished with dynamism (e.g., constant discursive adjustments, policy learnings, institutional

[2] Jessop (2002a, p. 459) considers that the global neoliberal turn in the post-1980 period should be conceptualized as "Schumpeterian" since Schumpeter's ideas on innovation, enterprise, technological change, and creative destruction (see Brenner & Theodore, 2002) guided this period.

reflexivity, and regulatory reinventions) through which systemic crisis and failures can be minimized, localized, or displaced across time and space (or scale) (Peck & Tickell, 2002, p. 392).

2.2. The paradox of the neoliberal state restructuring: A dismantlement or a reconsolidation?

The question of the state's role in a crisis-prone context where it withdraws from the economic and social welfare spheres and shares policy-making and implementation powers with actors and structures from different scales and sectors becomes essential at this point. The pioneers of the neoliberal theory argue that the state's role should be restricted to promoting free markets and facilitating individuals to realize their economic potential through private enterprise (Friedman, 2002; Hayek, 2001). They assert that the state should provide a basic framework of laws and regulations to ensure a free market system with minimal government intervention. In this way, the general well-being of society is supposed to be enhanced and individual rights and freedoms to be protected.

Harvey (2005, p. 64) also confirms that the state's role, in neoliberal theory, should be the provision of the institutional arrangements that are necessary to protect individual freedoms, such as private property rights, the rule of law, free markets, and free trade as well as freedoms of action, expression, and choice. It is envisaged that private enterprises and entrepreneurial initiatives would lead to innovation, increase productivity, and create wealth accumulation, which would improve the living conditions of all. In other words, free markets and free trade are supposed to result in the elimination of poverty throughout the globe. Neoliberalism, therefore, endorses the state to exercise its monopoly of violence through its legal structures and law enforcement functions to protect these freedoms at all costs (Harvey, 2005, p. 64). This means that, in addition to the goal of creating an unregulated market, neoliberalism encourages authoritarian state interventions that use disciplinary measures to enforce market principles in all facets of social life (Brenner & Theodore, 2002, p. 352).

Gamble (2006, pp. 21-22) underscores two major approaches of neoliberalism that parallel the prevailing categories of classical liberalism in the nineteenth century. One is a laissez-faire approach, advocating that the state must remove the obstacles to the

market functioning. The other is a social market approach, asserting that the state must be active in creating and sustaining the necessary institutions for the free market to thrive. Prioritizing the market within social relations, both neoliberal approaches assume an active state, albeit the broader range of state intervention in the latter.

Contradictorily, although the neoliberal ideology favors limited state intervention, it potentially results in a proactive, coercive, and disciplinary state structure that imposes market rules on every aspect of social, political, and economic life (Peck, Brenner, & Theodore, 2018, p. 6). Whereas the neoliberal state promises liberal freedoms and optimal allocations of investments and resources through an ideal market mechanism, it favors the freedoms and interests of market actors over others, which brings the question of democratic accountability, governance failure, social exclusion, and growing socioeconomic inequality.

Neoliberalism and its state configuration are prone to generate political, administrative, social, and economic crises. To avoid social and political conflicts caused by such highly probable crises, the state is reconfigured as a less democratic entity through constitutional and legal changes (Bruff, 2014, p. 113). There is a tense relationship between the neoliberal theory and democracy because majority rule may threaten political stability in such a crisis-prone governmentality. Therefore, the theory embraces the idea of a state governed by executive orders and judicial decisions insulated from democratic pressures (Harvey, 2005, p. 66). The central role of the rule of law and constitutionality in the neoliberal ideology stems from the fact that the expert- and elite-dominated administrative and legal systems are considered more feasible than democratic decision-making mechanisms in overcoming social problems and conflicts.

Although neoliberal theorists envisage a minimal and definite role for the state, the neoliberal state is “an unstable and contradictory political form” (Harvey, 2005, p. 64) because neoliberalism itself is not a monolithic and uniform ideology but rather a diverse and evolving set of political and economic practices that do not align with its theoretical principles. Brenner and Theodore (2002) conceptualize this as “actually existing neoliberalism” to indicate “constitutive discrepancies between the utopian idealism of free-market narratives and the checkered, uneven, and variegated realities

of those governing schemes and restructuring programs variously enacted in the name of competition, choice, freedom, and efficiency (Peck, Brenner, & Theodore, 2018).

Wacquant (1999, p. 323) also emphasizes the sudden switches and inconsistencies in the ideas of neoliberal politicians, experts, and thinkers. According to him, whereas yesterday they advocated less state intervention to advance the interests of capital and roll back the social rights of the labor, today they demand more state intervention when the interests of capital are threatened due to the deterioration of social protection.

Similarly, it is argued that neoliberalism has two faces that are frequently at odds with one another. The first one is the highly motivated one pursuing the dismantlement of the barriers to capital accumulation, while the second one is in favor of employing state intervention to constitute legitimacy for the market order and to establish participative institutions that mediate the socioeconomic inequalities and injustices created by free markets (Gamble, 2006, p. 35).

Peck and Tickell (2002) contributed to this debate by distinguishing two different phases of neoliberalism: "roll-back" and "roll-out" neoliberalism. The former is associated with crisis conditions external to the neoliberal project. It is characterized by rolling back the gains of the welfare state based on the principles of the minimal state, deregulation, privatization, and competition. The latter is triggered by internal contradictions of the project. It refers to the successive phase of neoliberalism that emerged in the early 1990s as a political and institutional response to the adverse economic and social effects of market-centric roll-back neoliberalism.

At this stage, the conservative ideology's understanding that promotes traditional solidarity is expected to contribute to the elimination of socioeconomic inequalities and injustices, which are interpreted as fair by liberal theorists (Şaylan, 2000, pp. 13-14). These inequalities and injustices are to be alleviated with the voluntary contributions of civil society and non-governmental organizations (NGOs) rather than through state intervention which prevents entrepreneurial, innovative, and creative individuals.

The roll-out phase involves "the purposeful construction and consolidation of neoliberalized state forms, modes of governance, and regulatory relations" (Peck &

Tickell, 2002, p. 386). This phase is characterized by the political position called "Third Way", which suggests a progressive transformation of the failed roll-back neoliberal program into a "more socially and ameliorative" one. Public policies designed and implemented by the Clinton administration in the USA and the Blair administration in the UK were heavily influenced by the Third Way politics, which is portrayed as roll-out neoliberalism (Peck & Tickell, 2002, pp. 388-389).

Its characteristics can be summarized in three points: (1) A more socially interventionist state form to control and discipline the ones who are marginalized or dispossessed during the roll-back phase, (2) deliberation of the neoliberal policy repertoire to embrace extra-market forms of governance and regulation, such as the mobilization of NGOs in the service of neoliberal goals, and (3) changes in neoliberalism's scalar constitution through the devolution of responsibilities, resources, and risks to local governments on the one hand, and the enforcement of the rules of the neoliberal game by international institutions like the IMF, WB, and WTO (Peck & Tickell, 2002, pp. 390-391).

In both the roll-back and roll-out neoliberal era, the withdrawal of the state from the economic sphere in favor of the private sector, transfer of its social welfare function to NGOs, and simultaneously distribution of its policy-making and implementation powers to subnational and supranational actors imply the hollowing out of the national state. This is called "destatization" by Jessop (2002b) and "governance-beyond-the-state" by Swyngedouw (2005), who elaborated its threefold reorganization as follows:

> First is the externalization of state functions through privatization and deregulation (and decentralization). Both mechanisms inevitably imply that non-state, civil society or market-based configurations become increasingly involved in regulating, governing and organizing a series of social, economic and cultural activities. Second is the up-scaling of governance whereby the national state increasingly delegates regulatory and other tasks to other and higher scales or levels of governance (such as the EU, IMF, WTO and the like) and, third, is the down-scaling of governance to 'local' practices and arrangements that create greater local differentiation combined with a desire to incorporate new social actors in the arena of governing. This includes processes of vertical decentralization towards sub-national forms of governance. (p. 1998)

In such a policy network composed of multiple actors, the avowed aim is to render decision-making mechanisms more participatory, inclusive, and transparent.

Nevertheless, the emergent complex policy network among various policy actors complicates the direct intervention of the national state in economic and social processes.

Despite this, the national state remains "a central site for the expression of political and social demands" (Della Sala, 2001, p. 157) due to the unique resources at their disposal, such as solid budgets, broad organization, extensive personnel, exceptional powers, access to mass media, monopoly on the use of force, and democratic legitimacy (Klijn & Koppenjan, 2000, p. 151). This also gives the national state a central role in "the process of suturing", which holds together the governance system that spreads across sectors and scales (Hirst & Thompson, 1995, p. 423). In other words, the national state is posited at the nodal point of the public policy network composed of public, private, and civil society actors from subnational, national, and supranational scales.

In this respect, discussing how Foucault's concept of governmentality can serve to explain contemporary neoliberal practices, Lemke (2002) confirms these debates as follows:

> [N]eoliberalism is not the end but a transformation of politics that restructures the power relations in society. What we observe today is not a diminishment or reduction of state sovereignty and planning capacities but a displacement from formal to informal techniques of government and the appearance of new actors on the scene of government (e.g., nongovernmental organizations) that indicate fundamental transformations in statehood and a new relation between state and civil society actors. (p. 58)

The novel relation between state, market, and civil society actors has led to a permeability of boundaries between organizations and sectors (Stoker, 1998, p. 38). As Hajer (2003, p. 175) states, policy making in such cases often takes place in an "institutional void" where there are no clear and generally accepted rules and norms that shape how policy making is to be conducted. This means that network-based governance lacks formal rules and regulations concerning participation and power relations, in contrast to pluralist democracy where citizens' political rights are based on national citizenship and the right to political participation – primarily through formal representational mechanisms. This puts the inclusion or exclusion, representational systems, legitimacy, operational scale, and accountability of actors

involved in policy processes under the heavy influence of opaque, ad hoc, and contingent decision-making mechanisms of elite coalitions (Swyngedouw, 2005, p. 1999).

In this context, the national state undertakes a cooperative, coordinative, and interactive role in such a complex and multipartite policy environment. Under these circumstances, a more robust executive system and administrative structure are required to run this policy environment, respond to the political and social demands, and act quickly (Bayırbağ & Göksel, 2013, p. 168). The resulting strong executive bodies with a disciplinary and authoritarian role face a paradox. On the one hand, such a policy environment provides them with extensive room to maneuver where they could stretch/bend gargantuan, dispersed, ambiguous, and complex regulatory and institutional settings. On the other hand, their actions must comply with the multitudinous legal rules and formal procedures.

2.3. The repercussions of neoliberal restructuring on urban policy planning

Although the neoliberal restructuring of cities, urban policies, and local governments has been multifariously experienced worldwide over the last forty years, its substance has been shaped by neoliberal goals, which are strongly advertised by the hegemonic supranational organizations (e.g., IMF; WB, WTO, OECD, EU, etc.), such as deregulation, enhanced capital mobility, trade liberalization, and expanded commodification. Additionally, neoliberal priorities, such as free flow of investments, territorial competitiveness, weak bureaucracy, and fiscal austerity, were incorporated into the substance of this restructuring through mainstream political programs based on the globalization narrative or apolitical reform initiatives such as the new public management (NPM) (Brenner & Theodore, 2002, p. 361). Hence, how neoliberal theory envisages an urban policy process and local government structure and how its internal contradictions and everyday practices (in terms of state restructuring and the rule of law) are reflected in them should be discussed here.

2.3.1. Decentralization

Policy-making and implementation functions have been decentralized from the large-scale central bureaucratic organization to smaller local units during the roll-back neoliberal era, in which the welfare state declined and local governments came to the

forefront. This depends on the premise of the public choice theory, which suggests that local units are more responsive to the differing demands of local people in offering alternative services or tax packages (Şengül, 2009, p. 86).

In line with this, Osborne and Gaebler (1992, pp. 252-253) argue that local governments are more flexible, more rapid in responding to changing conditions and needs, more effective, more innovative, and more productive than monolithic and hierarchical central institutions. Therefore, the concentration of decision-making power in the hands of the central government is opposed. Instead, its decentralization to local governments is favored based on manageability, efficiency, participation, and subsidiarity in service delivery. In this respect, local people are expected to prefer the local governments offering the least tax-best service combination while local governments compete to attract the local population to their areas. Thus, decentralization contributes to avoiding centralized bureaucracy on the one hand and facilitates the state's adoption of the market logic on the other (Şengül, 2009, pp. 8)6.

In addition, deindustrialization, economic restructuring, increasing income disparity, and the influx of domestic or international migrants contributed to an urban decline in numerous Western cities during the 1980s, which reduced the local tax base (Wong, Chen, Tang, & Liu, 2021, pp. 1-2). Dismantling the central government's financial support for local government activities also imposed compelling fiscal pressure upon cities. It caused substantial budgetary cuts at the dawn of rapid neoliberal restructuring that intensified local socioeconomic problems (Brenner & Theodore, 2002, p. 367).

Consequently, the responsibilities of local governments increased while their resources did not because of austerity measures. The resultant dissonance between their responsibilities and resources consolidated the entrepreneurial tendencies of local governments seeking to generate resources for solving pressing urban problems. To reduce the costs of the city administration, social reproduction, and capitalist production within their jurisdictions and thereby lure external investments, local governments had to abate taxes, grant lands, dismantle public services, and privatize infrastructural facilities (Brenner & Theodore, 2002, p. 373).

Nonetheless, the responses of capitalist classes to such local government incentives are prone to generate uncertainties because they can relocate their businesses and

investments in the face of sudden changes in the conditions of capital reproduction in one place (Harvey, 1989, p. 11). Therefore, the dependence of cities and local governments on highly mobile capital makes them vulnerable to such uncertainties. The urgent need for financial resources also led local governments to borrow from supranational financial institutions, which made them sensitive to the demands of such institutions and global economic developments (Kuran, 2021, p. 163). Furthermore, as indicated above, local governments became eager to design and implement growth-oriented urban policies that attract highly mobile and flexible capital to their cities and put their cities ahead in the interurban competition.

Decentralization, which is one of the most significant transformations in the domain of urban governance under neoliberalism, point to the transfer of political, administrative, and financial power from central government to local units. However, the impact of decentralization reforms has been limited in most developing countries. For instance, central governments in China, Argentina, South Africa, Mexico, and Türkiye retain an influential position over urban policy processes. Decentralization reforms in such countries are introduced to establish more effective local governance structures aimed at facilitating the implementation of policies arising from the center. However, central governments in these countries seek for opportunities to redress the balance of power in its favor (Kuyucu, 2018a, p. 1155).

2.3.2. Urban entrepreneurialism

As mentioned above, cities, urban policy, and local governments have come to the forefront in the neoliberal era as a political-economic response to the systemic crisis of Fordist-Keynesian capitalism in the 1970s. As the profitability rates in industrial production decreased and the flexibility of the production process increased in these years, the industrial capitalist classes began to switch their investments into urban lands, which is also a finite and highly demanded commodity in a rapidly urbanizing world.

At the same time, globalized capitalism has enabled local businesses and international companies to rapidly relocate capital investments across regional and national borders. Thereby, the capitalist classes have acquired the freedom to choose the region and country with the most favorable conditions for investment and business. In this respect,

Harvey (1989, p. 4) suggests that there has been a consensual shift in urban governance from managerialism to entrepreneurialism during the 1970s and 1980s, on that transcended national boundaries, political parties, and ideologies. He attributes this entrepreneurial shift in how cities are governed to several factors, including the globalization of the economy, the decline of the welfare state, and the rise of neoliberalism. This shift has moved the objectives of local governments from providing public services and achieving social welfare towards urban economic growth and interspatial competitiveness.

Thus, city administrations have become increasingly dependent on private investment and entrepreneurial strategies to attract capital and achieve local growth. However, the converse is also accurate; private-sector businesses have become increasingly dependent on public money (Hall & Hubbard, 1996, p. 155). The economic interdependence between cities and the private sector fosters the coalescence between top-level local government officials and urban business elites, which institutionalizes the public-private partnership for the sake of local economic growth (Pierre, 1999).

In the context of "glocalization" (Swyngedouw, 1992) or "global-local disorder" (Peck & Tickell, 1994), local governments resort to short-term measures, such as interspatial competition, place-marketing, and loose regulations to attract investment and jobs, regardless of their national, ideological, and political affiliation (Brenner & Theodore, 2002, p. 367). According to Hall and Hubbard (1996, p. 159), this new orientation aims to transform certain cities into prominent global hubs for service and technology-driven industries on the one hand and revitalize several previously prosperous cities whose economic stability eroded on the other as their roles in the economy became less secure.

In that regard, former industrial areas and declined districts emerge as marketable commodities that can entice capital investments into the localities and achieve local economic development. To provide these localities with new economic roles, novel urban landscapes are created through large-scale 'flagship' urban renewal projects involving consumption areas, such as shopping malls, cultural centers, convention centers, science centers, museums, etc. Despite promoting dominant entrepreneurial interests, the reconfiguration of these urban landscapes is legitimized by promising the

public the benefits of economic development and evoking local traditions and authenticities (Hall & Hubbard, 1996, p. 162).

Nevertheless, this entrepreneurial drift in cities results in the commodification of urban lands and prioritization of their exchange value over their use value, which paved the way for rent-based and speculative capital activities in cities. To facilitate the reproduction of highly mobile and flexible capital, local governments tend to reorganize urban spaces through urban renewal projects instead of city plans. This is because the latter limits the room for maneuver of local governments as they are based on conventional spatial planning tools, legal rules, institutional bodies, and scientific and professional knowledge produced by long-lasting scientific studies and professional experience. On the other side, the former equips local governments with exceptional powers and special project agencies, which allow them to surpass or bypass the abovementioned restrictive factors for local governments, especially through partnerships with the private sector (Swyngedouw, Moulaert, & Rodriguez, 2002, p. 543).

As is seen, the main emphasis on the functions of local governments has drifted away from the reproduction of labor towards the rapid reproduction of capital. Spatial planning, the mobilization of national government resources, infrastructural investments, and a favorable city image are among the instruments of local governments to boost local economy (Pierre, 1999, p. 285). The reorientation towards entrepreneurialism has significant implications for the social and political organization of cities, such as the privatization of urban public services, erosion of democratic decision-making, and marginalization of disadvantaged groups. Unsurprisingly, the emphasis of entrepreneurialism on local growth and competitiveness causes increased political, social, and spatial inequality due to the uneven distribution of the benefits of urban development (Harvey, 1989).

2.3.3. Pragmatism and deregulation

The “best practices” for fostering a good business and investment climate within cities were regarded as direct and indirect subsidies to large companies, privatization of social reproduction functions, and higher administrative efficiency (Brenner & Theodore, 2002, p. 373). The restructuring of local governments as per administrative

reforms inspired by the NPM paradigm has strongly supported these so-called best practices (Osborne & Gaebler, 1992). This paradigm relies on three pillars: (1) Restructuring of public administration and public service delivery under market conditions and managerialism rationale, (2) institutionalization of public-private partnership in public service delivery and decision-making processes, and (3) delegating several responsibilities and fiscal burdens from central government to local governments through decentralization (Bayırbağ, 2015, p. 49).

Delivery of local services through privatization, contracting out, public-private partnerships, and voluntary organizations are the products of this paradigm. The NPM paradigm also aims to improve the efficiency and effectiveness of public services by lessening or removing any difference between the public and private sectors (Bach & Bordogna, 2011, p. 2282). In this respect, local governments, as the producers of urban public services, should pursue the satisfaction of the consumers and customers of these services, being urban residents. Based on the assumption of neoclassical economics that markets are efficient and effective, local governments should adopt traits once unique to the private sector, such as entrepreneurship, competitiveness, risk-taking, inventiveness, costumer-orientation, profit motivation, proactivity, and results-orientation.

To be more efficient, effective, and entrepreneurial, it is advocated that local governments should downsize their bodies of regulations, remove the red tape, and replace them with regulatory and administrative systems that prioritize accountability for achieving results over accountability for following rules (Gore, 1993, p. 6; Moe & Gilmour, 1995, p. 141). Local governments aiming for local economic growth and efficiency in service delivery show little interest to legal rules and formal processes since they are results-oriented. Such governmentality is fueled by "entrepreneurial zeal and skills that tend to bypass the due process" (Pierre, 1999, p. 389). It provides local governments with discretion and flexibility to rapidly reallocate their resources to highly demanded urban investment and service areas.

As for local government officials, especially mayors who are public managers of a political nature, this approach aimed to transform them into entrepreneur leaders who are equipped with the right to manage, results-oriented, and proponents of efficient use

of resources rather than adherence to formal processes and legal rules. Accordingly, local government officials must be granted the right to manage, which indicates a reasonable room to maneuver (Pollitt, 1990, pp. 2-3) so that they can capitalize on high discretionary power to achieve concrete results efficiently and effectively. In this respect, the rule-breaking practices of local government officials are taken for granted so that they can work efficiently, effectively, and better (Gore, 1993, p. 32).

Nevertheless, such pragmatic and entrepreneurial practices conflict with specific administrative values, such as public interest, social justice, equity, neutrality, democracy, accountability, due process, and the rule of law (Goodsell, 1993; Hood, 1991). As one of the most prominent principles of neoliberal prescriptions, the rule of law ensures that legal rules and formal processes restrict public administration and that public officials' arbitrary actions can be prevented. In a context where societal complexity increases and their task portfolio increases, local governments are caught in the dilemma of simultaneously being responsive, accountable, and impartial on the one hand and operating efficiently and effectively on the other (Hilmer Pedersen & Johannsen, 2018, p. 650).

Neoliberal approaches to public administration argue that public agencies and officials (by extension, local governments and local government officials) should be granted flexibility so that they can solve societal problems and achieve concrete results (Hilmer Pedersen & Johannsen, 2018, p. 650). One way to do this is to unshackle them from legal rules and formal processes. This is closely associated with "the shadow side of the entrepreneur", characterized by an unwillingness to comply with the rules and a strong preference for acting in the dominant classes' interests or her/his self-interest (deLeon & Denhardt, 2000, p. 92). In other words, local government officials prioritize economic/managerial rationality over legal rationality due to their results orientation.

In terms of how rules are interpreted and applied in practice, Lowndes (2005) noted that:

> Local politicians, public servants and citizens are all engaged in a creative process of matching situations to rules. Rules are not always strictly followed, they may be 'bent' or even ignored. Rules produce variation and deviation as well as standardization and conformity: this is because there are always areas of ambiguity in the interpretation and application of rules (not least because

> individuals vary in terms of their own value and experiences), and because rules are adapted by actors seeking to make sense of changing environments – and to pursue their own interests. (pp. 298-299)

Practically, entrepreneurial local government officials are innovative and productive; however, they become "loose cannons" due to their eagerness to bend and break the rules (deLeon & Denhardt, 2000, p. 92).

This eagerness is sharpened by the need for quick response to repetitious capital accumulation crises and chronic socioeconomic problems, especially after the dissolution of the welfare state. Local government officials, especially mayors who are also political figures, might be more inclined to violate the rule of law principle by bending and breaking the legal rules – that are either determinate or indeterminate – and bypassing formal procedures because they are under immense pressure to achieve the maximum number of concrete results within their limited time in office for which they are elected for. Nevertheless, it should be noted that the risk of corruption increases as mayors are granted a high degree of discretion while legal and formal controls are kept lax (Klitgaard, 1991, p. 75).

2.3.4. Blurring legal and administrative boundaries

The market-centered roll-back neoliberal phase discussed earlier brought about social and political opposition, which is raised against the consequences of neoliberal urban policies. One of the causes of this opposition was the severe decline in urban public services provided by the local governments, such as education, health, and housing, compared to the postwar era. Recurring economic crises, unemployment, and poverty in the 1980s also deepened inequalities and social exclusion in cities (MacLeod, 2002).

Moreover, citizens directly experienced the social and economic tensions generated by neoliberal urbanization in their daily lives. Differing and conflicting concerns of urban social groups in terms of culture, class, and ethnicity add to these tensions. Therefore, it is possible to suggest that cities were hit by the social consequences of neoliberalism's attack on the welfare state the hardest (Şengül, 2009, pp. 272-273).

Neoliberal urbanization tends to produce geographically different social and economic problems, although it operates as a demographically universal process (Keleş, 2012a, pp. 28-48). Hence, it is an ill-suited search to design and implement highly centralized

and homogenous policy packages for solving such problems of all urban geographies. Uneven geographies of these problems require locally specific policies as well as locally specific institutions to implement these policies (Keil, 1998, p. 624). Nevertheless, neoliberal urban policy packages of the roll-back phase, which are ready-made and monotypic market-centered prescriptions authoritatively imposed by international institutions in a top-down manner, neglected social and political diversity.

To respond to public dissent, new forms of neoliberal localization involving roll-out neoliberal policy packages sought to establish extra-market forms of coordination and cooperation that ensure the capital accumulation process (Brenner & Theodore, 2002, p. 374) and supposedly overcome inequalities and exclusions generated by the roll-back neoliberalism. In the roll-out neoliberal era, decentralization was emphasized more intensely than in the previous period due to the devolution of responsibilities, resources, and risks to local governments, as mentioned earlier. This intense emphasis was built on the discourse suggesting that local governments, as the institutional sphere where local communities are politically organized, are umbrella organizations under which the private sector and civil society can be incorporated into urban policy processes to respond to policy problems in a democratic, efficient, and effective manner (Bayırbağ, 2015, p. 50).

Nevertheless, the transformation from roll-back to roll-out neoliberalism does not indicate a radical break from the former phase of neoliberalism, especially at the urban scale. The shift to the roll-out phase amounts to reconfiguring neoliberalism at the urban scale while upholding the imposition of the rules of the neoliberal game. That is to say, local governments are expected to play essential roles in controlling and disciplining the people marginalized and dispossessed during the roll-back phase, in reproducing capital by mobilizing urban space as a ready-to-use resource for capitalist development, and in designing a supposedly inclusive and participatory urban governance network composed of participants from the public actors, private actors, and civil society to solve the urban problems inherited from that phase.

In this context, defining and analyzing urban policy problems is an endeavor not only of public authorities (i.e., central and local governments) but also of all actors who

raise social demands, bring them to the policy agenda, and participate in political debates and negotiations (Bayırbağ, 2015, p. 45). Thus, it is argued that social and economic responsibilities must not be left solely to the public authorities or only to the private sector, considering the complex nature of the socioeconomic problems. Instead, these responsibilities must be undertaken jointly through the participation of public, private, and civil society actors, which refers to the governance approach.

This means that the governance approach is a fine-tuning within the neoliberal approach to public administration. It seeks to overcome the social unrest caused by the managerialist and market-centered notions of the NPM paradigm (Bayırbağ & Göksel, 2013, p. 166). Its emphasis on participation, transparency, accountability, and the rule of law is expected to improve the legitimacy, effectiveness, and efficiency of decision-making and public service delivery mechanisms. Primarily based on voluntary and charity activities, NGOs (e.g., foundations, associations, etc.) have entered this picture as the third sector in decision-making and service delivery processes at the urban scale. They have become an attractive alternative in solving socioeconomic problems for decision-makers with insufficient public resources since they can collect their resources, reach the poor and needy directly and quickly, and have no personnel costs (Bayırbağ, 2017, p. 448). Hence, the political discourse has shifted from 'state-market antagonism' to 'state-market-civil society partnership'. Considering globalization and internationalization processes as well, this corresponds to the multiplicity and increasing diversity of interests and actors in the public policy process in general and urban policy planning in particular.

This indicates an urban policy process composed of formal, informal, and international actors. Formal actors, who are empowered to make choices in the urban policy-making and implementation processes of the urban policies, include national parliaments and local councils, national and local bureaucracy, and independent first-instance and higher-level courts. On the other hand, informal actors, who seek to be active in urban policy processes and influence the preferences of formal actors, are citizens, political parties, policy entrepreneurs, interest groups, consultants, think tanks, and the media. Lastly, international actors involved in the urban policy processes to promote their upper-scale policy agendas are international organizations, multinational corporations, and international NGOs (Yıldız & Sobacı, 2015, pp. 19-24).

In such a multi-scale (i.e., supranational, national, and subnational) and multi-sector (i.e., public, private, and voluntary sectors) urban policy ecology, the boundaries between scales and sectors have become blurred and permeable (Stoker, 1998, p. 38). In urban policy, actors operating in multiple sectors establish horizontal and vertical relations, which depend on the coordination of complex systems and the practice of "governing together" (Bayırbağ & Göksel, 2013, p. 167).

According to Swyngedouw, Moulaert, and Rodriguez (2002, p. 561), the emergence of a fragmented and pluralistic urban governance has led to a change in local governments' roles. Local governments, as public authorities, have been located at the center of this network because they ensure the coordination of urban policy actors and the interaction and cooperation among them by moderating negotiations and conflicts. In other words, the partners of urban policy design and implementation processes build relationships with each other under the moderation of local governments, which have become interface between different sectors and scales of urban governance.

Undertaking the moderator role within such a complex policy network, local governments have relatively the most rigid organizational structures among the partners of the urban policy processes. They must perform their actions and practices according to legal rules and formal procedures. Their legal framework has also increasingly come under the influence of international legal resources due to the emergence of a multi-scale urban policy process (Keleş & Mengi, 2017, pp. 110-115). Local governments, as the public authorities that deliver urban services based on the principles of the rule of law and the public interest, are bound up with the branches of public law, such as administrative law, constitutional law, and fiscal law (Gözler, 2018, pp. 31-34).

Local governments have also become more involved with the branches of private law, such as civil law, the law of obligations, and commercial law due to the neoliberal restructuring. This is because the imperative to deliver public services within the rules of public law and only through public authorities has been loosened since the 1980s (Çınar, 2005, p. 101; Keleş & Mengi, 2017, p. 184). In this sense, Gözler (2018, p. 34) remarks that local governments are no longer solely related to the branches of public law but also to those of private law. He also states that they are acknowledged as legal

entities in both public law and private law, which indicates that they have rights and powers arising from their legal entity status.

This points to the blurring of the boundaries between public law and private law within the complex legal framework that local governments deal with. The emergent nebulous legal framework composed of various branches of public law and private law and numerous international regulations exacerbates the legal indeterminacies inherent in the related legislation. Different rule sets of private and public law may not move in the same direction and at the same speed for local governments or may not be in some way compatible and enforceable (Lowndes, 2005, p. 293). As a result, an expansive room for maneuver emerges for the benefit of local governments and local government officials, where they can act freely and manipulate legal indeterminacies.

Local governments also build relationships with the other partners through legal and formal rules and procedures. The highest-ranking officials in local governments, especially mayors with a political background and limited time in office, consider these rules and procedures time-consuming. Recurring capital accumulation crises and persistent socioeconomic problems, especially after the dismantlement of the welfare state, also cause pressure on local governments to act quickly. Hence, mayors might pragmatically embark on ignoring, twisting, and violating legal rules and bypassing formal procedures when delivering urban services and meeting the needs and demands of the private sector to stay in office longer.

On the other hand, the private sector and NGOs have flexible organizational structures and are relatively more inclined to act through informal channels. Whereas the former is motivated by rapid profit-making and capital accumulation, the latter acts as per a particular society and world vision. Under such circumstances, it is complicated to keep public, private, and voluntary sectors together and ensure their coordination through formal rules and procedures because these three sectors consist of organizations operating with different organizational logics and motivations (Bayırbağ, 2017, p. 448).

In the context of urban governance, local governments are in a liminal and ambiguous place between the public, private, and civil sectors, and between supranational, national, and subnational scales (Keil, 1998, p. 625). As mentioned earlier, managing

such a complex and multipartite urban policy-making and implementation environment requires a robust urban executive system and administrative structure. This indicates a shifting geometry of administrative power in favor of the executive bodies of local governments. The emergent dispersed urban policy ecology, the tendency to informalization, the right to manage granted to public officials, and the blend of existing and new legislation enabling arbitrary actions caused the rise of strong mayors, who moderate the relationship between numerous actors taking part in urban policy processes (Bayırbağ, 2017, p. 449; Köse, 2021). There is a reciprocal relationship between a strong mayor and private sector and civil society actors. Private sector and civil society actors enable the powerful mayor to expand her/his room for maneuver, increase her/his popularity, become independent from her/his party, gain more influence within his/her party, and through this influence, strengthen her/his hand in relations with the central government (Bayırbağ, 2017, p. 451).

In addition to the complexities in the legal and administrative framework of urban governance, mayors, who are local officials with a political identity, also benefit from the vagueness deliberately left in their policy agendas. Clearly defined and specific policy targets might be managerially accurate but politically risky for mayors because they compel mayors to choose between competing constituencies and their conflicting values. However, ambiguous policy documents involving common, numerous, and conflicting targets are seen as all-encompassing and thus likely to be appreciated and supported politically by more voters (Behn, 1998, pp. 153-154).

In this respect, urban policies have a multidimensional, complex, fragile, and unstable nature. Thus, mayors might avoid designing and implementing a long-term, rational, and elaborate urban policy. Instead, they propose fragmentary, short-termed, and temporary policies, which aim to alleviate political risks and preserve the status quo rather than to solve pressing urban socioeconomic problems, which is a long-term task. Such a policy approach either makes existing problems chronic by rendering them sustainable and tolerable or transfers problems in time and space through fragmentary, short-termed, and temporary solutions (Bayırbağ, 2017, pp. 432-433).

To summarize, the tendency of neoliberal theory to produce a state-led authoritarian regime in line with market demands while pursuing a market regime free from state

intervention appears in a similar vein in urban governance. The results- and speed-oriented executives of local governments have been freed from strict formal rules and procedures and located at the center of complex urban policy-making and implementation processes involving actors that are difficult to frame by rules.

As a result, actually existing urban governance is far from bringing the promised democratization and transparency. On the contrary, it leads to a rule-free, highly discretionary, increasingly authoritarian, and non-transparent urban policy process under the mayor's tutelage. Even though this is not the case in all countries, the historical trend develops predominantly in this direction (Bayırbağ, 2015, p. 51). Within the scope of this study, the issue of urban renewal, one of the most critical urban policy matters confirming this historical trend, will be discussed in the light of the theoretical debates carried out so far.

2.4. The rule of law as a double-edged sword in the neoliberal era

In the neoliberal context, where strong executive power is needed and encouraged, the principle of the rule of law gains vital importance since it indicates a state order in which the legal rules and formal procedures bind the public administration and provide legal security to the governed (Gözübüyük, 2014; Günday, 2011, p. 39). Especially considering the neoliberal tendencies towards deregulation, flexibility, arbitrariness, authoritarianism, and opaqueness, the principle becomes even more critical.

According to this principle, the arbitrary power and discretionary authority of public authorities and officials are subordinate to the laws made and enforced to serve the public good of the community as a whole (Sellers, 2014, p. 4). That is to say, the state under the rule of law is not only an entity that sets the legal rules but also an entity that complies with these rules and considers itself bound by them (Gözübüyük, 2014). Nevertheless, whether the rule of law guarantees individual rights and freedoms to serve the public interest or responds to the need to create a good business and investment climate for capitalist enterprises becomes disputable.

2.4.1. Omnipotence of the rule of law

Liberal and neoliberal theorists advocate for the concept of the rule of law due to the necessity of controlling the monopoly of coercive force held by the modern state, in

order to safeguard property rights and the freedom of commodity exchange in the market economy, which has evolved alongside the development of the capitalist mode of production (Akman, 2016, p. 346). The rule of law is considered essential to the proper functioning of the capitalist market because it prevents the state from restraining individuals' incentives to follow their goals or desires (Turner, 2008, p. 47).

Providing rationality, generality, consistency, reliability, calculability, and predictability in the legal and administrative system, the rule of law ensures high legal certainty and profitability for capitalist market relations (Neumann, 1964, p. 40; Weber, 1947, p. 275). These suggest that the rule of law is a creation and demand of the liberal bourgeoisie (Sancar, 2000, p. 32). By extension, the political-economic core of the neoliberal narrative is fortified by the principle of the rule of law, which restrains the state within the boundaries of the law to protect individual rights and liberties, especially economic ones, including the property right, free market, and free trade.

In neoliberal theory, the rule of law is also deployed to protect property rights and the market from legislative interference, which provides the vehicle for establishing the social welfare state (Tamanaha, 2008, p. 529). This corresponds to the abovementioned neoliberal tendency that advocates ruling the state by executive orders and judicial decisions to abolish the democratic pressures of the legislative authority, which Hayek (1978, pp. 155-156) refers to as "the chief instrument of oppression".

Hayek (2001, pp. 75-77), a founding figure in neoliberal theory, defends that the rule of law is essential for protecting individual rights and freedoms, especially in the economic sphere, by enabling individuals to make their choices free from the imposition of arbitrary and unpredictable rules and regulations of the central government, which he considers one of the characteristics of the economic planning. In that regard, the laws must be general, abstract, prospective, known, certain, stable, and applied equally (Hayek, 1978, pp. 208-209).

Inspired by the "*laissez-faire*" approach, such arguments consider that inequality of intelligence, property, and physical force is natural. Therefore, the law, which is supposed to be impartial, should not intervene to eliminate this natural inequality

(Akbaş, 2015, p. 83). Similarly, Acemoglu and Robinson (2012, p. 43) attribute great importance to the rule of law in transforming individual enterprises and talents into a positive force for economic development since it enables individual entrepreneurs to be confident that their property rights are secure and that the rules of the game are general, consistent, and predictable.

Besides, international organizations and developed Western countries attach great importance to the principle of the rule of law as offering worldwide benefits. For example, the United Nations (UN, 2004) provided an extensive definition of the rule of law and its constituents as follows:

> It refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency. (p. 4)

Furthermore, the WB and the United States Agency for International Development (USAID) initiated several projects on the rule of law in numerous countries (Humphreys, 2010, p. 145). In the World Development Report 1997, published by the WB (1997), it is argued that the rule of law, protecting people's right to organize, access information, enter into contracts, and own and manage a property, underpins market transactions and enhances the private sector's ability to function on the one hand and facilitates the emergence of a robust and vigorous civil society. Another report published by the WB (2017, p. 95) twenty years later states that "[t]he rule of law is widely recognized as necessary for the achievement of stable, equitable development".

The WB and IMF, the pioneers of neoliberal policies, impose the rule of law as a condition for providing financial assistance to developing countries facing severe economic problems (Tamanaha, 2004, p. 2). This is because the rule of law is supposed to secure property rights and a free market. For such international financial organizations, the lack of the rule of law would inevitably result in the failure of critical economic institutions, such as companies, banks, and trade unions.

In addition, they assert that state interventions in the economy, such as regulatory measures, tax systems, customs regulations, and monetary policies, would be unjust, ineffective, and non-transparent in the absence of the rule of law (Carothers, 1998, p. 97). The problem with the imposition of the rule of law by international financial organizations is the bypass of domestic policy-making processes and popular opinions through structural adjustment policy packages produced via "a top-down and secret process of negotiations between technocrats representing a government and an international lending agency" (Sandbrook, 1997, p. 495).

The rule of law is also a crucial principle for neoliberal thought in terms of its social reflections apart from the economic ones. In a country where the rule of law prevails, not only is economic development expected to be fulfilled, but also a better social order is expected to emerge (Jones, 1994, p. 198). Liberal theorists assume that any power and authority in the hands of human beings, which is free from control, could sooner or later quickly turn into an arbitrariness that eliminates the possibility of predictability (Sancar, 2000, p. 37).

This assumption highlighted the principle of the rule of law as a preventive measure against the unpredictability and arbitrariness of the state, which threatens individual rights and freedoms. As is seen, the rule of law is founded on the controversy between the law, which is general, clear, already publicized, universally binding with no exemption, and valid at all times, and personal order that may change on a case-by-case basis depending on specific and tangible situations (Schmitt, 1988, p. 42).

Contemporary definitions of the rule of law consider the limitation of state power not as an end in itself but as a concrete manifestation of principles and institutions serving human rights and freedoms (Sancar, 2000, p. 34). The state power is restricted on the one hand by formal measures, such as the legal framework of public authorities, their duties and powers, the constitutionality of laws, the principle of separation of powers, judicial control of the state's activities, and independence and impartiality of the judiciary and on the other hand by substantive values such as human rights including freedom and human dignity (Gözübüyük, 2008, pp. 25-30; Sancar, 2000, pp. 34-35).

Legal formalism and objectivism are essential foundations for the widespread support of the rule of law ideal because the former emphasizes that the state is objective,

impartial, and equally distant to all individuals and social groups, while the latter highlights the predictability of state activities (Akman, 2016, pp. 351-352). The normativism that emerges from these foundations constitutes the most substantial source of legitimacy of the rule of law (Sancar, 2000, p. 45).

2.4.2. Criticism of the rule of law

The normative transcendency of the rule of law facilitates the acceptance of the presumption that the enforcement of legislation, executive decisions, and court verdicts takes place under equal, just, and predictable conditions. At this stage, the principles of separation of powers, the supremacy of law, and judicial independence, which are essential elements of the rule of law, play a critical role at this point. This is because these principles suggest that the state's legislative, executive, and judicial branches mutually check and balance each other, which advances individual rights and freedoms while preventing the concentration of excessive power in the hands of a single branch.

These branches are free to operate in their fields as long as they do so in accordance with the legal and/or constitutional requirements. Besides, these principles assume that the independent judicial branch is always ready to check the legality and/or constitutionality of the decisions of the legislative and executive branches (Barak, 2012, pp. 385-387). Thus, under the rule of law, the enforcement of legislation, executive decisions, and court verdicts is not perceived as the instruments of the state's arbitrariness or the market's oppression over free individuals and social groups.

Nevertheless, Poulantzas (1975, p. 123) argues that the rule of law facilitates the modern capitalist state to conceal its capital-oriented nature and presents itself as an organization serving the interests of society through abstract and formal rules based on the principles of liberty and equality. The Critical Legal Studies (CLS)[3] movement similarly views it as "a mask that lends to existing social structures the appearance of legitimacy and inevitability" (Hutchinson, 1989, p. 3). Considering the "law as

[3] The CLS movement was formed by left-wing dissident scholars influenced by the anti-war, oppositional approaches that emphasized fundamental rights and freedoms in the late 1960s. The effects of the Vietnam War and the emergence of new left-wing ideas shook confidence in the objectivity and impartiality of the law and led to questioning of political interventions and struggles carried out through the law (Işıktaç & Koloş, 2017, p. 119).

politics" (Tushnet, 1991, p. 1517), the CLS scholars claim that it is a fiction created to uphold "the illegitimate domination of society by the economically and politically powerful" (Hasnas, 1995, p. 85). According to the CLS movement, the rule of law tends to mystify actually existing intentions behind the supposedly self-evident and objective legal rules and regulations.

Akbaş (2015, p. 138) categorized the criticisms of the CLS movement against the rule of law under three interrelated headings: (1) The indeterminacy of law, (2) the partiality of law, and (3) the ideologicality of law. The first argument rejects the claim that a legal regulation produces the same result when applied to issues of the same nature, irrespective of those who practice the law. The second one claims that if the law is not determinate and consistent, it is difficult to suggest that it is independent and impartial. Instead, the law is considered biased, partial, and dependent on the power that created it. The last one suggests that the deep-rooted belief in the impartiality of law results in a new legal ideology, which produces and reproduces a false consciousness facilitating the acceptance of social inequalities as legitimate and natural (Akbaş, 2015, p. 138). As is seen, the root cause of the CLS movement's criticisms of the rule of law principle is the indeterminate nature of law.

Hence, the movement's objection to the rule of law principle centers on the thesis of legal indeterminacy, which challenges the formalist claim that the legal system under the rule of law is perfect and has no gaps and ambiguities (Lyons, 1993, p. 42). According to CLS scholars, legal indeterminacy is not only a defect of legal regulations (e.g., the conflict between legal norms, conscious or unconscious legal gaps, and distortion of legal norms by government officials), but it is also inherent in law since it regulates contradicting fields and, thus, relies on contradicting norms (Martin, et al., 1985, p. 2).

Furthermore, expecting the rule of law to have a determinate and stable substance would be erroneous, especially in a crisis-prone capitalist system, where economic, political, and social structures are rapidly and constantly reconfigured. This is because legal norms are also in a constant state of change and transformation depending on the conflicting values and interests emerging from these rapid and constant reconfigurations of economic, political, and social relations (Akman, 2016, pp. 215).

The resultant mystification of the rule of law allows abstract promises and vague content (Sancar, 2000, p. 31) through the use of ambiguous concepts, such as "reasonable", "due process", "fair value", and so forth (Hasnas, 1995, p. 89), the essences of which are determined by economic, political, and social phenomena. From the perspective of the philosophy of language, the law, as a linguistic construct, also becomes indeterminate by itself because of the ambiguous nature of language (Akman, 2016, p. 217).

Unlike the rule of law ideal's claim of legal determinacy, the following cases illustrated by Akman (2016, p. 222) can be shown as evidence of legal indeterminacy. Firstly, the fact that a legal norm is produced by the legislative branch and amended or abolished later by the same branch shows that these norms may be subject to different political motives and considerations, mainly due to changes in the dominant political power in the legislative branch. Secondly, the differences in the first instance courts' interpretation, higher courts' incompatible conclusions in the same case, and changes in their jurisprudence reveal that legal practices are not uniform. Thirdly, conflicting verdicts of different judicial authorities in similar cases or different verdicts of lower and higher courts in the same case based on different provisions prove distinct perceptions of the law (Akman, 2016, p. 222).

Tushnet (1998, p. 225) also adds that judges make decisions by majority vote, even in supreme courts. In this respect, there is always the possibility that even norms considered to be very clear in their meaning may be characterized by ambiguity in many different situations due to the relationship of the content of law with realities of daily life (Akman, 2016, p. 221).

In this respect, legal indeterminacy creates an opportunity for public authorities, whose actions are supposedly bound by law, to be flexible in deciding what is legal and what is not. Owing to the tendency of indeterminacy, the law inevitably functions as an instrument for government officials to achieve their desired goals (Aktaş, 2011, p. 82). Holston (1991, p. 695) considers that the cause of the complexity, indeterminacy, and dysfunctionality of the law is intentional rather than incompetence or corruption per se. In this respect, the indeterminacy and unpredictability embedded in legal norms undermine the confidence in legal regulations and judicial decisions (Akman, 2016).

Although the rule of law is portrayed as equally applicable to everyone and upholding universal rights, it actually reinforces and obscures socioeconomic and political inequalities between legal subjects (Brabazon, 2017, p. 170). These inequalities are exacerbated by the fact that legal processes are expensive and slow, making it difficult for the weaker party of the legal subjects to cope with these processes. Nevertheless, the law is paradoxically an instrument of manipulation, mystification, maneuver, and violence by which public and private actors and dominant and subordinated parties can advance their interests (Holston, 1991, p. 695). Hence, the rule of law may enable an individual to achieve the best possible legal result for herself/himself, even in the most seemingly hopeless situation (Gordon, 2006, p. 390).

The belief that society can achieve both economic and social development under the rule of law gives rise to the use of the rule of law for the social engineering of economic and political developments in developing countries through the displacement of local cultures by Western legal institutions and modernizing values (Jones, 1994, p. 198). Central to influential Western propaganda, the rule of law is depoliticized and championed by almost all views and conflicting interest groups across the political spectrum.

Significantly since the mid-twentieth century, in line with the internationalization of capital, the definition of the rule of law has been expanded to involve superior legal principles acknowledged at the global level. The abovementioned emphasis the UN puts on "international human rights and standards" when defining the rule of law confirms this. As a result, many values on human rights and the sanctity of private property turn into international obligations, even if they are incompatible with the "national will" (Özdemir, et al., 2022, p. 79).

Although the principle of the rule of law is polished with the rhetoric of universal human rights and freedoms in the era of neoliberal globalization, it actually strengthens the capitalist classes' economic position. Despite emphasizing liberty, equality, and justice, the rule of law covers the illiberal, inequalitarian, and unjust capitalist socio-economic order built on private property and individual entrepreneurialism. Hence, the rule of law is believed to be an instrument of Western capitalism to maintain its existence, expand globally, dominate the world, and impose itself on the world as the

only option (Özlem, 2004, pp. 222-223). In this respect, the rule of law is criticized for presenting the needs and demands of the capitalist market as the needs and demands of society and the requirements of the economy.

As indicated earlier, neoliberal globalization has significant repercussions on the countries' institutional and legal structures. In this respect, the pursuit of integrating national markets globally and ensuring a good business and investment climate for mobile capital has been a turning point for the rule of law principle. Whereas the protection of classical rights and freedoms, especially the ones protecting the free market and property rights, are still essential in this period, a significant transformation takes place in terms of the formal elements of the rule of law.

In parallel to the capitalist demand for permeable law, this transformation is shaped by the flexibilization of the law and the reconfiguration of the law by interpretive jurisprudence (Özenç, 2016, p. 292). This transformation undermines the elements of legal norms that constitute the essence of the rule of law (e.g., generality, clarity, publicity, non-retroactivity, and stability) on the one hand, brings about rapidly changing and indeterminate legal regulations that weaken accountability and foster excess of power and arbitrariness on the other (Scheuerman, 2008, p. 30).

The transformative effect of capital on the rule of law, whose influence on states has increased due to its enhanced global mobility, does not emerge in a single form. The transformation of the rule of law might lead to flexible regulations in some policy fields, such as labor policy and urban policy, while resulting in strict legislation concerning the protection of property rights to ensure a good business and investment climate for firms. In other words, the institutionalization of the principles of judicial independence and the supremacy of law might be accompanied by the sidelining of democratic mechanisms and judicial agencies influenced by democratic pressures in favor of the free market. In short, determining the fields where the rule of law will create an effective and predictable legal ground and those who will benefit from this efficiency and predictability remains a political issue (Özenç, 2016, p. 296).

When laws, their interpretation, or their enforcement do not serve the public interest, a "rule *by* law" serving arbitrary power emerges in the guise of the rule of law (Sellers, 2014, p. 4). Under the rule *by* law, the state can use the law to control its citizens, while

the citizens are not allowed to use it to control the state (Waldron, 2019, p. 3). Especially in populist systems, rule *by* law is instrumentalized to legitimize the will of the ruling class and bypass checks and balances mechanisms by presenting it as the will of the people (Adamidis, 2021, p. 9). Thus, laws and regulations serve as an instrument for an authoritarian regime to fulfill the ends of the ruling class and oppress people in a legalistic fashion.

Compliance with rules and regulations does not necessarily refer to compliance with the law or the rule of law because the law is much broader than rules and regulations and encompasses several substantial ethical values, such as justice, equity, equality, public interest, and so forth. In a rule-*by*-law system, the requirements of the rule of law might be fulfilled better than those in developed Western countries, although democracy is failed, human rights are violated; income distribution is unfair; and discrimination based on race, sex, and religion takes place (Raz, 1979, s. 211). Based on the rule of law rhetoric, authoritarian regimes seek legitimacy by claiming that their judicial institutions are autonomous from the executive. From this point of view, even if compliance with legal rules and regulations is ensured, legitimacy might be at stake (Keleş & Mengi, 2017, p. 82).

2.4.3. An alternative debate on the rule of law

As discussed above, on the one hand, liberal and, by extension, neoliberal thinkers glorify the rule of law based on protecting fundamental rights and freedoms vis-à-vis the state. On the other hand, structuralist Marxist thinkers and the CLS movement are critical of this liberal ideal because it is viewed as an instrument of control in the hands of the capitalist state that masks and legitimizes capitalist relations of production producing inequality and injustice. In the middle of these two views is the more moderate view that attributes to the rule of law a capability of protecting the rights of opponents, oppressed, and marginalized through the contentious use of the law (Akman, 2016, p. 225).

According to Marx and Engels, the founders of Marxism, the law is a superstructural constituent determined by the economic infrastructure; however, it is also an internally coherent structure that can influence the infrastructure (Işıktaç & Koloş, 2017, p. 62). Similarly, Thompson (1975), a socialist historian, suggests that the reductionism of

structuralist thinkers, which assumes that the rule of law is equivalent to an instrument serving the ruling class's interests, should be avoided. He is wary of such reductionism because he believes that it would lead to ignoring the role of the rule of law in protecting the people against the arbitrary power of the ruling class.

The rule of law does serve the ruling class as a powerful tool to consolidate their power, enhance their legitimacy, and suppress the opposition; however, it also acts as an umpire by repeatedly imposing legal restrictions on their actions and defending people from these actions (Thompson, 1975). Hence, it plays a significant role in shaping the self-identity of both ruler and ruled and provides a platform for class conflict within which competing ideas about law are debated and contested (Thompson, 1978, p. 96).

The rule of law might disseminate a false consciousness and perception of legitimacy regarding the outcomes of neoliberal capitalism and the activities of the neoliberal state. However, the rule of law can also become a ground for struggle favoring oppressed social groups against the state and the political and economic forces of capitalist classes (Akman, 2016, pp. 359-360). Despite the risk of mitigating socialism and compromising with capitalism, the rule of law provides citizens with various guarantees mentioned above, such as the protection of rights and freedoms, predictability of state actions, and judicial review of public administration.

Owing to these guarantees, the rule of law principle can be used as an essential instrument of resistance against the existing social, economic, political, and legal order. In this respect, legal indeterminacy should not be regarded as a purely negative tendency within the rule of law that conceals the drawbacks of the neoliberal political-economic system and its legal order because it may open the door to various possibilities for the combative use of law by the oppressed groups (Akman, 2016, p. 225). There are always alternative paths, fully or partially concealed, that the law can take; that is, the law can change its course if the proper pressure is imposed at the right time (Gordon, 2006, p. 405). In today’s world, where the authoritarian tendencies of neoliberal restructuring have become evident, the rule of law principle undertakes a restrictive role as it limits the state and the ruling classes to a certain extent with the minimum standards of the legal form (Özenç, 2016, p. 306).

2.5. Concluding remarks

This chapter discusses the contradictions between the theoretical propositions and practices of neoliberalism, as well as the repercussions of these contradictions on state organization, urban policy planning and the rule of law. Within this framework, the chapter initially presents arguments highlighting the neoliberal theory's advocacy for the aggressive reregulation of social, economic, and political order in everyday practice for the purpose of deregulating the market order. It is demonstrated here that neoliberalism, while theoretically advocating a minimal state divorced from social welfare functions for the efficient functioning of market mechanisms, tends to produce an authoritarian state in everyday practice for the same purpose.

The need to fine-tune public policy processes to maintain the legitimacy of the market order in the face of socioeconomic inequalities and injustices created by neoliberal policies are also discussed in this chapter. It is argued that a complex and dispersed public policy ecology has been created with the participation of public, private and civil society actors from supranational and subnational scales, where the power to make and implement public policy has moved away from the monopoly of the national state. It is suggested that this has resulted in the construction of a public policy process in which indeterminate rules and informal administrative techniques have become entrenched due to the permeability of boundaries between sectors and scales.

This chapter also argues that the withdrawal of the national state from social welfare functions, the reduction of public expenditures in the neoliberal era, and the transfer of these functions to local governments with limited financial resources through decentralization reforms fuel this process. It points out that local governments, compelled to generate their own resources, take on an entrepreneurial role and deregulate formal rules and regulations to provide a good business climate and attract capital to their cities. Moreover, it claims that top-level local government officials, who are granted the right to manage as per the NPM approach, tend to prioritize quickly achieving results by bending, ignoring, or violating formal rules and procedures rather than strictly following them.

The chapter emphasized that the nebulous urban policy ecology that has emerged in parallel with the changing context of public policy has resulted in local governments

having significant room for maneuver by assuming a coordinating role in the urban policy process involving multiple actors and multiple regulatory frameworks. It argues that this character of the urban policy ecology that emerged in the neoliberal era allows local governments to operate in the margins between the legal and the illegal, the formal and the informal, allowing them to exploit legal indeterminacies and informalities in favor of the market and the private sector.

Despite the fervent advocacy of the rule of law by neoliberal theory, which aims to limit administrative arbitrariness for the well-functioning of capitalist market relations, the increasing tendency of the state, especially local governments, to (ab)use legal indeterminacy and informality during the neoliberal era necessitates a discussion in this chapter on the nature of the rule of law principle. In this context, the chapter lastly encompasses discussions that consider the concept of the rule of law as a veil before the dominance of economic, political, and bureaucratic elites on the one hand and debates highlighting the significance of the rule of law as a means of constraining the arbitrariness of the state and ruling classes through the combative use of law on the other.

CHAPTER 3

ANALYTICAL FRAMEWORK

There is no consensus in the urban studies literature on the concept that concerns the transformation of urban spaces. Whereas some consider these activities under the concept of urban regeneration (Couch, Fraser, & Percy, 2003; Davies, 2001; Healey, Davoudi, O'Toole, Tavsanoglu, & Usher, 1992; McCarthy, 2007; Roberts & Sykes, 2000), other utilize the concept of urban renewal (Clark & Wise, 2018; Couch, 1990; Thomas, 1986). In Türkiye, these activities are mostly referred to as urban transformation[4] in the legislation (e.g., Law no. 5393) and are discussed within this conceptual framework in the literature (Bektaş Ata, 2021; Çavuşoğlu & Strutz, 2014; Demiralp, 2018; Demirtaş-Milz, 2013; Duman & Coşkun, 2015; Eliçin, 2014; Keleş, Erbay, & Görmez, 2022; Özdemir D. , 2010; Türkün, 2013a). Nevertheless, in this dissertation, the concept of urban renewal is preferred because the case study is legally included within a renewal area and an urban renewal project (as per Law no. 5366). It is also aimed to prevent a conceptual confusion by preferring this concept.

Despite the disagreement on the conceptualization of urban renewal activities, urban studies literature reveals that urban renewal is one of the most common concepts across different national contexts. It is also clear that in almost every city, even within a city, various urban renewal practices are encountered (Şahin S. Z., 2015, p. 53). This is because these practices might stem from numerous human-related and natural factors, such as industrialization, concentration of population in cities, unplanned urbanization, dereliction, decay, large-scale fires, wars, and natural disasters. The dramatic physical, economic, and social decline in the cities of the Western countries caused by the

[4] According to Şahin (2015, p. 77), the concept of urban transformation used in Turkish language is an umbrella concept that includes all urban renewal practices taking place in Western countries. For him, the problem of perceiving urban renewal in Türkiye as a practice that even includes urban planning is the result of such an approach.

Second World War brought about the need for renewing urban built environment in the 1950s. In response, the governments increased social welfare expenditures and transferred resources to local governments so that they can locally provide public services including urban renewal. Renewing the obsolescent and dilapidated urban fabric, constructing housing units for low-income groups, and producing new housing were among the problems faced by local governments (Şahin S. Z., 2015, p. 56).

Based on a master plan, urban renewal initiatives were launched to clear inner-city slum areas, relocate the population to the urban periphery, and reconstruct older city parts (Roberts, 2000, p. 14). These initiatives were driven by the bulldozer approach, which is based on "physical determinism and emphasis on the built environment" (Carmon, 1999, p. 145). Although national and local governments sought to improve housing and living standards with private sector involvement, this approach was criticized for causing long-term social and economic costs.

In the 1960s, urban renewal programs adopted a more comprehensive rehabilitation approach highlighting the improvement of the existing built environment (not its demolishment), improving social services, and "maximum feasible participation" of local residents in decision-making processes. Due to this approach's broad scope, theory orientation, and the resulting large gap between promise and performance, urban renewal initiatives of this period were considered a failure (Carmon, 1999, pp. 146-147).

Over the 1970s, the emergence of declining areas in the city centers accelerated due to deindustrialization and the moving of the industrial sector to larger and cheaper areas outside the city owing to the improvements in transportation structure (Özdemir D., 2010, p. 4; Uzun, 2017, p. 588). Thus, urban development at the periphery continued in this period. Besides, more extensive renewal programs were initiated in older urban areas, local governments became key actors in urban renewal, and the participative decision-making processes were further emphasized (Roberts, 2000, p. 14).

As is seen, urban renewal cannot be solely restricted to physical improvement in cities. It should also seek to ensure a long-lasting improvement in the economic, social, and environmental conditions of an urban area that is planned to be renewed. Accordingly,

Keleş (1980, p. 74) defines urban renewal as rendering cities and the whole or a part of city centers suitable for changing conditions as per local plans and programs under the leadership of the public sector to remove poor neighborhoods, improve and conserve buildings, provide better housing and working conditions, and construct better public buildings. Considering this definition and the social content of urban renewal programs, it is possible to relate urban renewal to social welfare policies despite its failure.

The post-1980 urban renewal approaches mark a breaking point in the aftermath of the economic crises in the 1970s in terms of overcoming the crisis of capital accumulation through capital investments in urban land and real estate (Harvey, 1985). In parallel with the state's withdrawal from the reproduction of labor in favor of the market in the 1980s, urban renewal programs, which were expected to solve the housing problems of low-income groups, were left to the market (Öktem Ünsal & Türkün, 2013, p. 18). Therefore, the conceptual content of urban renewal has been narrowed since the mid-twentieth century from a social improvement and physical change to project packages initiated by the state and implemented by the market (Şahin S. Z., 2015, pp. 57-58).

3.1. The implications of neoliberal policies on the governance of urban renewal

The implications of neoliberal policies, such as the withdrawal of social welfare services and the reduction in the financial resources of local governments, on the institutional structure and practices of local governments have already been discussed in the previous chapter. As argued there, urban governance is increasingly mobilized in support of economic growth (Mayer, 1994, p. 317).

Besides, the budgetary problems caused by neoliberal policies push local governments to provide urban public services using the resources in hand and to entrepreneurially generate new resources. Thus, local governments begin to act entrepreneurially and competitively to attract visitors and investors to their cities through city marketing and branding for the sake of capital accumulation and resource generation.

In this context, urban renewal becomes one of the most feasible mechanisms for entrepreneurial and competitive local governments to market their urban lands in the face of the worldwide economic slowdown in the 1970s. Its primary target is to ensure

capital flow to cities and achieve both national and local economic growth through investments in the real estate sector. Due to deindustrialization and the decentralization of production, extensive idle lands in city centers abandoned by the industrial sector become suitable for profitable investment. The transformation in the mode of production also reveals the need for office and retail spaces serving new service sector activities (Healey, 1995, p. 221).

With the expectation that physical and economic transformations provide a competitive advantage against other cities in attracting investments, flagship (or prestigious/symbolic) urban renewal projects are implemented in vacant, abandoned, or economically underutilized urban lands in city centers through public-private partnerships and state-led *ad hoc* agencies (Kidokoro, Murayama, Katayama, & Shima, 2008, p. 11; Özdemir D., 2010, p. 6). The resulting built environment consists of prestigious residential areas, business and shopping centers, five-star hotels, convention centers, and sporting facilities. As is seen, urban renewal projects, especially large-scale ones, initially encourages domestic and international construction firms to operate in respective cities and then, invites further domestic and international capital to invest in these renewed urban areas. Besides, these projects turn the abovementioned urban lands into privatized public spaces that invite middle- and high-income social groups to consume (Öktem Ünsal & Türkün, 2013, p. 25).

As is seen, urban renewal becomes critical not only to offset local economic decline but also to ensure long-term economic development. In this respect, hegemonic urban coalitions (consisting of national- and local-level politicians, central and local government officials, investors, landowners, professionals, media, etc.) seek to legitimize urban renewal by claiming that social welfare increases owing to the trickle-down effect of the capital attracted to the city. In addition, these coalitions defend that urban renewal serves to conserve and maintain historical sites, produce planned and organized urban spaces, and eliminate the threat posed by natural disasters (Türkün, 2013b, p. 4).

However, three forms of urban renewal identified by Türkün (2013b, p. 7) reveal that the abovementioned promises of urban renewal are unrealistic. In the first one, renewal is left to the functioning of the free market. However, renewal in urban areas with high

rent potential is likely to result in gentrification within the market mechanism. The second one takes place in areas that attract private actors due to their central location. In such areas, development rights are increased first and then, urban renewal is left to the market. The success of such urban renewal depends on the negotiations between property owners and developers.

The third one occurs in urban areas where renewal within the free market has become impossible. In such areas, "renewal areas" are declared by top-down plan and project decisions thanks to the newly enacted *ad hoc* laws. Renewal activities in historic and squatter areas are examples of this type of urban renewal. The building typology and the financial condition of the residents in these areas do not allow the potential rent to be realized. This brings about the need to demolish buildings, amalgamate building lots and prepare the area for large-scale urban renewal projects. Hence, the intention behind this type of urban renewal is rent seeking in favor of the capital rather than preserving historic areas or improving the housing of low-income households (Swyngedouw, Moulaert, & Rodriguez, 2002, p. 552; Türkün, 2013b, p. 7). This also points to a process of commodification in which the exchange value of urban space overrides its use value.

Although the development and implementation processes of urban renewal activities are mostly led by the public sector in the neoliberal era, the role of the private sector in these processes should not be underestimated. Sometimes local governments develop a city plan and expect the market to perform renewal according to the plan. Sometimes they implement a few pioneering urban projects or simply provide the required urban infrastructure. Therefore, urban renewal turns into a piecemeal spatial intervention that seeks to make renewed urban spaces attractive to the private sector (Şahin S. Z., 2015, p. 73).

Alienated from the comprehensive domain of urban planning, urban renewal projects turn into a deregulatory tool that emancipates the real estate market and the construction sector from planning rules and regulations. At this stage, exceptionality becomes a fundamental instrument of neoliberal approach to urban renewal, which prioritizes project-based urban renewal initiatives over planning rules and regulations. Local governments legitimize the exceptionality of urban renewal projects based on

different factors, such as scale, symbolic significance, timing pressures, the need for greater flexibility, and efficiency criteria (Swyngedouw, Moulaert, & Rodriguez, 2002, p. 572).

This is closely related to the role assumed to the state by the neoliberal theory, which is to create a market (being real estate and urban tourism markets in this context), guarantee its smooth functioning, and facilitate conditions for profitable capital accumulation through appropriate legal and institutional structures (Harvey, 2005). Deregulating a city's real estate market and construction sector makes the respective city attractive for domestic and international capital to invest in. As local governments assume a deregulatory and entrepreneurial role that contributes to relieving rules and regulations and building cooperation with the capital, their cities are expected to gain the upper hand in the interurban competition.

On the other side, aiming to produce competitive urban spaces that will attract newly emerging economic industries and highly mobile capital, the state contributes to the urbanization of capital by touristicizing urban areas, building a new urban identity, and creating a brand city in the neoliberal era (Şahin S. Z., 2015, p. 59). In that regard, urban renewal projects are a practical and entrepreneurial instrument that lays much of the risk on entrepreneurial local governments and transfers most of the profits to the not-so-entrepreneurial private sector (Harvey, 2005, p. 77; Swyngedouw, Moulaert, & Rodriguez, 2002, p. 552).

Therefore, especially in large-scale urban renewal projects, which are risky investments, the private sector seeks to build partnerships with local governments. Local governments are also keen to establish such partnerships as urban renewal is expected to stimulate the real estate market, the construction industry, and urban tourism, among many other sectors. Correspondingly, employment and the well-being of the whole society is also expected to be boosted due to the trickle-down effect of the capital attracted to the city. However, contrary to expectations, urban renewal projects mostly serve the interests of capital and result in sociospatial segregation, where high-income groups can capture urban rents through profit-oriented projects, while low-income groups are displaced, dispossessed, and further impoverished (Davis, 2018; Harvey, 2005; Swyngedouw, Moulaert, & Rodriguez, 2002).

In other words, urban renewal projects serve to create a good business climate primarily for the construction sector and real estate market rather than addressing the needs and welfare of the public. In addition, renewed urban areas become the spaces of consumption as they become attractive to middle- and high-income domestic and foreign visitors due to their recreation and tourism facilities (Öktem Ünsal & Türkün, 2013, pp. 22-23). In contrast to the expectation that the benefits of capital flow and economic growth would trickle down, newly emerging service sector attracted to renewed inner cities generates rents for property investors. However, it creates low-wage and part-time jobs with high turnover rates for inner-city residents (Healey, 1995, p. 221; Loftman & Nevin, 1995, p. 310).

As is seen, urban renewal projects become a field of class conflict between the capital and labor. In this respect, local governments assume the duty of preventing such conflicts to facilitate capital accumulation through its power to intervene in both private and public property. These interventions might give rise to a sudden and widespread social opposition because they take place in visible urban spaces directly affecting daily lives of people. Therefore, the need for refined and relentless political control strategies to respond such opposition is evident in neoliberal urban renewal strategies (Penpecioğlu & Bayırbağ, 2015, pp. 333-334).

These processes also carry the risk of producing political exclusion because public participation, openness, and accountability in the decision-making mechanisms of these projects were mostly not favored. Formal participative mechanisms are considered time-consuming and financially expensive because they supposedly impede urban renewal decisions (Swyngedouw, Moulaert, & Rodriguez, 2002). Therefore, the private actors seek to shape legal and administrative framework of urban renewal in their favor through back-door and informal consultation mechanisms (Harvey, 2005, pp. 76-77). This results in a project formulation and decision-making processes involving a closed circle of influential people negotiating their interests in urban renewal projects behind the veil of secrecy (Harvey, 2005; Kidokoro, Murayama, Katayama, & Shima, 2008, p. 19; Loftman & Nevin, 1995, pp. 310-311).

Due to the social justice problem stemming from the market-oriented urban renewal approach of the 1980s, the urban renewal strategy of the 1990s shifted towards

incorporating civil society participation as a tool for legitimacy, social consensus, and political support in renewal processes (Şahin S. Z., 2015, p. 61). Including local communities, voluntary organizations, and civil society organizations in urban renewal intends to eliminate the former exclusionary and opaque urban renewal processes under public-private partnerships. The emerging multi-sectoral and multi-actor urban renewal network creates an increasingly complex urban governance system involving different spatial and administrative scales and increasingly fragmented competencies and responsibilities (Swyngedouw, Moulaert, & Rodriguez, 2002, p. 573).

Coordinating such a complex urban governance network requires a strong and entrepreneurial urban executive power through which social, political, economic, and technical actors relate to each other (Bayırbağ, 2017, p. 449; Özdemir D. , 2010, p. 10). The rise of the executive bodies of local governments results in the establishment of centralized and autocratic urban governance which incorporates lobbies, family ties, and business connections into decision-making processes while excluding major sections of civil society (Swyngedouw, Moulaert, & Rodriguez, 2002, p. 565).

The emergence of a multi-actor urban renewal network does not necessarily ensure a participatory, inclusive, accountable, and transparent urban renewal processes. This is closely related to the roll-out phase of neoliberalization, which transforms the state into a gatekeeper of the neoliberal projects providing a good business climate on the one hand, and policing those marginalized during the roll-back phase of neoliberalization (Afenah, 2009, p. 2; Peck & Tickell, 2002, p. 389). Accordingly, critical decisions on urban renewal projects are made through undemocratic and unaccountable decision-making processes driven by an intensely interventionist elite- and expert-led executive (Harvey, 2005, p. 69). For Swyngedouw, Moulaert, and Rodriguez (2002, p. 565), this situation points to a "dual society" in which "a coalition of public/private interests" and "a group of disenfranchised" confront each other in the urban space.

Therefore, the non-participatory and non-transparent nature of the complex and dispersed urban renewal network does not contribute to the adoption of a long-term strategic approach to urban renewal. The emergence of the executive branch of local

governments as a key actor intervening top-down in the real estate market through urban renewal projects confirms the previously discussed contradiction between the neoliberal theory and neoliberal practices. That is to say, the former proposes minimum state intervention in markets, whereas the latter pragmatically capitalizes upon strong public authority to ensure the private property rights, free market, free trade (Brenner & Theodore, 2002; Harvey, 2005).

Shaping of urban renewal processes by the strong public authority and privileged private actors through gray, informal, and non-transparent decision-making mechanisms is also contrary to the neoliberal theory because it creates power and information asymmetries among real estate market players, which is an inhibiting factor for rational decision-making capacity (Harvey, 2005, p. 68). Hence, it would be erroneous to suggest that the participation of actors from various scales and sectors in the decision-making and implementation processes of urban renewal rules out exclusionary market-oriented approach to urban renewal.

Moreover, the dominance of authoritarian and opaque urban renewal processes under the auspices of powerful public authorities in practice during the neoliberal period contradicts the principle of the rule of law, which is fervently defended by neoliberal theory. While neoliberal urban renewal projects are theoretically expected to be implemented with formal and determinate rules, processes and actors, it is clear that in practice these projects are guided by a nebulous urban governance network ruled by informal and indeterminate set of rules, processes and actors.

3.2. Urban renewal in historic city centers in the neoliberal era

The city centers historically undertake decision-making, control, and coordination functions for all production, exchange, and consumption processes to which their cities are related. They direct the political, cultural, social, and psychological life of cities and their immediate surroundings. City centers are also one of the most important employment centers in cities because of hosting large number of workplaces. As a result of this characteristic, city centers are also one of the destinations with the highest level of accessibility. The high level of accessibility causes these urban areas to be the nodes of urban transportation and to be the spaces where the flows of goods, capital, and information take place intensively (Levent, 2017, pp. 193; Osmay, 1998, p. 139).

City centers were abandoned by high-income groups and settled by low-income and marginal groups in the 1950s due to the suburbanization of capital. Therefore, it is not surprising that the historic buildings, monuments, and urban fabric in the city centers, which have been intensely inhabited by low-income and marginalized groups due to low rents and property values, fall into obsolescence and dilapidation over time. Therefore, social and physical rehabilitation of obsolescent and dilapidated historic city centers gained importance during the 1970s (Uzun, 2017, p. 588).

On the other side, the deindustrialization of Western cities, decentralization and increasing mobility of capital, rise of service sectors, and transformation of urban lands into the means of capital accumulation in the 1970s increases the significance of the obsolescent residential, industrial, commercial, and public spaces. The increasing significance of historic city centers stems from the fact that the "new middle class", which is mostly composed of young professionals working in the service sector, generally prefers neighborhoods in the historic city centers that are affordable in terms of housing and close to their workplaces, cultural activities, and new financial and administrative centers (Türkün, 2016, p. 136; Uzun, 2017, p. 589).

Due to increasing demand for the city centers, the rent gap in these areas between "the actual ground rent capitalized from the present land use and the potential rent that could be capitalized from the 'highest and best' use" has been deepened (Smith, 1986, p. 23). The deepening rent gap in these areas encourages renewal activities because it creates investment opportunities for rent-seeking individual property investors, small-scale investors, and large-scale investors. In addition, city centers are among the most preferred urban spaces for renewal activities as they host the most disadvantaged and vulnerable social groups of cities (Türkün, 2013b, p. 3).

Meanwhile, the decrease in urban rents and, by extension, tax revenues prompted entrepreneurial local governments to restore their city images and attract investments in their historic city centers (Türkün, 2016, p. 135). To increase tax revenues, local governments seek to renew city centers in a way that generates the most urban rent, which leads cloned city centers (Türkün, 2013b, p. 6). Due to the alignment of the interests of abovementioned urban actors, many of the urban renewal projects in these areas were carried out by public-individual partnerships and public-private partnerships (Akkar, 2006, p. 32; Uzun, 2017, p. 590).

In public-individual partnerships, obsolescent city centers are renewed through direct financial support and indirect support in the form of public services provided by local governments to individual and/or small-scale investors. On the other hand, in public-private partnerships, large-scale renewal projects involving prestigious residential areas, shopping malls, hotels, culture and convention centers, museums, sport facilities, and theme parks are added to the urban policy agenda to achieve economic development and enhance city image (Uzun, 2017, p. 590). As a result, urban renewal projects in historic city centers become a significant instrument to develop residential, commercial, and recreational areas that appeal global brands and high-income groups and serve the improvement of urban tourism (Türkün & Sarıoğlu, 2013, p. 267).

As is seen, these projects promote property-led transformation with a special emphasis on the exchange value of cultural heritage and transform historic urban landscapes into spaces of consumption. In some renewal projects, compromises are made to the detriment of urban conservation because there is no consensus on what and how to conserve in renewal projects. Consequently, cultural heritage is significantly damaged or even destroyed. Therefore, it is difficult to claim that these renewal projects serve to conserve cultural and social values with all its tangible and intangible components. Instead, they focus on the physical change to enhance the marketability and competitive power of urban space (Akkar Ercan, 2015, pp. 197-198).

By the end of the 1980s, this urban renewal strategy was strongly criticized on a number of issues. Firstly, it institutionalizes the participation of the private sector in the decision-making processes of urban renewal projects raising the issues of legitimacy and accountability (Newman & Thornley, 1996, p. 253). Secondly, it contributes to the concentration of urban rent streams in the hands of property investors rather than trickling down of these streams to people living and working in nearby areas. Thirdly, this strategy results in gentrification, sociospatial segregation, and polarization due to the exclusion of low-income groups from the renewed built environments on the one hand and the decline in the certain urban areas left vacant by the firms relocated to the renewed areas on the other (Healey, 1995, p. 221; Nelson, 2001, p. 486).

This capital-oriented urban renewal strategy is also challenged by conservation experts. They argue that this renewal strategy perceives urban conservation as a

method and enterprise for creating economic value in line with the neoliberal urban policies, such as attracting capital, marketing cities, and standing out in interurban competition (Günay Z. , 2017, p. 490). Hence, this strategy has largely failed to conserve authentic urban heritages because it has led to the homogenization of historic urban spaces. Finally, it creates serious pressures on the planning system to soften or relax legal regulations concerning urban conservation (Akkar Ercan, 2015, p. 198).

In response to these criticisms, multi-scale and multi-sector collaborative urban renewal processes have been suggested, which include voluntary organizations and various segments of society apart from the public sector and private sector (Akkar, 2006, p. 32). Furthermore, urban renewal policy and projects started to put forward multiple sustainability objectives, such as overcoming economic bottlenecks, ensuring social equity, conserving cultural and natural heritage, maintaining cultural diversity, and improving environmental conditions (Balaban, 2013; Şahin S. Z., 2015).

Unlike the 1980s, the approaches to urban renewal capitalize on city images that emphasize the existing historical, cultural, and natural heritage rather than creating new images for cities. Discovering the strong relationship between cultural and natural heritage and economic development has promoted the role of urban conservation within urban renewal since the 1990s. However, today's urban renewal projects in cities' historic spaces are still driven by neoliberal notions, such as city marketing, interurban competition, and urban entrepreneurialism (Akkar, 2006, p. 33; Özdemir D., 2010, p. 10).

The reasons put forward to legitimize these projects are the conservation and maintenance of historic areas and the constitution of authentic urban identities against modern cities that resemble each other. It is also advocated that urban renewal projects serve to enhance the public interest because they are thought to offer opportunities to incorporate the historical layers of the city into the contemporary urban life and to regain areas left to wear out (Öktem Ünsal & Türkün, 2013, p. 19). Nevertheless, urban renewal projects in historic city centers produce urban spaces where the distinctive and multidimensional use values of the historic environment are ignored (Akkar Ercan, 2015, p. 198). Such projects renewing certain urban parts also cause spatial fragmentation and environmental degradation in cities instead of creating integrated and sustainable cities. This is closely related to the underlying intention of urban

renewal, which is to rehabilitate, restore, and refunction urban spaces in line with the demands of domestic and global economic forces (Loftman & Nevin, 1995).

3.3. Comparative evaluation of neoliberal urban renewal in developed and developing countries

Since the 1950s, urban renewal's scope has fluctuated with economic, political, and social shifts, oscillating between focus on social and environmental aspects and emphasis on economic and physical ones. The early 1980s marked a pivotal moment, transitioning from a populist approach that redistributed rents to vulnerable populations to a neoliberal model prioritizing market commodification of urban land and enforcing private property rules (Kuyucu & Ünsal, 2010, p. 1483).

The significance of urban renewal projects within the neoliberal urban policy toolbox applies to both developed and developing countries. Entrepreneurial local governments with more financial and political autonomy have channeled local funds to the implementation of profit-oriented urban renewal projects to market their cities in competitive global urban landscape (Kuyucu, 2018a, pp. 1154-1155). Urban areas have also become the most profitable investment and accumulation instrument for the capitalist class in the neoliberal era due to the declining profitability of the industrial sector and the increasing mobility of capital. In other words, urban space has been stripped of its social context and transformed into a commodity whose exchange value is determined in proportion to its capacity to create rent (Türkün, 2013b, p. 4).

The prominent urban renewal practices in developing and developed countries of the capitalist world resemble in terms of the leading role of state and the discursive expectation that socioeconomic development will be achieved by physical renewal. Nevertheless, they differ in terms of the administrative strategies and targets/priorities of these projects (Ay & Penpecioğlu, 2022, p. 8). This difference stems from the dissimilarity in the urbanization experiences of the developing and developed countries.

The urbanization process of developed countries has historically passed through agricultural, industrial, and post-industrial layers over the centuries (Bayırbağ, 2020, p. 29). As McAuslan (1998, p. 19) argues, this centuries-long transformation in developed countries also marks the transition from a minimal state with a minimal

legislation to a modern regulatory state with a plethora of legislation. Therefore, the institutional, legal, and physical infrastructure guiding urbanization and the restructuring of the property regime has progressed in parallel with the resulting socioeconomic transformation (Ay & Penpecioğlu, 2022, pp. 8-9).

It has already been discussed that the 1980s marks a neoliberal break in this socioeconomic transformation, as market principles have become dominant in all aspects of social life. The repercussion of this break on urbanization have emerged as the rise of urban renewal projects, especially large-scale ones, in developed countries. Penpecioğlu and Bayırbağ (2015, pp. 338-339) have identified four common characteristics of urban renewal projects, especially large-scale ones, in developed countries. Firstly, these projects are implemented with privileged powers in terms of urban planning and policy processes. Secondly, they are designed to involve activities targeting high income groups and focusing high economic returns, which exacerbate existing class inequalities and sociospatial segregation. Thirdly, it is aimed to ensure a widespread public consent for these projects through hegemonic discourses, such as "attracting investment", "increasing employment", and "making a competitive world city".

Finally, these projects are implemented by agencies established through public and private partnerships, which are delegated privileged urban planning powers. Thus, the interest-based relationship between the state and capital are legalized and formalized through a project-specific legal and administrative framework, which overrides established urban plans, legal frameworks, and administrative structures (Penpecioğlu & Bayırbağ, 2015, pp. 338-339). In short, urban renewal projects in developed countries are implemented within clear and determinate formal procedures and legal frameworks that facilitates the rapid fulfillment of the capitalist expectations (Penpecioğlu & Bayırbağ, 2015, pp. 342-343).

On the other hand, the historical layers mentioned above have overlapped and intertwined in cities of developing countries over the last few decades (Bayırbağ, 2020, p. 16). The pace of urban growth in these countries since the mid-twentieth century is so dramatic (Table 1) that all planning controls and forecasts become obsolete, which results in the failure of estimating infrastructure and service needs (Roy, 2009, p. 77).

According to Roy (2005, p. 147), much of the urban growth of the twenty-first century is taking place in these countries, resulting in the emergence of crisis-prone megacities.

Table 1: Urban populations and their average annual rates of change for the world and development groups, selected years and periods, 1950-2050.
Source: UN, 2019, p. 9.

Development group	**Population (billions)**						**Average annual rate of change (per cent)**				
	1950	*1970*	*1990*	*2018*	*2030*	*2050*	*1950-1970*	*1970-1990*	*1990-2018*	*2018-2030*	*2030-2050*
World	0.75	1.35	2.29	4.22	5.17	6.68	2.95	2.63	2.18	1.69	1.28
More developed regions	0.45	0.67	0.83	0.99	1.05	1.12	2.06	1.04	0.64	0.46	0.34
Less developed regions	0.30	0.68	1.46	3.23	4.12	5.56	4.02	3.82	2.83	2.03	1.50

Besides, each change of government or policy orientation results in the accumulation of complex and contradictory legal and administrative regulations on urban development over these few decades (Auerbach, LeBas, Post, & Weitz-Shapiro, 2018, p. 264; Durand-Lasserve, 1998, pp. 247-248). Accordingly, it is possible to argue that the establishment of a sound administrative, legal, and physical infrastructure for urban development has lagged behind the socioeconomic change in developing countries (Ay & Penpecioğlu, 2022, pp. 8-9; de Azevedo, 1998, p. 260).

Rapid urban growth in these countries since the 1950s is fueled by natural population growth, rural-urban migration, and the expansion of urban settlements (UN, 2019, p. 14). This growth led to the rise of informal economies involving unregulated and unregistered businesses on the one hand, and informal settlements that are outside legal/formal regulations on the other. The resulting urban informality is considered the distinctive character of contemporary cities in developing countries, as it distinguishes these urban areas both from rural areas and from urban areas in developing countries (Auerbach, LeBas, Post, & Weitz-Shapiro, 2018, p. 262).

However, it would be misleading to assume that the phenomenon of urban informality, and informal housing in particular, is peculiar to developing countries. This is because

informal housing has been observed in developed European countries, such as the Netherlands, Germany, the UK, France, Switzerland, and Italy since the late 1960s and early 1970s. Informal housing has expanded to other European countries including Denmark, Spain, Greece, and Poland in the following decades by way of "transnational imitation and multiple personal contacts, which constituted diffuse social and political networks" (Lopez, 2012, p. 868). Hall and Pfeiffer (2000, p. 129) see this as the invasion of some cities of the developed world by the developing world through massive legal and illegal immigration.

In contrast, De Soto (1989, p. 14; 2000), a renowned development economist, views informality as "heroic entrepreneurship", which he regards as "the people's spontaneous and creative response to the state's incapacity to satisfy the basic needs of the impoverished masses". In this respect, informal settlements, such as inner-city slums and squatter settlements on urban outskirts, allow migrants and poor people to meet their housing needs. These areas involve *de facto* unclaimed urban lands occupied by such social groups rather than purchased on the formal land market. The structures on these lands with inadequate or no infrastructure are also built without legal permissions or approvals and thus, lack tenure security (Auerbach, LeBas, Post, & Weitz-Shapiro, 2018, p. 266).

As can be seen, the root cause of the emergence and expansion of informal settlements was that migrants and the poor do not have the means to access formal housing and land markets. The reason why informal settlements are accessible for these groups is affordability provided by the lack of tenure security due to the lack of compliance with formal planning regulations. However, informal settlements later became a means of personal advantage and financial gain for the middle- and high-income groups. For instance, some people make improvements in their buildings without resorting to the necessary legal permission or approval processes that impose unaffordable costs, while others build new informal housing units to increase profit margins (Chiodelli, 2019, p. 510).

Apart from such groups, the rapid growth of informal settlements benefits many interest groups, such as the construction industry producing building materials, transporters transferring these materials, and local retailers selling them. Governments

also benefit from the sprawl of informal settlements because it allows the cheap reproduction of labor, proliferation of jobs and businesses, reinforcement of political support, and the maintenance of social stability (Ward, 1983, p. 37). Considering these, theoretical arguments that equate informality with poverty are incomplete because they ignore the fact that "informality might be a differentiated process embodying varying degrees of power and exclusion" (Roy, 2005, p. 148).

In this respect, the state, which can determine whether urban informality will thrive or not, consciously favors the perpetuation of informality as a mode of urban governance. In other words, urban informality must be conceived "not as the object of state regulation but rather as produced by the state itself" (Roy, 2005, p. 149). Therefore, attributing the tolerance of informal settlements solely to the institutional weakness of the state or the inadequacy in establishing capitalist property relations is not entirely accurate. Given the reasons for the emergence of informal settlements in the first place, tolerating "the quiet encroachment of the ordinary" (Bayat, 2004) on public or private urban land is also a deliberate urban policy designed by governments to solve the problem of social housing in a cost-effective way on the one hand, and by politicians in power to gain public support through clientelist relations on the other (Keyder, 2013, pp. 174-177). Thus, the government's lack of will to address this issue has created a gap between the legal city and the real city in developing countries.

On the other side, international organizations involving the UN and the WB, have been interested in solving the housing problem of the poor since the 1970s. They suggested solutions, such as, government assistance to those building their own houses, provision of land with infrastructure, and larger-scale urban improvement programs. These suggestions, which had very limited impact, were halted in the second half of the 1980s because of intense criticism (Öktem Ünsal & Türkün, 2013, p. 18). The gap between the legal city and the real city has thus continued to widen in developing countries.

De Soto (1989; 2000) argues that the problem of poverty in the informal settlements in the cities of developing countries, where low-income groups largely live in, can be addressed through property-registration programs. These programs are expected to turn the "dead capital" stranded in informal settlements into "live capital" by providing legal protection and certainty for people's informal properties. The aim, in parallel to

the neoliberal break, is to impose market rule upon all segments of society through the integration of low-income groups into the financial system and the formal market. In this way, the neoliberal state eliminates indeterminacies associated with the private property through legal regulations, and thus, removes obstacles before the market, which prevent individuals from making economically rational decisions and acting entrepreneurially (Kuyucu, 2014, p. 610).

This neoliberal break has striking effects on the cities of developing countries, albeit in a different way than developed ones. It has already been discussed that this break indicates the withdrawal of state from the reproduction of labor, delegation of the task of reproducing labor to the market and entrepreneurial local governments, and a decrease in resources allocated to local governments. As a result of this, formalizing property ownership in irregular settlements and improving these settlements through market mechanisms comes to the fore in developing countries to address the housing problems of low-income groups in developing countries (Öktem Ünsal & Türkün, 2013, p. 18).

These neoliberal solutions threaten the low-income groups inhabiting in inner-city slums and squatter settlements in urban periphery that were tolerated by central government and local governments in developing countries through populist Keynesian welfare policies. This is because the cities in these countries, especially the metropolitan ones, have turned into premier sites for capital investments after the 1970s since developing countries have adopted outward-oriented growth model and export-oriented industrialization policies. These cities have become the foci of global production on the one hand, and urban spaces where service sector flourish and rent-seeking global real estate actors invest on the other (Öktem Ünsal & Türkün, 2013, p. 23). As a result, those who rely on the informal housing market for their housing needs are at great risk of dispossession and displacement as informal settlements come under the radar of the formal housing and land market, in which the capitalist classes seek to appropriate urban rent (Adeniyi Ogunyankin, 2019, p. 430; Roy, 2005, p. 153).

Central governments and local governments in developing countries are compelled to market their cities, which are already behind in global interurban competition, in the best, quickest, and most aggressive way possible. The elimination of informal

settlements in valuable areas of their cities therefore gains importance in terms of opening up space for capital investments on the one hand and giving cities a world-class image on the other. In parallel, informal housing and land markets, where low-income groups can afford to meet their housing needs due to the lack of formal planning and regulation, become playgrounds for rent-seeking middle- and high-income groups in the metropolitan cities of developing countries (Roy, 2005, p. 149).

In this context, central districts, historical areas, and squatter settlements in the metropolitan cities of developing countries, which are mostly inhabited by low-income groups, have become the targets of urban renewal due to the deepening rent gap. In this respect, urban renewal projects in the cities of developing countries have become an instrument to manage urban rent in favor of middle- and high-income groups, rather than a process aiming at upgrading social, economic, and political capacities of low-income residents.

The deepening urban rent gap provides middle- and high-income groups with opportunities for capital investment and accumulation while it leads to an increased pressure on the living spaces of low-income groups. To close the rent gap, low-income groups are dispossessed and displaced from these spaces, which is legitimized through hegemonic discourse based on the creation of planned and regular living spaces and the improvement of life quality. Another hegemonic discourse to legitimize dispossession and displacement is that construction activities within the scope of urban renewal and the workplaces in the resulting built environment will increase employment. It is precisely on the basis of such discourses that local governments and construction firms claim that these processes serve the public interest. Thus, under the guise of maximizing the public interest, local governments are able to use the instrument of expropriation and the monopoly over the means of violence in favor of capital investments (Roy, 2009, p. 78). Contrary to these hegemonic discourses, the processes of dispossession and displacement result in more precarious living conditions for low-income groups due to the loss of economic and social solidarity networks inherent in their former living spaces.

Besides, these urban spaces are mostly transformed into international business centers involving shopping, office, and residential complexes. This means that the living

spaces of low-income groups are gentrified by being renewed for the sake of middle- and high-income consumption under the state's leadership and the private sector's heavy involvement. It is very unlikely that low-income groups will be able to own property in these gentrified spaces without borrowing or even by borrowing from banks. Therefore, this model of urban renewal based on financial borrowing leads to severe impoverishment and dispossession (Öktem Ünsal & Türkün, 2013).

By the same token, former industrial facilities and large public spaces in the metropolitan city centers are redeveloped for cultural, touristic, and recreational purposes through urban renewal projects. These projects mostly bring about the aesthetic upgrading of physical environment, which is expected to distinguish the respective city from its counterparts in the global interurban competition. The resulting built environments composed of shopping malls, office blocks, and tourism areas, where world's leading brands wish to rapidly take their places, become public spaces serving especially the middle- and high-income groups (Öktem Ünsal & Türkün, 2013, p. 36).

3.4. Tactical use of informality by the state in urban renewal

In the neoliberal era, the renewal of urban spaces for the consumption and interests of the middle and upper classes has resulted in the displacement and dispossession of low-income classes, leading to urban segregation. The inequitable distribution of urban resources caused by neoliberal mode of urban renewal is bound to trigger political crises in developing countries (Penpecioğlu & Bayırbağ, 2015, p. 352). At this point, informality produced by the state plays a crucial role for public officials in containing political crises during the aggressive implementation of urban renewal projects in the neoliberal era.

The concept of informality is an overarching and, by extension, ambiguous term, as it is addressed by many theoretical approaches and observed in different aspects of everyday practices (Devlin, 2010, p. 14). It is mostly defined on the basis of territorial formations, categories of particular groups, or forms of organization, such as formal versus informal settlements; formal versus informal labor; or rule-based versus unruly organizational forms and practices (McFarlane, 2012, pp. 90-91). Since this chapter of the study focuses on the tactical use of informality by the state in urban renewal

processes, it addresses informality in terms of its implications for organizational forms and practices in urban governance.

The roots of academic interest in urban informality can be traced back to the studies in the 1970s focusing on growing informal employment and informal economic activities in the cities of less developed countries (Hart, 1973; Weeks, 1975). These studies approach the formal-informal dichotomy within the framework of modern-traditional and developed-underdeveloped dichotomies. For them, informality, as a condition outside the state power, is a feature of traditional, pre-capitalist, and marginal practices of rural migrants in the large cities of underdeveloped countries (Devlin, 2010, p. 15). Such approaches suggest the incorporation of informal actors into the formal sphere through market forces or legalization moves (de Soto, 1989).

This dualist approach to formality and informality is challenged since the late 1970s (Morales, 1997). It is revealed that they are not separated, but intertwined categories (Bromley, 1978; Crichlow, 1998; Ferman & Ferman, 1973). In addition, it is found that the informal sector is widespread not only in the cities of less developed countries but also in the cities of advanced capitalist countries (Portes, Castells, & Benton, 1989). In fact, it is determined that advanced industrialization and formation of service-dominated global cities (e.g., New York, London, and Tokyo) serve the growth of the informal economy (Sassen, 1991). This means that the growth of informality is not related to the level of development, but to economic inequalities and the level of state involvement in dealing with such inequalities (Devlin, 2010).

The above-referred literature approaches informality from an economic perspective. It also associates informality with practices that occurs in contexts where there is no state regulation, control, and intervention (Haid, 2017, p. 290). As such, the contribution of this literature to the debate on the state's use of informality in urban renewal processes remains limited. Thus, following Devlin (2010, p. 16), more spatially oriented studies on informality conducted by researchers in the fields of urban studies are expected to inform this part of the study.

It is assumed that the modern state seeks to control its rural and urban population under control through formal rules and institutions based on rational thought and scientific

laws including rigid geometric or hierarchical schemes (e.g., technologies of visibility, ordering, and mapping) (Scott, 1998). But, by not controlling, regulating, or intervening in certain social practices, the state establishes the conditions under which informal practices can thrive in urban governance (Haid, 2017, p. 290).

Analyzing the urban informality in the planning of Indian cities, Roy (2009, p. 80) formulates informality as "a state of deregulation" in which the ownership, use, and purpose of urban land become indeterminate as "the law itself is rendered open-ended and subject to multiple interpretations and interest". In fact, she argues that informality is embedded in state practices in urban governance regimes and explains why:

> [F]orms of deregulation and unmapping, that is, informality, allow the state considerable territorialized flexibility to alter land use, deploy eminent domain, and to acquire land. In particular, it has been possible for the state to undertake various forms of urban and industrial development, for example, through the conversion of land to urban use, often in violation of its own bans against such conversion. Here the state itself is a deeply informalized entity, one that actively utilize informality as an instrument of both accumulation and authority. (Roy, 2009, p. 81)

Goldstein (2016, p. 7) prefer to use the term "disregulation"[5] to describe the embeddedness of informality in urban governance in which "the state administers its own preferred forms of regulation while ignoring others, privileging a system of discretionary surveillance and enforcement". Thus, through informality, the state gains the ability to resort to "strategic, uncodified and non-transparent deviations from legal procedure in order to achieve compliance and/or efficiency" (Jaffe & Koster, 2019, p. 563). In this respect, Roy (2009) conceptualizes the informality that results from the state's deliberate non-use, selective use, and/or distorted use of its regulatory power as

> calculated informality, one that involves purposive action and planning, and one where the seeming withdrawal of regulatory power creates a logic of resource allocation, accumulation, and authority. It is in this sense that informality, while a system of deregulation, can be thought of as a mode of regulation. And this is something quite distinct from the failure of planning or the absence of the state. (p. 83)

[5] In his study on urban Bolivia, Goldstein prefers the concept of "disregulation" to Roy's concept of "deregulation", which refers to a previous state of regulation that has since disappeared. For him, the informal space of Cochabamba's Cancha marketplace is not unregulated, but disregulated because it has never been regulated.

These debates, which argue that informality is a phenomenon deliberately produced by the state in urban governance practices, have been shaped by the urban informality literature focusing on urbanization processes in developing countries since the early 2000s. This literature rejects the dichotomy between formal and informal sectors and argues that informality becomes a mode of urbanization (McFarlane, 2012; McFarlane & Waibel, 2012; Nogueira, 2019; Roy, 2005; Roy & AlSayyad, 2004; Watson, 2009). It centers upon the active role undertaken by the state in the production of urban informality (Roy, 2005, p. 149) and in "shaping the fluid formal-informal relationship" in urbanization processes of these countries (te Lintelo, 2017, p. 77).

On the other hand, urban scholars working in developed countries assume that urban governance mechanisms operate primarily through formal rules, institutions, and networks in their countries (Jaffe & Koster, 2019, p. 564). These scholars make a hierarchical distinction between the global cities of the developed world and the megacities of the developing countries. According to them, the global cities differ from the megacities in that they are governed by a well-functioning state in which the laws governing urban space are relatively clear and consistently enforced (Devlin, 2011, p. 55).

"The myth of formality" in the developed countries has masked and mystified the presence, prevalence, and institutionalization of informality in urban governance practices in these countries. Based on these assumptions, the active role of the state in the production of informality is portrayed as a positive policy innovation and creative solutions in developed countries while it is viewed as corruption, clientelism, and a failure in the rule of law in developing countries (Jaffe & Koster, 2019).

However, the assumption that formality pervades in the urban governance practices in developed countries while informality pertains to the developing world have been challenged by many recent studies. For instance, Devlin (2010, p. iv) argues that the practice of street vending in New York is not guided by formal laws, but managed through informal practices, such as threats, harassment, intimidation, and negotiations between street vendors and law enforcement officials. Haid (2017, p. 291) also demonstrates three instances of informality in three different parks of Berlin: (1) The appropriation and institutionalization of informality in planning regimes, (2) the

stretching of legality in everyday law enforcement when policing illegal activities, and (3) the toleration of certain institutional bodies to certain activities that are not tolerated in other settings.

Besides, focusing on the Amsterdam case, Jaffe and Koster (2019, pp. 563-564) point to public officials' strategic non-enforcement of laws, reliance on legal instruments to increase their room for maneuver, and use of personalized relationships and non-transparency in participatory urban governance as evidence of informality. Lastly, Kusiak's work (2019) discusses the informality of the legal and judicial systems in Warsaw's property restitution process, which is produced by structurally powerful actors to gain legal advantage through strict adherence to the written law while deliberately neglecting the spirit of the law. As is seen, informality is not marginal or exceptional in terms of urban governance in both developing and developed countries.

As can be deduced from the state practices that paved the way for the emergence of squatter settlements, informality is also not a phenomenon specific to the neoliberal era. However, as Demirtas-Milz (2013, p. 689) indicates, neoliberal urban policies cause "a transition from positive/passive to negative/active use of informality" by the entrepreneurial state vis-à-vis the urban poor to ensure the fast and efficient conduct of urban renewal initiatives. This means that central and local governments that deliberately avoided exercising legal controls, enacted amnesty laws, and provided infrastructure services to the poor neighborhoods in line with Keynesian welfare policies before the 1980s started tactically using informality in decision-making and implementation processes of urban renewal projects to overcome obstacles before the completion of these projects (Demirtaş-Milz, 2013).

Nevertheless, it would be inaccurate to argue that in the neoliberal era, the use of informality to realize urban renewal projects has always been necessarily negative/active. According to Kuyucu (2014, p. 623), there have been cases where projects are initiated through win-win agreements between the public authorities and the right holders reached behind closed doors. In his example, these authorities were able to effectively use their informal and paternalistic relationship with the right holders to persuade them to accept the project by offering them more than they could achieve. As such, the positive and active use of informality by public authorities can

serve as a communication and negotiation technique in the implementation and completion of urban renewal initiatives.

On the other side, the tactical use of informality by public authorities depends on blurring the boundaries between legal and illegal, legitimate and illegitimate, and authorized and unauthorized (Roy, 2009, p. 80). Even though calculated informality contributes to squatter owners and dwellers to articulate their land claims within deregulated urban landscapes, it also allows the state to arbitrarily outlaw these claims through the tactics of power and violence and thereby to guarantee their dependence on itself through clientelism.

As McFarlane (2012, p. 105) identifies, formality and informality are not fixed, but negotiable and changeable concepts. For instance, the construction and dispersion of squatter settlements were condoned by the populist governments until the mid-1980s to meet the housing needs of the urban poor, and even formalized through amnesty laws and/or the provision of services, such as water, sewerage, electricity, and urban transport. As a result of the political, ideological, administrative, and financial transformation brought about by neoliberal restructuring, such settlements are declared as nuisances, informalized, and subject to urban renewal by today's entrepreneurial state on the grounds that they occupy public lands (Demirtaş-Milz, 2013, p. 691).

It is evident that urban informality is converted into a tactical weapon in the hands of the powerful groups and public officials to arbitrarily manage urban resources, especially land. Thanks to this weapon, they can delegitimize the squatter owners' claims to their lands and houses to rapidly evacuate squatter settlements and implement urban renewal projects. As Kusiak (2019, p. 589) indicates, the definition of informality depends on social stratification. This means that the "informality of the weak" is usually decried in the neoliberal era while the "informality of the powerful" is mostly overlooked and legitimized through state-led processes.

This discussion on informality ultimately leads to four main conclusions in terms of urban renewal. First, in the neoliberal era, informality is a phenomenon that can be identified not only with poor urbanites as a survival strategy but also with wealthy ones as it becomes a critical instrument in terms of the privatization and marketization

of urban space through urban renewal projects. Second, rather than a regulatory failure or incapacity, informality as a system of deregulation can be considered as "a mode of regulation" (Roy, 2009, p. 83) or "a governmental tool" (McFarlane, 2012, p. 91) in urban renewal processes through which urban resources are distributed, capital is accumulated, and state authority is imposed (Roy, 2009, pp. 82-86).

Correspondingly, informality is not extrinsic to the state, but inherent in the territorial exercise of the state power, as evidenced both in the neglectful practices of the welfare state towards informal settlements and in the arbitrary practices of the entrepreneurial state in neoliberal urbanization. Lastly, the precarity of the urban poor against the state informality results in the dependence of the urban poor either on the ruling political party in the implementation processes of urban renewal projects or on the opposition political parties in the processes of contesting these projects (Roy, 2009, pp. 84-85).

It has already been discussed that, alongside participation in urban politics through electoral processes, an alternative form of participation, which can be called multi-level urban governance, has been proposed in line with neoliberal restructuring. This form, as mentioned earlier, involve the participation of state, market, and civil society actors operating at all geographical scales and levels in urban policy processes including urban renewal processes. Here, the emphasis on the concept of multi-level governance indicates that the role of the state has shifted from the sole actor in decision-making processes to enabler and mediator of decision-making networks including multiple stakeholders of various sectors and scales (Haid & Hilbrandt, 2019, p. 556).

Urban governance systems are assumed to be based on horizontal, networked, interactive, and trust-based relations, which determined by non-codified and informal *ad hoc* principles (Swyngedouw, 2005, p. 1995). Thus, the participation of multiple actors in the exercise of urban renewal requires "more informal dialogue, meetings, working relationships, and networking" (McFarlane, 2012, p. 104). However, in practice, these forms of participation have the potential to evolve into "a new tyranny" in which power is exercised illegitimately and/or unfairly, as they tend to include certain elite, expert, and interest groups in urban renewal processes while excluding radical positions (Cooke & Kothari, 2001).

The reason why the informalization trend runs the risk of creating a new tyranny in urban renewal processes is that informality as "a governmental practice of flexibility" provides discretion with a necessary room for maneuver for the state to fully enable and mediate these processes (Haid & Hilbrandt, 2019, p. 556). In this respect, the state's arbitrariness and discretion reveal the contradictory nature of urban governance. Accordingly, there is a tension between the avowed targets of enhancing democracy and empowering citizens in urban renewal processes on the one hand and their undemocratic and authoritarian character on the other hand (Swyngedouw, 2005).

However, in some cases, the informalization and personalization of relationship between public officials and citizens is welcomed by both sides. On the one hand, such relationships may eliminate the resistance of citizens to urban renewal projects caused by their distrust of the state. On the other hand, both the state and citizens appreciate such informal and personal relationship to avoid lengthy and expensive bureaucratic and judicial processes (Jaffe & Koster, 2019, p. 567). This means that informality becomes crucial not only as a complementary but also as a constitutive – and in some cases requested – element of urban renewal processes, which are part of urban governance and planning.

3.5. The role of legal indeterminacy in the tactical use of informality by the state in urban renewal

With the rise of neoliberal governmental rationality, the indeterminacies inherent in the law – albeit not unique to the neoliberal era – become more striking in everyday statehood. Drawing on "the gap between legal codes and actually existing enforcement practice" regulating urban space in New York and Ciudad del Este, Tucker and Devlin (2019, p. 460), defines legal indeterminacy as "a condition characterized by legal complexity and negotiable enforcement of laws and regulations".

Additionally, Kusiak (2019, p. 591) suggests that while all laws possess some degree of indeterminacy and rely on interpretive and persuasive mediation, legislative authorities in certain cases actively aim to augment legal indeterminacy from inception to allow greater flexibility for future discretionary actions. This implies that legal indeterminacy may either be inherent in the nature of the law or deliberately engineered.

Similar to the discussions on informality, legal indeterminacy is also highlighted as a characteristic of less developed countries, based on the assumption that state actions are relatively more predictable and effective in developed countries. However, Devlin (2010; 2011), Haid (2017), and Tucker and Devlin (2019), presenting examples from the global cities of the USA and Germany, assert that legal indeterminacy is not the result of underdevelopment or legislative and bureaucratic incompetence, but a technique or mode of urban governance in governing urban space. Considering this argument, legal indeterminacy is a pervasive dynamic that is not limited to the cities of developing countries (Tucker & Devlin, 2019, p. 461).

Haid (2017, pp. 290-291) associates legal indeterminacy with state informality. According to him, the abstract nature of formal rules and procedures allows the state to arbitrarily exercise its power , and thus, to adapt them when implemented and enforced in concrete everyday situations. He highlights the following as examples of informality that state actors (e.g., such as bureaucrats and law enforcement) create in everyday state action through the ambiguous use of their power: (1) strictly monitoring, restricting, and forbidding behavior deemed inappropriate or illegitimate by the state, and (2) tolerating and abetting such activities, or (3) extending the scope of authority granted to them and imposing sanctions beyond their legitimate scope.

On the other side, the state is far from being a consistent and monolithic entity whose discourses, policies, and practices are coherent and whose officials follow the rules to the letter or apply them in the same way under all circumstances. It is rather a heterogeneous entity composed of various departments at different scales with competing political interests, as well as numerous actors with a varying degree of influence – from top-level politicians to street-level bureaucrats. (Haid & Hilbrandt, 2019, p. 555).

At this point, legal indeterminacy may lead to various units and numerous actors within the state organization interpreting the law differently, distorting the substance of the law, or going beyond the law in their daily practices due to their varying concerns and interests. In that regard, the lack of determinate formal rules may also provide an avenue for public institutions and officials to resort to informal codes of conduct for the sake of achieving specific ends.

The indeterminacy of law, i.e., its complexity and negotiability, is also closely related to the concept of multi-level governance, which envisages the participation of multiple actors in policy processes. It provides the flexibility needed for these actors with conflicting interests to act together in policy making and implementation processes, giving the state legal and administrative room for maneuver in such contested policy environments. Thus, indeterminacies in formal rules and procedures pave the way for the interpreted and negotiated implementation and enforcement of these rules and procedures by the state.

Legal indeterminacy in urban renewal processes refers to complex and negotiable formal rules and procedures, offering significant maneuverability for project implementers, be they public or private entities. This flexibility allows politically, economically, and legally influential groups to potentially exploit or circumvent planning regulations to advance speculative developments like urban renewal projects (McFarlane, 2012, p. 93; Kuyucu, 2014). Particularly in the neoliberal era, legal indeterminacy plays a crucial role in swiftly executing urban renewal initiatives, often resulting in the rapid displacement and dispossession of the urban poor from valuable central districts. This displacement is facilitated through informal tactics such as harassment, intimidation, forced eviction, or escalating rent and living expenses (Devlin, 2010; Kuyucu, 2014).

Legal indeterminacy is also one of the most important tactics used by public officials to contain the aforementioned political crises during the aggressive implementation of urban renewal projects in the neoliberal era (Kuyucu, 2014). It renders low-income local residents legally and socioeconomically vulnerable to capitalist developers, central government agencies, local governments, and stronger players of the informal market with economic and political capital. In fact, it is precisely because of the legal indeterminacies in property regimes of inner-city slums and squatter settlements and their perceived status of areas of illegality and obsolescence that these areas are prioritized for urban renewal initiatives by local governments (Kuyucu & Ünsal, 2010, pp. 1483-1484).

Owing to the legal indeterminacies inherent in informal settlements, public officials grant differentiated property rights to legally, economically, and politically weaker

players living under similar conditions in urban areas to be renewed. Such legal indeterminacies have opened the door to the differential treatment of various property rights by the legal system, diverging from the unified and singular conception of property rights envisioned by liberal thought. (Fernandes & Varley, 1998, p. 4). These differentiated property rights serve to fragment their interests, break the trust between them, prevent them from acting together and speed up the urban renewal processes (Demirtaş-Milz, 2013; Türkün, 2013b).

Furthermore, the presence of ambiguous language, complexities, loopholes, and frequent alterations in the regulatory framework of urban renewal adds another layer of legal indeterminacy (Demirtaş-Milz, 2013, p. 698). For instance, the absence of clear and objective criteria for urban renewal project implementation within existing or new laws allows project implementers to operate without such guidelines. Moreover, local residents are often excluded from participatory mechanisms and democratic procedures in project decision-making, as these mechanisms are not mandated by urban renewal regulations. Consequently, these legal indeterminacies grant capitalist developers, central government agencies, and local governments significant discretion in decision-making, facilitating their appropriation of local residents' properties and the execution of urban renewal projects (Kuyucu, 2014).

The state's arbitrary sanctioning power unleashed in urban renewal processes exacerbates power and information disparities in favor of project implementers, instills fear of expropriation and displacement among affected local residents, and coerces them into selling their properties (Kuyucu, 2014; Türkün, 2013b). Street-level local government bureaucrats play a significant role in tactically exploiting legal indeterminacy, administrative discretion, and informality. They employ tactics such as issuing contradictory and fluctuating statements regarding the respective urban renewal project, engaging in one-on-one bargaining with residents of informal settlements, adopting commanding and intimidating discourse and attitudes during negotiations, and spreading apprehension about expropriation at reduced prices if negotiations fail (Demirtaş-Milz, 2013, pp. 701-703).

As is seen, the tendencies of legal indeterminacy, administrative arbitrariness, and informality in decision-making facilitate the implementation of more aggressive urban

renewal projects. They do so by making it possible to contain the socioeconomic segregation resulting from a neoliberal urban regeneration strategy focused on economic development, physical transformation and competitiveness. The struggles for hegemony are more ruthless in urban renewal processes in developing countries. Therefore, the use of coercive power by the state in the implementation of large-scale urban renewal projects becomes common because the legitimacy of rent-oriented urban renewal projects is less decisive in developing countries than in developed ones (Erman, 2016, p. 43; Penpecioğlu & Bayırbağ, 2015, p. 352).

On the other side, more refined and sophisticated "backdoor politics" is necessitated in the implementation of urban renewal projects in developing countries with politically fragile regimes. By "backdoor politics", Penpecioğlu and Bayırbağ (2015, p. 352) refer to the operation of less institutionalized political and decision-making mechanisms. That is to say, those in power who are concerned about getting votes are open to negotiations behind closed doors in such contexts. Owing to this, the distinction between formal and informal decision-making mechanisms becomes blurred on the one hand, and legal and administrative frameworks are constructed and operated on the basis of a "designed indeterminacy" on the other (Penpecioğlu & Bayırbağ, 2015, p. 352).

However, in the face of this segregation, the tendencies of indeterminacy and informality also create an opportunity for those who resist urban renewal, thanks to the dynamism of social-class negotiation and struggle (Penpecioğlu & Bayırbağ, 2015, p. 343). The abovementioned legally indeterminate environments not only provide the tools of sovereignty, discipline, and accumulation for the state and the upper class, but also means of resistance for the urban poor. The gap between law-as-text and law-as-action paves the way for legal maneuver and interpretation not only in favor of the elite but also in favor of the ordinary (Haid & Hilbrandt, 2019, p. 559). Depending on their socioeconomic and cultural capital (e.g., knowledge of the legal rules and institutions), the urban poor, who are presumed to have a "deferential, alienated, and subordinated relation to law", may learn "how to use the law's complications" (Holston, 1991, p. 696) and/or how to demystify ambiguous regulations for their own purposes in urban renewal processes. (Devlin, 2010, p. 127).

Considering these debates, three prominent types of legal indeterminacy emerge within urban renewal processes. The first is inherited legal indeterminacy, characterized by the complexity of property relations resulting from unwritten informal rules alongside written formal ones (Demirtaş-Milz, 2013; Kuyucu, 2014; Perdomo & Bolívar, 1998). The second type arises from the law-making process, involving the use of ambiguous concepts, the intentional omission of crucial information, frequent law changes, and complex and contradictory laws (Demirtaş-Milz, 2013; Kuyucu, 2014; Shih, 2010; Tucker & Devlin, 2019). Lastly, legal indeterminacies stemming from the discretion of frontline state officials – i.e., street-level bureaucrats – during urban renewal projects constitute the third type (Coslovsky, 2015; Haid & Hilbrandt, 2019; Tucker & Devlin, 2019). It includes legal indeterminacies generated during the project design process, such as those stemming from arbitrary changes in project and planning decisions by project implementers whose everyday actions are not constrained by law. On the other side, it involves legal indeterminacies generated during the project implementation process, such as indeterminacies concerning the determination of rightful ownership due to the lack of clear definition of entitlement (Demirtaş-Milz, 2013; Kuyucu, 2014).

To summarize, urban renewal processes are shaped by inherited legal indeterminacies and legal indeterminacies that are intentionally created during the legal and administrative stages. Together with the articulation of the multi-level governance approach to these processes, the abovementioned legal indeterminacies become an important tool for the state to govern a large number of stakeholders with conflicting interests in urban renewal processes. They provide the state with informality, legal flexibility, and administrative leeway to design and conduct large-scale aggressive urban renewal projects, which emerge as a result of the neoliberal urban renewal strategy, in a fast, efficient, and conflict-free manner. However, at this point, it should be noted that the urban poor with socioeconomic and cultural capital also seek to turn legal indeterminacies in favor of their struggles.

3.6. Concluding remarks

This chapter underscores the crucial role of urban renewal projects as a tool for deregulation within the context of neoliberal urban policies. This shift is primarily

driven by the need for local governments to generate resources and the capitalist classes to sustain capital accumulation. The ultimate goal is to liberate the real estate market, construction sector, and local governments from existing planning rules and regulations. In major cities, these projects have become a key entrepreneurial strategy for local governments seeking to attract capital investment and gain a competitive edge in interurban competition.

Furthermore, the chapter reveals that urban renewal initiatives in the neoliberal era aim to address the rent gap, particularly in historic city centers and informal settlements near city centers, by prioritizing the exchange value of urban spaces. It argues that these projects cater to the consumption, investment, and accumulation demands of middle- and high-income groups, often resulting in the displacement and dispossession of low-income groups. The alliance between the state and capitalist classes in favor of urban renewal projects, according to the chapter, exacerbates social justice issues and is prone to causing political and social crises.

The chapter also discusses two seemingly contradictory but mutually reinforcing positions taken by the neoliberal state to manage these crises. On one hand, market actors and civil society engage in urban renewal processes alongside local governments. On the other hand, local governments become exceptional and privileged public authorities, with a strong executive branch managing complex urban renewal networks. This concentration of power allows decisions on renewal initiatives to be made in closed circles, bypassing formal rules, procedures, and participatory mechanisms, which are considered time- and cost-consuming.

Moreover, the chapter emphasizes that the rapid urbanization in developing countries, like Türkiye, over the last few decades has led to a crowded, complex, and contradictory legislative and administrative framework for urban renewal. The overlapping of the inherited regulatory framework and the regulatory framework constructed in the neoliberal era has thus rendered the legal and administrative framework of urban renewal nebulous.

Addressing the deregulatory role of urban renewal projects in the context of neoliberal urban policies, this chapter argues that local governments are increasingly forced to

step outside the legal and formal sphere to complete urban renewal processes shaped by this multi-actor and multi-rule framework. In this respect, the informal practices of local governments and the indeterminacies in the legal frameworks of urban renewal are not merely regulatory failures, but deliberate tools designed to ensure resource generation and capital accumulation through fast and efficient project implementation. The next chapter traces these tendencies in the historical evolution of the regulatory and administrative framework of urban renewal and conservation in Türkiye.

CHAPTER 4

HISTORICAL FRAMEWORK

This chapter examines the historical evolution of the legal and administrative framework regulating the fields of urban renewal and conservation in Türkiye. It aims to identify the origins of the indeterminacies in the legislation and administrative structuring of these fields and the resulting use of informality by the state. Accordingly, although it is possible to trace the legal and administrative regulations in these fields back to the late-Ottoman period[6], this historical evaluation concentrates on the post-1980 period, as the temporal focus of this dissertation is on the neoliberal era. Moreover, the importance of this endeavor lies in its attempt to capture the continuities and discontinuities of the strategic and tactical use of legal indeterminacy and administrative arbitrariness in urban renewal and conservation practices in Türkiye.

The Republic of Türkiye, since its foundation, has witnessed extremely rapid socioeconomic, cultural, and spatial transformations, such as the proclamation of republic, secularization, transition to the market economy, migration from rural to urban areas, urbanization, and so forth. As a result of political and economic factors, these rapid transformations are reflected in urban spaces (Özden, 2016, p. 235). For instance, the cities of Türkiye, especially the larger ones, have been under the pressure of illegal and unhealthy development from the 1950s to the present. The post-1980 period points to a unique period due to the adoption of neoliberal restructuring policies to ensure the integration of the Turkish economy into the global economic system on the one hand, and the steps taken to make the production of the built environment functional in terms of the implementation of neoliberal policies and the continuity of

[6] See Madran (2002) and Şahin Güçhan and Kurul (2009) for details on the legal and administrative developments in the field of conservation in the late Ottoman period. Please also see Ersoy (2017) and Tekeli (1998) for analyses on the legal and administrative evolutions in urban development and planning in the same period.

real politics on the other (Balaban, 2013, p. 57). Therefore, the legal and administrative framework of urban renewal and conservation is historically investigated in this chapter to follow the relationship between the political shifts and the continuities and discontinuities in urban renewal and conservation approaches in Türkiye.

Despite the growing problem of illegal and unhealthy settlements since the 1950s, the concepts of urban renewal and regeneration started to be intensely discussed in Türkiye in the early 2000s because urban renewal and regeneration were considered as an indication of urban development by the political actors at the central and local levels. At the same time, Gölcük and Düzce earthquakes[7] in 1999 demonstrated that the cities of Türkiye are fragile in the face of natural disasters, especially earthquakes. Hence, natural disasters started to serve as a discourse legitimizing the neoliberal logic embedded in the urban renewal processes in Türkiye (Saraçoğlu & Demirtaş-Milz, 2014).

Nevertheless, the primary motivation of political actors in using the concept of urban renewal was to initiate a development dynamism in old, derelict, and obsolescent urban areas that require renewal and promise high urban rents (Balaban, 2013, pp. 51-52). The embodiment of this motivation is the legal and administrative regulations enacted at the beginning of the 2000s to facilitate urban renewal practices. Such regulations turn the urban renewal areas into exceptional regions where the rules and restrictions prescribed by the standing legislation are invalid.

On the other side, legal indeterminacies and administrative arbitrariness strategically utilized by public and private sectors facilitated the implementation of urban renewal projects (Kuyucu, 2014). Hence, this section aims to reveal the changing role and the instruments of the state in intervening in the built environment and implementing urban renewal through a detailed analysis of the legal and administrative framework of urban renewal.

[7] The report of the investigation commission established in 2010 by the Grand National Assembly of Türkiye to investigate the earthquake risk and determine the measures to be taken in earthquake management states that 17,480 people died and 43,953 people were injured in the Gölcük earthquake. According to unofficial information, approximately 50,000 people lost their lives and nearly 100,000 people were injured. In the Düzce earthquake, 845 people died and 4,948 people were injured. In addition, many buildings collapsed in both earthquakes, leaving many people homeless (GNAT, 2010).

Within the neoliberal context, this intense discussion on the renewal of old, derelict, and obsolescent urban regions posed a threat to the conservation of cultural heritage in urban areas, especially the historic city centers in Türkiye. The capital-oriented development process introduced by the neoliberal urbanization approaches incorporates urban conservation as a method and an industry in which economic value can be created through urban marketing and urban renewal projects (Günay Z. , 2017, p. 490). Accordingly, the significance of cultural heritage is attributed to the size of the economic value created; urban conservation policies are replaced by policies guided by economic concerns; and the authority, organization, and administrative form of the actors of urban conservation are changed to support capital-oriented approaches (Günay Z. , 2015, pp. 19-20).

Thus, the elaboration of the legal and administrative framework of urban conservation facilitates the identification of the contradictions of neoliberal conservation. In conjunction with the analysis of the legal and administrative framework of urban renewal, the elaboration of the legal and administrative framework of urban conservation exposes the tensions, struggles, collaborations, and strategies utilized by the actors of urban renewal and conservation.

With all these in mind, this chapter first discusses the legal and administrative framework of urban renewal. The reason for this is the conviction that starting with a historical analysis of urban renewal will more accurately reveal the political, economic, and social transformations in Türkiye. In addition, it is considered more rational to first identify the leeway that the legal and administrative framework of urban renewal provided for administrations and administrators who are also project developers and implementers, and then to try to trace the interventions of conservation legislation in this leeway. Therefore, the examination of the legal and administrative framework of urban conservation follows that of urban renewal in this chapter.

4.1. Legal and administrative framework of urban renewal in Türkiye

This piece examines the historical evolution of the legal and administrative framework of urban renewal in Türkiye. This examination contributes to identifying continuities and discontinuities in the state's attitudes towards the issues of urban renewal. It also helps to discover when and how urban informality and legal indeterminacy first

appeared in the field of urban renewal, were they an intentional administrative strategy or a spontaneous phenomenon, who (ab)used them, why they were (ab)used, did they serve as a catalyst or an inhibitor in urban renewal processes, and were they contingent upon time periods and political tendencies.

Since the focus of this study is the neoliberal period, the historical evaluation here mainly focusses on the period after 1980. In addition, an evaluation of the legal and administrative framework that the post-1980 period inherited from previous periods is also included. However, this discussion is not limited to addressing the transformations in legislation and administrative structure. A historical evaluation of the economic, social, and political developments during the periods in question contributes to this discussion in understanding the context that led to the transformation in the legal and administrative framework of urban renewal. Accordingly, in this section of the study, the legal and administrative framework of urban renewal is discussed under three subheadings: (1) The pre-1980 era, (2) the era from 1980 to 2000, and (3) the era from 2000 to the present.

4.1.1. Evolution of the regulatory framework of urban development in the pre-1980 period

4.1.1.1. Early attempts for modern urbanization (the late Ottoman period)

In the eighteenth century, the Ottoman Empire lagged behind modern and industrialized European nations in terms of progress. Reform-minded leaders realized that the Empire needed to modernize its economy, administration, education, military, and laws to close the gap with Europe (Ersoy, 2017, p. 19). The Reforms (*Tanzimat*) Period that began in 1839 marked a period of transformation. As the ruling elite enacted modernizing reforms, the Ottoman economy was incorporated into capitalist relations (Tekeli, 1998, p. 2).

According to Tekeli (1998, p. 2), these developments led to four major transformations in the urban space, especially in the port cities, after the 1860s: (1) The emergence of modern central business districts (including banks, insurance companies, business centers, and hotels) alongside historic city centers, the construction of new infrastructural facilities (such as railway stations, ports, docks, warehouses and post offices), and the erection of government offices in city centers; (2) the replacement of

pedestrian traffic by public transport (e.g., cars, trams, ferries, and suburban trains); (3) the emergence of class-based stratification as well as nation-based stratification in residential areas as a result of new economic relations; and (4) the development of new types of land use that emerged with the creation of public spaces and new patterns of living brought about by modernization.

After the second half of the nineteenth century, improvements in health conditions and the increasing migration of the Muslim population living in lands lost during the period of decline led to the growth of cities and the formation of immigrant neighborhoods. On the other hand, Western countries pressured the Ottoman Empire to modernize its local government structure as minorities demanded political participation (Keleş, 2012b, p. 157) and better urban services, such as sanitation, street lighting, sidewalks, and sewage systems (Eryılmaz, 2010, p. 188). These developments led the Empire to establish a modern municipal organization (*şehremaneti*) in İstanbul in 1854 in order to organize and regulate urban life and space due to the unrest and disorder caused by the Crimea War in the capital and the inadequacy of the pious foundations that assumed the responsibility for urban services (Ortaylı, 2008, p. 436). Subsequently, inspired by the French model, Sixth Arrondissement (*Altıncı Daire-i Belediye*) was established in 1858, covering the Beyoğlu and Galata district[8] in İstanbul (Keleş, 2012b, p. 157; Tekeli, 1998, p. 3).

In other cities, such as Thessaloniki, Beirut, and İzmir, municipalities were established in accordance with the Regulation on Provinces enacted in 1864 (*Vilayet Nizamnamesi*). In the late 1860s and early 1870s, municipalities were also established in many cities of the Danube Province, Baghdad, and Cyprus. Although the regulation introduced very indeterminate provisions in terms of the status of municipal organization, municipalities were successfully established in these provinces, as these provinces are key points in relations with the other countries (Ortaylı, 2008, p. 436).

[8] The reason for choosing the Beyoğlu and Galata districts as pilot area for a Western-style municipal organization was the idea that it would be difficult to establish one in all districts of Istanbul and that there would not be much difficulty in carrying out municipal services in these districts where foreigners lived in large numbers. In 1868, the Regulation on the Municipal Administration of Capital (*Dersaadet İdare-i Belediye Nizamnamesi*) was adopted to extend this municipal model to other districts of İstanbul. According to the regulation, the municipality of Istanbul was to be divided into fourteen departments. However, the establishment of only four departments was completed (Eryılmaz, 2010, pp. 188-189).

The 1876 Constitution (*Kanun-i Esasi*) stipulated the establishment of municipal administrations in İstanbul and other provinces and the administration of these municipalities by elected municipal councils. One year after the 1876 Constitution, two laws were enacted concerning municipalities. The first one is the Law on the Municipality of Capital (*Dersaadet Belediye Kanunu*), which regulated İstanbul Municipality in all its aspects. The other one is the Law on the Province Municipalities (*Vilayet Belediye Kanunu*), which envisaged the establishment of municipalities in other cities and districts across the Empire (Gözler, 2019, pp. 4-5).

In addition to the establishment of modern institutional structures, the other result of approaching the urban transformation in the Ottoman Empire within the rational framework of modernity was to realize this transformation within a planning framework, which started in İstanbul (Tekeli, 1998, p. 3). In this context, the first planning attempt for İstanbul was the 1/25000 scale plan prepared between 1836 and 1837 by Helmuth Karl von Moltke, a cartographer soldier who was invited to the capital for the modernization of the army (Ersoy, 2017, p. 28).

Parallel to such attempts, the first document concerning urban planning (*ilmuhaber*) was published in 1839, covering the spatial arrangements to be made in a certain area of İstanbul. In 1848, the first legal document in the Ottoman urban development legislation, the Regulation on Buildings (*Ebniye Nizamnamesi*), which concerned İstanbul and its immediate surroundings, came into force. This was followed by the Regulation on Roads and Buildings (*Turuk ve Ebniye Nizamnamesi*), which became effective throughout the Empire in 1863. Finally, in 1882, the Law on Buildings (*Ebniye Kanunu*), the first law concerning buildings, was put into effect (Ersoy, 2017; Tekeli, 1998, p. 3).

The first spatial plans of İstanbul prepared in accordance with this legislation did not intend a city vision realized through planning the entire city and implementing large-scale urban development operations, as in the case of Paris. In the 1850s, local plans were developed for smaller areas to establish new neighborhoods on the periphery of cities for resettling immigrants and to reconstruct the zones that emerged because of frequent large fires, especially due to the prevalence of wooden houses in İstanbul (Tekeli, 1998, p. 3).

These redevelopment activities varied depending on the size of the fire, the topography of the burned area, and its location in the city. For example, if the burned area was in a large and prestigious neighborhood, the burned area was transformed through renewal practices that envisaged a main street running through the neighborhood and often included the unburned immediate surroundings. On the other hand, if the burned area was in a small and modest neighborhood, a grid plan was applied to the burned areas and straight and wide streets were built (Ersoy, 2017, p. 33).

In short, the modernization movement, which brought about significant social, economic, political, legal, and administrative transformations in the late Ottoman period, was also reflected in the organization and regulation of urban space and life. Accordingly, the Empire handed down to the Republic a largely transformed urban structure and life; a modern, albeit weak, municipal organization; and urban planning practices, albeit fragmentary (Tekeli, 1998, p. 3).

4.1.1.2. From blueprint to reality in urban change (the early Republican period)

From the foundation of the Republic in 1923 to 1950, the political regime in Türkiye was dominated by a single political party, the Republican People's Party (RPP). In this period, the most prominent mission of the RPP was to pioneer a revolution led by the middle class to constitute the nation-state as part of its modernization project (Şengül, 2009, p. 112). The way to achieve this was to create a national consciousness and accomplish nation-building. Hence, emphasis was placed on a two-level spatial strategy: The transformation of the country's territory into the space of the nation-state and the organization of cities as places of modernity. (Tekeli, 1998, p. 4).

According to Tekeli (1998, p. 5), the three important elements of the spatial strategy pursued at the national level were (1) the declaration of Ankara as the capital, (2) the establishment of an Ankara-centered railway network that would cover the entire country, and (3) the opening of factories in small Anatolian cities along the railway route. The underlying reason for this strategy, which envisions a more balanced and Ankara-centered development model for Anatolia, stemmed from the semi-colonial experience of the Ottoman Empire in the eighteenth and nineteenth century, which led to the development of port cities, such as İstanbul and İzmir, while small Anatolian cities lagged behind (Altaban, 1998, p. 43).

On the other side, the Republic was confronted with two major urban planning problems in organizing cities as places of modernity. The first was the planning and development of the cities of Western Anatolia destroyed by the Greek army during its retreat from Anatolia. The other was the challenge of planning and developing Ankara as the modern capital to serve as a model for other cities. Although the Republic inherited experience from Ottoman urban planning practices in the redevelopment of destroyed areas, it did not have the experience of planning a nation-centered and modern capital (Tekeli, 1998, pp. 6-7).

In response, firstly, Ankara Municipality was established with Law no. 417 on Ankara Municipality adopted in 1924. In the same year, the first development plan of Ankara was prepared by the German Architect Carl Christoph Lörcher at the request of the municipality. However, rapid population growth and criticism of the Lörcher plan revealed the need for a new and long-term plan (Cengizkan, 2018, p. 103). In 1928, the municipality opened a planning competition to which three international city planners were invited. Herman Jansen won the competition and developed a plan that covers the entire Ankara (Tekeli, 1998, pp. 7-8).

While the preparations for the competition were still underway, it was understood that Ankara Municipality was not able to manage the development of Ankara with its technical staff and organizational structure. Therefore, Law no 1351 on the Organization and Duties of the Ankara City Development Directorate, enacted in 1928, established Ankara City Development Directorate under the Ministry of Interior and granted it strong planning and implementation powers (Tankut, 1988, p. 98; Tekeli, 1998, p. 7).

In parallel with the experiences gained in the case of Ankara, the legislation inherited from the Ottoman Empire was annulled in the 1930s, leading to a new legal and administrative framework in terms of urban development and planning (Tekeli, 1998, p. 9). This framework included Law no. 844 on the Real Estate and Orphan Bank[9] (*Emlak ve Eytam Bankası*) enacted in 1926, Law no. 1580 on Municipalities and Law

[9] The Real Estate and Orphan Bank was established to provide the financial resources for housing and urban development (Keleş & Duru, 2008, p. 31). It was reorganized as the Real Estate and Credit Bank in 1946, and its financial resources were enhanced (Topal, Yalman, & Çelik, 2019, p. 648).

no. 1593 on Public Hygiene (*Umumi Hıfzısıhha*) in 1930, Law no. 2290 on Buildings and Roads and Law no. 2301 on the Bank of Municipalities[10] in 1933, Law no. 2447 on Expropriation by Municipalities and Law no. 2644 on Land Registry in 1934, and Law no. 2763 on the Establishment of Municipal Development Board in 1935. Moreover, Law no. 5237 on Municipal Revenues was enacted in 1948 (Keleş & Duru, 2008, p. 30; Özden, 2016, p. 239; Tekeli, 1998, p. 10).

However, efforts to create modern and planned cities had become ineffective for both Ankara and other cities, and this ideal was largely abandoned by 1950. It is not surprising that such efforts of the state, which allocates resources to industrialization rather than cities due to political balances, is not effective enough. [11] In addition, due to the ineffectiveness of planning instruments and the fragmentation of the urban property regime, cities turned into a stage for a large number of small-scale actors opposing urban planning practices (Şengül, 2009, pp. 119-120).

Similarly, the abandonment of the Ankara's planned development as a modern capital city was primarily due to insufficient financial resources to support the projected developments and political opposition from both traditional and emerging middle classes concerned about rent-sharing (Şengül, 2009, p. 119). Ankara's designation of the country's capital accelerated migration to the city, revealing the inadequacy of its housing stock to accommodate migrants. The absence of a comprehensive housing policy, coupled with land speculation and rapid migration, led to widespread squatting in Ankara from the 1930s onward, particularly among migrants unable to afford housing in established neighborhoods. These migrants built squatter houses[12] on lands

[10] In 1945, the Bank was restructured as the Bank of Provinces to provide technical services to municipalities in planning and infrastructure projects and to assist them in financing. Although the establishment of the latter created a financing capacity for municipalities, it was insufficient in the face of the comprehensive transformation of cities in Türkiye (Tekeli, 1998, pp. 12-13). In 2011, it was renamed the Bank of Provinces Inc. and restructured as an investment and development bank with the status of a joint stock company with a special budget, subject to the provisions of private law (Topal, Yalman, & Çelik, 2019, p. 649).

[11] Although Law no. 1580 on Municipalities charged municipalities with providing many urban services, they were unable to fulfill even their most basic duties due to lack of financial resources and personnel. By the end of the 1950s, for instance, only 58.5 percent of municipalities had prepared development plans and these plans were rarely implemented (Şengül, 2009, pp. 119-120).

[12] In Turkish, a squatter house is called "*gecekondu*", which means "landed in one night" or "built overnight".

to which they were not entitled, especially state-owned lands in the urban periphery (Topal, Yalman, & Çelik, 2019, p. 634).

This led the state to search for legal regulations to prevent squatting. For example, Law no. 5218 on the Authorization of Ankara Municipality to Allocate and Assign a Certain Portion of Its Lands and Plots to Those to Build Houses Under Certain Circumstances Without Being Bound by the Provisions of Law no. 2490 was enacted in 1948. The aim was to address squatting within Ankara by renewing squatter houses and providing land for construction (Keleş, 2012a, p. 520). However, Özden (2016, p. 239) suggests that this law essentially served as an amnesty for squatter settlements. In the same year, Law no. 5228 on Incentives for Constructing Buildings was introduced so that those who needed money to build a house could get loans from the Real Estate and Credit Bank. The law also authorized municipalities to provide land to those who will construct their houses and to housing cooperatives. Law no. 5431 on Demolition of Unauthorized Buildings and Amendment of Article 13 of Law no. 2290 on Buildings and Roads, dated 1949, also prescribed the prevention of squatter house construction and the demolishment of the existing ones (Keleş, 2012a, p. 520).

Table 2: Legislation on urban development enacted in the early Republican period, 1923-1950.

Year	Number and title of laws
1924	Law no. 417 on Ankara Municipality
1926	Law no. 844 on the Real Estate and Orphan Bank
1928	Law no 1351 on the Organization and Duties of the Ankara City Development Directorate
1930	Law no. 1580 on Municipalities
1930	Law no. 2290 on Buildings and Roads
1933	Law no. 2301 on the Bank of Municipalities
1934	Law no. 2447 on Expropriation by Municipalities
1934	Law no. 2644 on Land Registry
1935	Law no. 2763 on the Establishment of Municipal Development Board
1948	Law no. 5218 on the Authorization of Ankara Municipality to Allocate and Assign a Certain Portion of Its Lands and Plots to Those to Build Houses Under Certain Circumstances Without Being Bound by the Provisions of Law no. 2490
1948	Law no. 5228 on Incentives for Constructing Buildings
1948	Law no. 5237 on Municipal Revenues
1949	Law no. 5431 on Demolition of Unauthorized Buildings and Amendment of Article 13 of Law no. 2290 on Buildings and Roads

To summarize, in the early Republican period, within the framework of the radical modernity project of the founding cadres of the Republic, the aim of transforming all cities, especially the capital Ankara, into modern and planned cities was adopted. Between 1923 and 1950, many legal and administrative arrangements were made in this direction (Table 2). However, due to the aforementioned reasons, this aim could not be realized and even the problem of squatter settlements emerged in the cities. The emergence of squatter settlements as an urban policy problem necessitated new legal regulations to solve this problem. While it was expected that these regulations would solve the problem of squatting, the housing needs of the poor masses migrating from rural to urban areas after the Second World War exacerbated this problem.

4.1.1.3. State's ambivalent responses to the transforming urban fabric (1950-1980)

With the emergence of a bipolar global order after the Second World War, the United States aiming to isolate Türkiye from the influence of communism and the USSR provided economic aid to Türkiye within the framework of the European Recovery Program, also known as the Marshall Plan. As the investments made through American grants were used to modernize agricultural production, the surplus labor in rural areas increased (Keyder, 1987, p. 119). Owing to the new road network, one and a half million migrants arrived in urban areas between 1950 and 1960, representing an increase in the urban population from 18.5 percent in 1950 to 25.9 percent in 1960 (Batuman, 2013, p. 579; Keleş & Danielson, 1985, p. 28).

As can be seen, the rural-oriented and agriculture-based development strategy ironically led to the rapid migration of peasants to large cities from the 1950s onwards and the creation of large and dense labor pools in these cities (Şengül, 2009, p. 122). Neither the job opportunities nor the housing stock in the large cities was sufficient to provide housing and employment for so many migrants. This insufficiency resulted in the rise of the informal sector in the urban economy and the emergence of squatter settlements lacking infrastructure and urban services in major urban areas (Batuman, 2013, p. 579; Keleş & Danielson, 1985, p. 41; Şengül, 2009, p. 123).

Neither the central government nor local governments had the financial means to solve problems related to housing, infrastructure, and urban services (Uzun, 2005, p. 184).

Hence, the new urban poor had to meet their housing needs illegally and informally by building low-quality squatter houses in urban areas close to daily job opportunities in the centers of large cities (Özden, 2016, p. 241). These areas might be inner-cities or urban peripheries left vacant due to their unsuitability for development. As a result, dual-structure cities emerged, which were composed of regions that developed in accordance with modernity on the one hand and of regions that developed spontaneously on the other (Tekeli, 1998, p. 12). Şengül (2009, p. 123) calls this the period of (local) community-centered urbanization characterized by the limited intervention of the state in urban areas due to inadequate financial resources.

To address the problem of unplanned and irregular urbanization caused by the sprawl of squatter settlements, the government took new legal and administrative measures to increase the capacity of the state to respond to the new conditions. Among these measures was Law no. 5656 on the Addition of Certain Articles to the Municipality Law, adopted in 1950. The law stipulated that municipal councils may include the construction of municipal housing and the rental and sale of such housing to local residents among the compulsory municipal services when deemed necessary.

Moreover, Law no. 6188 on the Incentives for Constructing Buildings and Unauthorized Buildings, enacted in 1953, provided that the lands and plots of land within the municipal boundaries, which are and will be owned by the municipality, is allocated for the construction of dwellings as determined by the municipal council. It also prescribed municipalities to use their land to build affordable housing and to sell these housing units at the cost of production, firstly to those whose squatter houses were demolished and secondly to those living in unhealthy housing (Özden, 2016, pp. 240-241). This law legalized the squatter houses that are constructed until 1953 and prohibited the construction of squatter houses after that date. Nevertheless, it contributed neither to increasing the housing supply nor to preventing squatting (Keleş, 2012a, p. 520).

In 1956, Law no. 6785 on Development was adopted in the GNAT. This law is significant in that it was the first law that did not consider planning as limited to building and roads (Ersoy, 2011, p. 182). Instead of setting uniform and rigid standards for all cities as in Law no. 2290, this law provided municipalities and city planners

with a certain amount of flexibility to plan cities in accordance with their natural, geographical, and cultural characteristics, which accelerated urbanization (Ersoy, 2017, p. 212; Özden, 2016, p. 257).

Inspired by comprehensive planning, the dominant planning approach of the period, the law aimed to create a planning system in which urban planning authorities had absolute control over the development of cities, similar to established planning approaches in Western countries (Uzun, Özdemir Sarı, & Özdemir, 2019, p. 5).The adjacent areas were included in the planning authority of municipalities, which means an increase in municipal jurisdiction (Ersoy, 2017, p. 212). However, the authority to approve development plans was left to the Ministry of Public Works (*Nafia Vekaleti*) (Keleş, 2012a, p. 202). While this indicates that a response to the development problems of growing cities was sought (Tekeli, 1998, p. 13), it also pointed to an indeterminacy about whether this response should come from the central or local level.

Another legal regulation enacted in 1956 was Law no. 6830 on Expropriation (*İstimlak Kanunu*). The law enabled the government and municipalities to expropriate urban lands, swiftly demolish existing buildings, open wide roads, and construct gigantic buildings. Accordingly, especially in larger cities, urban lands were expropriated to open wide roads, boulevards, and squares filled with motor vehicles and surrounded by modern high-rise buildings. Such urban operations intensified in the second half of the 1950s because the urbanization strategy of the Democratic Party government[13] that came to power in 1950 was influenced by market demand and popular American urbanization forms (Ayhan Koçyiğit, 2019, p. 54).

In 1958, the Ministry of Construction and Settlements was established with Law no. 7116 on the Organization and Duties of the Ministry of Construction and Settlements. Thereby, a ministry specialized in planning, housing, and building materials was

[13] After the Democratic Party came to power in 1950, the statist economic development strategies of the 1930s were replaced by liberal economic policies that increased the role of the private sector in economic development (Yalım, 2017, p. 210). The Turkish economy, which had been confined to the domestic market before the Second World War, began to open up to global market in the 1950s (Tekeli, 1998, p. 12). This shift in economic policies also affected the country's urbanization strategy, bringing it under the influence of market demand and American urban vision (Ayhan Koçyiğit, 2019, p. 53). Accordingly, Istanbul was prioritized over Ankara in terms of urban development and public investments (Batuman, 2013, p. 580).

constituted to combat the problem of rapid urbanization (Tekeli, 1998, p. 13). The law authorizes the Ministry to approve development plans for cities, towns, and villages (Keleş, 2012a, p. 202). According to the law, the Ministry was also in charge of determining the need for housing throughout the country, making short and long-term programs accordingly, rehabilitating and liquidating the houses that needed to be rehabilitated, meeting the housing demand of those in need, encouraging the construction of mass housing, and regulating loans and aids provided by various institutions for housing (Türkün, Aslan, & Şen, 2013, p. 52).

The state's attitude towards squatter settlements oscillated between demolition/ prohibition and inaction/negligence between 1950 and 1960. The reason for this oscillation was that squatter owners threatened state authority and middle-class lifestyle while squatting contributed to the low-cost relief of the housing shortage on behalf of the state. In the 1960s, this attitude became more positive towards the new urban poor due to the undeniable scale of the problem. In order to get ahead in the political competition brought about by the multi-party system, political parties also had to take into account the needs and demands of the urban poor, whose population significantly increased due to the continued migration from rural to urban areas (Şengül, 2009, pp. 128-129).

In addition, the positive contribution of squatter settlement and squatter owners to the economy was emphasized due to the prominence of an import-substituting industrialization model based on the domestic market in Türkiye in the 1960s. This was closely related to the assumption that squatter settlements contribute to the reproduction of the labor force required by industrialization without drawing resources from the state and capital. Hence, a complex relationship developed between the squatter owners and formal sectors and structures on both the political and economic spheres due to the moderation of the strict attitude towards squatter settlements (Şengül, 2009, pp. 129-130).

The informal moderation in the state's attitude towards the urban poor in line with political and economic realities was also supported by formal rules and regulations. According to the 1961 Constitution, which came into force after a military coup, the state is obliged to take measures to meet the housing needs of poor and low-income

families in accordance with health conditions. To realize economic, social, and cultural development, the Constitution also assigned to the state the duty of making national development plans. The first of these plans (1963-1967) highlighted "the need for increased housing loans and new fiscal policies, along with the provision of land to facilitate the construction of housing for lower income households" (Topal, Yalman, & Çelik, 2019, p. 635).

Despite these, the central government and local governments failed to meet the housing needs of large cities with growing populations and rapid migration due to insufficient financial resources (Uzun, 2017, p. 588). The inadequacy of housing stock led to a further sprawl of squatter settlements, especially in large cities, such as Ankara, İstanbul, and İzmir, where urban renewal projects have been intensely carried out since the 2000s. Besides, while cities continue to grow, suburbs started to emerge (Uzun, 2017, p. 588). As cities outgrew their municipal boundaries, many municipalities sprang up around large cities. Cities under the control of a single municipality were transformed into metropolitan areas under the control of many municipalities (Tekeli, 1998, pp. 15-16).

Municipalities are among the leading actors whose capacity must be developed to overcome the urbanization problems discussed above. In this respect, Law no. 307 on Amending Law on Municipalities[14], which was enacted in 1963, stipulated that mayors are elected directly by the people, not by the municipal councils. The law envisaged a presidential system for municipal administration with no mechanisms for check and balances for the mayor[15] (Toksöz, 2015, p. 7). This amendment has put the mayor in a powerful position vis-à-vis the municipal council, establishing a strong mayor-weak council model (Bayırbağ, 2013, p. 1134). However, attempts to increase municipal

[14] Prior to Law no. 307, mayors were elected by the members of municipal councils from among the members of the council or outside the council. The election of the mayor was finalized with the approval of the governor (the provincial representative of the government) in places that were not provincial centers, and with the proposal of the Minister of Interior and the approval of the President of the Republic in places that were provincial centers.

[15] The power granted to the municipal council by Law no. 1580 to remove the mayor from office has been rendered impossible (Toksöz, 2015, p. 7). According to Law no. 1580, the councils could remove the mayor by rejecting the mayor's annual work report with an absolute majority of their members. With Law no. 307 introduced in 1963, a two-thirds majority of the number of council members was required to remove the mayor. This situation is still valid today.

revenues failed during this period. Existing municipal revenues and new revenues introduced by laws were annulled by the Constitutional Court, leading to a decline in municipal revenues. In a period when urban problems required large financial resources, the decline in municipal revenues made municipalities even more dependent on the central government (Tekeli, 1998, pp. 18-19).

The problem of squatting continued to increase in the 1960s. Through these years, all political parties were pragmatically sensitive to the demands of squatter dwellers, who constituted almost half of the population of large cities (Şengül, 2009, p. 132). As a response to these demands, Law no 327 on Adding a Provisional Article to the Development Law no. 6785 was adopted in 1963, providing urban services to the squatter settlements for one time only. By authorizing the provision of municipal services to squatter settlements, which are informal and illegal forms of housing, this law made the legal status of squatter settlements indeterminate. For Özden (2016, p. 243), this law encouraged squatting due to its character as amnesty law. Keleş (2012a, p. 522) views its enactment as a political move ahead of the upcoming local elections in 1963.

The crisis in housing production due to financial constraints was not unique to central and local governments; individuals also faced a crisis in housing production due to economic problems. To respond this crisis, Law no. 634 on Condominium has been enacted in 1965. Increasing development rights, the law provided a legal basis for the construction of multi-story buildings consisting of multiple flats on a single plot of land (Uzun, 2017, p. 588). The most significant implications of the law were (1) the rise of build-and-sell (*yap-sat*) mode of housing production, (2) the increasing share of small-scale contractors in housing production, (3) the emergence of multi-story blocks as the predominant form of housing stock, and (4) the rise of land prices in the certain districts of major urban centers (Topal, Yalman, & Çelik, 2019, p. 636; Türkün, Aslan, & Şen, 2013, p. 59; Uzun, 2017, p. 588).

The build-and-sell mode of housing production fills a gap in Türkiye's housing policy by providing a solution for both small capitalists and housing demanders. It allowed small-scale contractors to become real estate developers. Moreover, it facilitated mostly middle- and high-income groups to obtain apartment-style housing units in the

central districts of the city. Finally, it encouraged squatter owners to have their squatters rebuilt as apartment buildings (Topal, Yalman, & Çelik, 2019, p. 636; Türkün, Aslan, & Şen, 2013, p. 59; Uzun, 2017, p. 588).

During this process, multi-story blocks were built on both vacant lands and lands with low-rise buildings. While city centers became crowded and valued, new urban centers also emerged. Due to the increase in urban rents, most of the buildings in the central business districts were demolished before the end of their economic life and multi-story buildings were built in their place (Genç, 2008, p. 117). The resulting significant increase in urban density has been detrimental to the existing infrastructure and healthy built environment (Türkün, Aslan, & Şen, 2013, p. 59). On the other hand, the urban peripheries which consist of green areas and agricultural lands that are not suitable for settlement started to be covered with housing blocks. As is seen, throughout this renewal process, cities not only developed without following a plan but also grew by ignoring the natural, historical, and cultural environment as well as disaster risks. Since the 1950s and 1960s, big cities, especially İstanbul and Ankara, have become the symbols of such renewal processes (Genç, 2008, p. 117).

Following the establishment of condominium regime, Law no. 775 on Squatters was enacted in 1966 to transform squatter settlements into planned urban areas (Uzun, 2017, p. 588). Accordingly, the law aimed to rehabilitate and liquidate existing squatter settlements and to prevent the reconstruction of squatters. In this respect, it authorized municipalities to rehabilitate existing squatter settlements with upgraded infrastructure and public facilities, demolish uninhabitable ones, and resettle their residents in new low-cost housing developed by municipalities (Topal, Yalman, & Çelik, 2019, p. 635). The first examples of planned urban renewal practices were realized in squatter rehabilitation and prevention zones introduced by Law no. 775 (Uzun, 2017, p. 588). According to Tekeli (1998, p. 19), one of the important characteristics of this law is that it recognizes a new framework of legitimacy for squatter settlements that is not compatible with the development legislation.

Law no. 775 also stipulated that of the lands and plots owned by the municipalities and to be owned by the municipalities in accordance with this law, those determined by the municipal councils and approved by the Ministry of Construction and

Settlements must be reserved for housing construction. However, the law exempted the lands and plots located in commercial, business, and industrial centers of cities that have high purchase and sale values or that are not deemed suitable for the construction of low-cost housing. It was stated that these lands and plots may be rented out, sold, or utilized in other ways by the municipalities upon the decision of the municipal councils and approval of the Ministry. As is seen, the law did not clearly and explicitly specify how this utilization will be made by the municipalities (Özden, 2016, pp. 256-257), creating legal indeterminacy and room for maneuver for municipalities.

Furthermore, the law stated that those who are allocated land in return for their squatters and those who will rehabilitate their squatters will be provided with all kinds of technical assistance, long-term housing loans, and in-kind assistance within the bounds of possibility. According to Özden (2016, p. 257), while it was the right approach to assist squatter owners in the renewal of squatters, the phrase "within the bounds of possibility" restricted and complicated the implementation of this provision. This is because the provision did not explicitly authorize or mandate public institutions to assist squatter owners, leaving the implementation of the provision to the discretion of these institutions that can determine what is within the bounds of possibility and what is not.

Although many squatter rehabilitation and prevention zone projects were implemented between 1966 and 1984 when the law was in force, squatter construction could not be prevented. For instance, in Ankara, the land in the squatter preventions zones rapidly turned into squatter settlements due to delays in land distribution (Türkün, Aslan, & Şen, 2013, pp. 58-59). Nevertheless, the combined effect of amnesty laws, Law no. 634 on Condominium, and Law no. 775 on Squatters can be viewed as an early form of urban renewal that mobilizes the commodification of squatters. This was because squatter owners not only sought to resemble the settled urban populations in terms of quality of life, but also aimed to obtain legal security, title deeds, and planning rights to benefit from urban rent (Şengül, 2009, p. 132).

Although efforts to intervene in the organization of space at the national and regional level failed to be effective, the insistence on the top-down analysis became an integral part of urban planning efforts in the 1960s. In this respect, metropolitan development

plan bureaus under the Ministry of Construction and Settlement were established in İstanbul, Ankara, and İzmir between 1965 and 1969. Interdisciplinary teams organized in these offices made plans for these cities using modern techniques (Tekeli, 1998).

The second national development plan (1968-1972) viewed housing provision as a service to be regulated by the state, thereby allowing space for cooperatives as one of the actors in housing provision on the other (Topal, Yalman, & Çelik, 2019, pp. 635-636). In this context, Law no. 1163 on Cooperatives was enacted in 1969 to encourage housing provision through cooperatives as an alternative to the expensive build-and-sell mode of housing production (Tekeli, 1998, p. 16). During this period, trade unions supported the establishment of housing cooperatives so that their members could become homeowners. Municipalities also gave priority in land allocation to cooperatives and unions of cooperatives (Topal, Yalman, & Çelik, 2019, p. 637). Despite these, the process of housing provision through cooperatives did not lead to the renewal of the existing housing stock but created high-density housing areas on vacant lands (Tekeli, 1998, p. 17).

Another important institutional development was the establishment of the General Directorate of Land Office under the Ministry of Construction and Settlements with the adoption of the Law no. 1164 on Land Office in 1969. The aim of the general directorate was to prevent excessive increases in land prices by carrying out regulatory (*tanzim*) purchases and sales of land. The law aimed to strengthen the Ministry in terms of controlling urban land, which is one of the most important mechanisms in regulating urbanization. However, the law did not have a significant impact on land prices as the general directorate was not adequately resourced (Tekeli, 1998, p. 19).

In 1972, Law no. 1605 on Certain Amendments to Law no. 6875 on Development was enacted. Even though the law vested the Ministry of Construction and Settlement with an authority over municipalities to make or have made a development plan in metropolitan areas, the Ministry has not been able to use this authority effectively (Tekeli, 1998, p. 19). Finally, Law no. 1990 on Certain Amendments to Law on Squatters, enacted in 1976, extended the period of squatter amnesty from 1966 to 1976, thus maintaining the pardoning approach towards squatter settlements (Türkün, Aslan, & Şen, 2013, p. 73).

Table 3: Legislation on urban development enacted between 1950 and 1980.

Year	Number and title of laws
1950	Law no. 5656 on the Addition of Certain Articles to the Municipality Law
1953	Law no. 6188 on the Incentives for Constructing Buildings and Unauthorized Buildings
1956	Law no. 6785 on Development
1956	Law no. 6830 on Expropriation
1958	Law no. 7116 on the Organization and Duties of the Ministry of Construction and Settlements
1963	Law no. 327 on Adding a Provisional Article to Law no. 6785 on Development
1965	Law no. 634 on Condominium
1966	Law no. 775 on Squatters
1969	Law no. 1164 on Land Office
1972	Law no. 1605 on Certain Amendments to Law no. 6875 on Development
1976	Law no. 1990 on Certain Amendments to Law on Squatters

As is seen, the transformation of Türkiye's urban landscape from 1950 to 1980 was shaped by complex interactions between development strategies, rapid rural-urban migration, squatting problem, and changing government responses. These responses ranges from the enactment of various laws (on urban development, planning, development amnesty, expropriation, condominium, squatters, etc. as illustrated in Table 3) to restructuring of public authorities (such as, municipalities, the Ministry of Construction and Settlements, metropolitan development plan bureaus, the General Directorate of Land Office, and so forth). Nevertheless, fiscal constraints, changing social expectations, and shifting political dynamics often hampered the effectiveness of urban policies in managing rapid urban change and pressing urban problems.

In fact, the "New Municipalism Movement" that emerged in Türkiye's metropolitan cities in the 1970s, led by the left-oriented RPP, opened the doors to an urban policy approach that addresses urban problems from a social justice perspective and emphasizes the use value and living space dimensions of urban space (Şengül, 2009, p. 133). Thanks to this perspective, mayoral candidates of the RPP took over many municipalities in metropolitan areas, including Ankara and İstanbul, in the 1973 and 1977 local elections and they remained in office until 1980.

During this period, the municipalities of İstanbul and Ankara undertook public housing and public transportation projects similar to Keynesian welfare state practices and

assumed responsibility for social policy (Savaşkan, 2020, p. 65). These municipalities also sought to introduce alternative urban policies against the policies of the central government controlled by the right-wing coalitions that ignored the basic needs of the urban poor living in the squatter areas (Bayırbağ, 2013, p. 1134). In order to implement these alternative urban policies, RPP municipalities had to overcome the strict financial control of the central government, which became evident after the 1960 military coup. In this context, the RPP mayors have tried to find a way to increase their autonomy from the central government by developing alternative forms of service delivery and financing (Bayırbağ, 2013, p. 1134).

According to Savaşkan (2020, p. 68), mayors have also endeavored to develop various strategies in response to the central government's interventions in staff appointments, budget constraints, and urban development processes. Drawing on the practices of İstanbul's Mayor Ahmet İsvan during that period, Savaşkan (2020, pp. 68-69) indicates that İsvan resorted to bypassing the law[16] and engaging in legal trickery/fraud against the law[17] in order to overcome the central government's restrictions, particularly regarding budget and personnel matters.

Consequently, municipalities were politicized as "an alternative locus of power" (Şengül, 2009, pp. 172-173) or "a scalar substitute" (Bayırbağ, 2013, p. 1134) in the 1970s and thus, they became a key component of the state apparatus in public service provision, especially within the framework of social policy. However, the neoliberal shift towards the end of the 1970s led to a transformation in the role of municipalities from the reproduction of labor to the reproduction of capital. This transformation resulted in the dominance of an urban policy approach from the 1980s onwards that

[16] According to the legislation, 30 percent of the municipal budget had to be allocated to investments. However, according to İsvan, municipalities were not in a position to pay even salaries and current expenditures. Faced with this situation, he inflated the budget with fictitious revenues from the sale of municipal real estate and fulfilled the 30 percent condition by showing fictitious investments (İsvan, 2011, as cited in Savaşkan, 2020, p. 69).

[17] The municipalities had to obtain the approval of the central government for the appointment of permanent staff. In order to evade this obligation and to recruit his staff as employees in the municipality, İsvan employed his own team in the municipality under the status of municipal worker. He legally appointed the *de facto* press director of the municipality to the position of advisor. He also appointed the first transportation specialist of the municipality as a sewage worker (İsvan, 2011, as cited in Savaşkan, 2020, p. 69).

sees the city as a rent source and that prioritizes exchange value of urban space. Therefore, the legal and administrative framework regulating the renewal of the informal, illegal, irregular and unplanned built environment inherited from the pre-1980 period, which will be discussed in the next section, can be expected to bear the traces of such an urban policy approach.

4.1.2. Commodified cities and entrepreneurial urban actors (1980-2000)

The crisis of import-substituting industrialization strategies and political instability plunged Türkiye's cities into growing unrest and chaos. To overcome this intertwined political-economic crisis, a set of roll-back reforms[18] envisaging a liberalized, open-market economy was introduced and a military coup was staged to establish political stability in 1980 (Bayırbağ, 2013, p. 1135). According to Şengül (2009, p. 139), the military regime played an important role in the transition from "labor-centered" urbanization period to the "capital-centered" urbanization period and laid the foundations of urban entrepreneurialism in Türkiye.

As urban entrepreneurialism has become the dominant approach, municipalities have been removed from duties that contribute to the reproduction of labor power, including health, education, housing, nutrition, social aid, and cultural activities, which were already undertaken at a minimum level (Güler, 2013, p. 257). In fact, municipalities adopting the NPM approach have assumed an entrepreneurial role and acted as market facilitators (Bartu Candan & Kolluoğlu, 2008, p. 12). They have begun to privatize their conventional services, such as transportation, housing, and natural gas delivery, while providing the remaining services on a user-pays basis and with a profit motive (Şengül, 2009, p. 177).

The abandonment of industrialization-oriented investments to a large extent increased the interest of both the public and private sectors in urban areas (Eraydın, 1988, p. 150). After 1980, the state supported the growth of the construction sector through direct and indirect investments as well as legal and administrative regulations

[18] In the midst of a severe balance of payment crisis, the minority right-wing government that came to power in late 1979 launched an IMF-guided stabilization program on January 24, 1980, referred to as a structural adjustment strategy. The implementation of this strategy, known as the 'measures of January' 24, did not fully take effect until the regime change brought about by the military coup in 1980 (Topal, Yalman, & Çelik, 2019, p. 638).

(Balaban, 2013, p. 61). Since the early 1980s, especially large cities have become focal points where the financial resources allocated by the central government are invested via municipalities (Şengül, 2009, p. 140).

Using these resources for large-scale investments, such as urban infrastructure and housing, which had been neglected during the planned period, municipalities opened new areas for the private sector through the subcontracting mechanism, contributing to the reproduction of capital. Unlike local governments in the West, the resources of municipalities in Türkiye were expanded in the 1980s, albeit to a limited extent, but these resources were used in a manner sensitive to the demands of capital rather than social demands (Şengül, 2009, p. 177).

These large-scale urban investments were realized through public procurements won by large domestic and international companies. Hence, these investments have become an important means of capital transfer (Eraydın, 1988, p. 151). In addition, especially large infrastructure projects were also realized by borrowing directly from international markets through various methods. At the same time, through build-operate-transfer model, international capital has been involved in the provision of urban services, becoming a partner in the operating rights of these services (Şengül, 2009, p. 178). Yet they found wide support in cities since they were made in long-neglected urban policy fields, contributing to the consolidation of the hegemony of urban entrepreneurialism (Şengül, 2009, p. 140).

In parallel with the state's increasing interest in urban areas, the provision of mass housing has been institutionalized with the establishment of the legal and administrative infrastructure for mass housing in the early 1980s (Tekeli, 1998, p. 20). For instance, one of the first acts of the military regime was to enact Law no. 2487 on Mass Housing in 1981, which established a public housing fund within the Real Estate and Credit Bank[19]. Although the fund was established with the mission of financing housing for low-income households and its eligibility requirements targeted first-time

[19] The activities of the Bank were consistently criticized for contributing to the development of middle-class and even luxury housing rather than social housing projects. The Ataköy and Levent complexes in İstanbul are among the most prominent examples of luxury residential complexes that the Bank realized in the 1950s through credit opportunities intended for low-income housing projects (Buğra, 1998, p. 308).

homebuyers, the payment conditions tended to make middle- and high-income households the potential beneficiaries (Topal, Yalman, & Çelik, 2019, p. 638).

Moreover, the 1982 Constitution, which was formulated by the military regime government, assigned the responsibility of supporting public housing projects to the state. Article 57 of the Constitution, entitled "the right to housing" states that "the State shall take measures to meet the need for housing within the framework of a plan that takes into account the characteristics of cities and environmental conditions, and shall support mass housing initiatives".

Accordingly, the neoliberal Motherland Party (MP) government that followed the military regime further emphasized mass housing policy through a series of legal regulations and administrative arrangements. For instance, Law no. 2982 on Excluding and Exempting the Housing Construction and Investments in Priority Regions from Tax, Duty, and Fees, enacted in 1984, encouraged mass housing production by exempting the construction of houses smaller than 150 square meters from taxes and fees. In the same year, Law no. 2983 on the Encouragement of Savings and Acceleration of Public Investments established the Mass Housing and Public Partnership Administration[20] and the Public Partnership Fund, creating a new housing finance mechanism aimed at incentivizing the construction sector, the main driver of economic growth in Türkiye (Topal, Yalman, & Çelik, 2019, p. 638). Thereafter, Law no. 2985 on Mass Housing was passed to create a mass housing fund under the Central Bank of the Republic of Türkiye, which was an extra-budgetary fund administered by the Mass Housing and Public Partnership Administration (Keleş, 2012a, p. 481). The difference of the mass housing fund from its predecessor, the public housing fund, is the clear departure from its original mission of financing housing for low-income households (Topal, Yalman, & Çelik, 2019, p. 639).

These legal regulations and administrative arrangements facilitated the transfer of resources to the housing sector, the transfer of capital to the construction sector, and the alteration of the urban development processes in Türkiye (Tekeli, 1998, p. 20). In

[20] With Decree Law no. 412 amending Law no. 2985 in 1990, the Mass Housing and Public Partnership Administration was divided into two: The Mass Housing Administration (MHA) and the Public Partnership Administration.

this respect, the subsidies provided by the Mass Housing and Public Partnership Administration and the Mass Housing Fund[21] contributed not only to the acceleration of mass housing production but also to the effectiveness of large-scale companies and cooperatives in the construction sector and housing production, contrary to the pre-1980 period (Balaban, 2013, pp. 61-62).

On the other hand, in line with the previously mentioned neoliberal shift, the MP-controlled central government emphasized the exchange value of squatter settlements rather than their use value, which points to the commodification of squatters. Hence, the 1980s were years in which urban rent was distributed to squatter owners through amnesty laws, transforming them into rent-seeking individual entrepreneurs. Thereby, these years witnessed the continuation of squatter construction. For example, with Law no. 2805 (on the Actions to be Applied to the Buildings Contrary to the Legal Regulations Concerning Development and Squatter Dwellings, and on Amending an Article of the Development Law no. 6785), dated 1983, squatter dwellings were transformed into registered properties with title deeds.

Moreover, Law no. 2981, which repealed Law no. 2805 one year after its enactment, was an amnesty law that aimed to transform squatter settlements into neighborhoods consisting of legal high-rise apartment blocks through rehabilitation plans. The law granted squatter owners pre-title deeds (*tapu tahsis belgesi*) that could be converted into official title deeds after the preparation of rehabilitation plans (Keleş, 2012a, p. 538). These plans were devised and implemented as the legal basis and implementation tool of urban renewal through development amnesties (Balaban, 2013, p. 63). In other words, as Uzun (2006a, p. 50) suggests, the law made it possible to prepare and implement rehabilitation plans for squatter areas, enabling the development of urban renewal projects for such areas.

For the purpose of rapid renewal of buildings in violation of urban development and squatter legislation, the text of Law no. 2981 and the formalities required for amnesty were simplified, the sanctions were reduced or abolished, and the amnesty was expanded in terms of both time and scope in comparison to the previous amnesty laws

[21] Between 1984 and 1995, approximately one million houses were provided with credit support through the mass housing fund (Balaban, 2013, p. 61).

(Aldemir & Doğan, 2015, p. 500). To that end, the law made it possible for an increase in the number of floors in squatter settlements, as well as the buying and selling of squatter dwellings and their transfer to contractors through construction agreements (Uzun, 2006a, p. 50).

As Boratav (2022, p. 169) argues, this housing policy aimed to create urban poor masses lacking class consciousness, who would consent to the program and ideology of capital, thereby the MP. Therefore, the abovementioned amnesty laws, which allow the transformation of squatter settlements into neighborhoods consisting of multi-story apartment blocks by blurring the formal-informal distinction, are politically crucial as they integrate squatter owners into the capitalist urbanization logic by incorporating them into the urban land market as entrepreneurial landowners (Şengül, 2009, p. 144).

These legal regulations that allowed the transformation of squatters into apartment blocks enabled urban poor masses to compensate their losses (e.g., decline in real wages, restrictions on trade union rights, and decrease in public employment) due to the neoliberal policies with the returns they would obtain in the real estate market (Işık & Pınarcıoğlu, 2001, p. 165). Bayırbağ (2013, p. 1136) refers to this as bribing the inhabitants of squatter areas into the emergent neoliberal policy scheme. Allowing the resulting urban rent to be shared between small-scale construction firms and low-income households was a deliberate political choice to ensure broad public support for development amnesties (Balaban, 2013, p. 63). However, it is challenging to assert that all squatter owners have endorsed this transformation and were integrated into the logic of capitalist urbanization, as this transformation provides them with urban rent proportional to the proximity of their squatters to the developed areas of the cities (Şengül, 2009, p. 145). In addition, the distribution of urban rent has been confined to landowners because there was limited public land available for newcomers to occupy, and purchasing and developing urban land has become prohibitively expensive. Consequently, as rents have increased, new urban poor have encountered difficulties in accessing affordable housing (Bayırbağ, 2013, p. 1136).

On the other side, Türkiye's municipal system underwent a radical change in the first half of the 1980s. This change was triggered by Article 127 of the 1982 Constitution stipulating that special administrative arrangements may be introduced by law for

larger urban centers. Instead of introducing a concrete metropolitan municipality system, the constitution gave introduced a very flexible regulation and gave the GNAT a free hand (Arıkboğa, 2015, p. 55). Accordingly, metropolitan municipalities were established in Ankara, İstanbul, and İzmir by Decree Law no. 195 enacted in 1984. In the same year, Law no. 3030 was adopted, clarifying the status and duties of metropolitan municipalities.

These legal regulations established a hierarchical two-tier municipal administration, with the metropolitan municipality at the first tier and district municipalities at the second tier. Metropolitan municipalities were envisaged as a "big brother" with the capacity to supervise squatter areas and district municipalities at the outskirts of metropolitan cities, which were seen as sources of anarchy (Bayırbağ, 2013, pp. 1135-1136). In this respect, metropolitan municipalities have been authorized to approve and supervise the development plans of district municipalities, giving metropolitan municipalities tutelage over district municipalities (Erder & İncioğlu, 2013, p. 127; Kayasü & Yetişkul, 2014, p. 213). Some researchers also refer to this system as the "strong metropolitan municipality-weak district municipality" model (Aksu Çam, 2015, p. 129; Toksöz, 2015, p. 8).

The new metropolitan municipality system has maintained the strong mayor-weak council model as it eliminated the power of metropolitan municipal council to remove the metropolitan mayor from the office (Toksöz, 2015, p. 9). The requirement for the assembly to have a two-thirds majority in a vote of no confidence has been increased to three quarters. Besides, it has given the mayor, who is also the chairman of the metropolitan municipal council, the powers to veto council resolutions, to call for amendments to these resolutions, and, in some cases, to make decisions ex officio (Erder & İncioğlu, 2013, p. 45).

In this system, the metropolitan municipal council is not directly elected by the people. District mayors and some of the members elected to district municipal councils, who mostly focus on the problems of their own districts, become metropolitan municipality council members. This politically strengthens the metropolitan mayor, the only directly elected local actor at the metropolitan level, vis-à-vis municipal councils (Bayırbağ, 2013, p. 1136; Doğan, 2007, pp. 62-63; Savaşkan, 2020, p. 66).

In such a political environment, not only the opposition members of the metropolitan municipal council, but even the members of the ruling party could not be effective against the strong metropolitan mayor, which makes the decision-making processes highly undemocratic. In this mayor-dominated model, the influence of municipal bureaucracy on decision-making processes does not go beyond maintaining the necessary bureaucratic procedures. In other words, the mayor does not exercise her/his executive and decision-making power through processes involving an institutionalized technocratic cadre within the municipality (Erder & İncioğlu, 2013, pp. 68-69).

In such an administrative model, where bureaucracy and red tape are often seen as synonymous, and where the emphasis is on "getting things done", non-institutionalized relationships are favored for the sake of providing urgent solutions. Although it is not clear with whom and how the mayor shares her/his power, Erder and İncioğlu (2013, p. 69) observed that decision-making processes are conducted with groups that are more informal and more directly related to macro-scale decisions, mostly large investor companies.

This model has also paved the way for mayors to make decisions against the law to circumvent central government interference. For example, Aytaç Durak, the mayor of Adana Metropolitan Municipality between 1984 and 2010, reports that both as mayor and as a bureaucrat, he took "bold decisions", including forging official documents, in the name of the public interest, to circumvent the interventions of the central government. With the view that the central government is alien to the practice on the ground and the problems of municipal administrators, he chose to overcome the interventions of the central government and "do what he set his mind to" by creating *de facto* situations, especially in urban development processes (Savaşkan, 2020, p. 70).

Despite the antidemocratic and illegal tendencies at the metropolitan level, the public image of the popular mayor is mostly positive. Owing to this popularity, the opposition from the council members remains silent in the face of antidemocratic practices but tries to attract the public attention with sensational debates, such as bribery and corruption. However, in recent years, there has been a silent support from the masses for increased performance of "project developer" and "investor" mayors, which allows them to set aside democratic procedures (Erder & İncioğlu, 2013, p. 123).

The ostensible aim of this radical change is to increase the administrative and financial capacity of metropolitan municipalities, address worsening urban problems, and improve the effectiveness and efficiency of urban services in metropolitan areas. However, it is argued that the aim of such reforms was to depoliticize municipalities, which had been politicized in the 1970s, rather than to increase their administrative and financial autonomy (Koçak & Ekşi, 2010, p. 302) or to democratize local politics (Bayraktar U., 2007, p. 15). In fact, the prospects for municipal autonomy and democratic local politics have already been weakened by the 1980 military coup, which eliminated alternatives to the MP, and the leader-oriented political parties in Türkiye (Bayırbağ, 2013, p. 1136).

Metropolitan municipalities also played a key role in the implementation of the post-1980 economic strategy that placed urban areas and urbanization at the center of new capital accumulation strategy (Bayırbağ, 2013, p. 1136; Eraydın, 1988, p. 150). In this context, the adoption of Law no. 3194 on Development in 1985, which is still in force, can be viewed as part of the key role assigned to metropolitan municipalities in the urbanization of capital (Şengül, 2009). Hence, urban development and planning authorities, such as the preparation, approval, and implementation of urban development plans, which were the responsibility of the central government earlier, have been largely devolved to municipalities (Toksöz, 2015, p. 9).

For Özden (2016, p. 303), Law no. 3194 also should have included the fundamental regulations on urban renewal. In this respect, she argues that there should be a separate section titled “urban renewal” in the law; the concepts, such as “urban renewal projects”, “urban renewal area”, “urban regeneration projects”, and “urban regeneration area” should be defined in the definitions section of the law; and the place of urban renewal projects in the planning hierarchy should be determined. The law should also include all kinds of data, from the scale of urban renewal practices, to how they will be implemented, how long the implementation period will last, and the technical and social conditions targeted in the implementation area.

The only provision of Law no. 3194 that can be considered relevant to urban renewal is Article 18, which explains land and plot readjustment. This article aims to rehabilitate unhealthy urban texture and allocate the lands appropriated as

"development readjustment share[22]" to public services including roads, public squares, parks, parking area, playgrounds, green areas, places of worship, police stations, education facilities, health facilities, and so forth. The underlying rationale of the article is to achieve specific outcomes, such as an increase in urban facilities, higher land values, triggering urban renewal in the close vicinity, and an improvement in the overall quality of the urban landscape (Özden, 2016, p. 303).

In accordance with this rationale, the decentralization of urban development and planning authorities to municipalities increased development and construction activities in cities, which contributed to the growth of the construction sector. Low-cost urban lands on the urban peripheries were rapidly made available for construction activities. Numerous large-scale construction companies, in cooperation with municipalities, was able to collect low-cost lands in the urban peripheries and quickly launch development activities on these lands (Balaban, 2013, p. 63).

On the other hand, the scope of the previously discussed development amnesty laws was expanded in the second half of the 1980s, while legal restrictions on unauthorized buildings were loosened. For instance, Law no. 3290 adopted in 1986 included squatters converted from housing to workplaces as well as squatters used as dwellings in the amnesty provided by Law no 2981 of 1984. In 1987, Law no. 3366 expanded the scope of the amnesty law once again by granting title deeds to squatters in areas determined by rehabilitation plans or cadastral plans (Özden, 2016, pp. 245-246).

A year later, Law no. 3414 amended Law no. 755 on Squatters, which restricted the construction of squatters, abolishing the provision prohibiting squatter owners from selling or transferring their lands and dwellings for twenty years. Consequently, squatter owners started to sell their lands and dwellings and constructed new squatters to get a share of urban rent (Özden, 2016, p. 246). As can be seen, these laws aim to solve legal problems related to the ownership of squatters, to physically renew certain

[22] "Development readjustment share" is defined in the Law no. 3194 as the area deducted by municipalities or governorships from the acreages of lands and plots subject to readjustment during the distribution of lands and plots subject to readjustment in return for the establishment of public service areas necessary for the population in the readjustment area and the increase in value due to the readjustment. This share cannot exceed forty-five percent of the acreage of the lands and plots prior the readjustment.

areas of cities through urban development regulations and to distribute the resulting urban rent to small construction firms and urban poor, rather than aiming for the long-term social, physical, and environmental improvement of urban landscape (Balaban, 2013, p. 63; Uzun, 2006a, p. 50). Therefore, while the overall quality of the urban landscape has not improved following the amnesty laws, brokers and developers were the major winners of amnesty processes (Şengül, 2009, p. 69). In fact, due to increasing rent pressures, municipalities have put the conservation of historical and cultural assets – especially non-Turkish-Islamic ones – on the back burner, allocating their resources to the demolition and expropriation to open up sites for urban development (Doğan, 2007, p. 73).

Table 4: Legislation on urban development enacted in the 1980s.

Year	Number and title of laws
1981	Law no. 2487 on Mass Housing
1983	Law no. 2805 on Law on the Procedures to be Applied to Structures Built in Violation of Development and Squatter Legislation and Amendment of an Article of Law no. 6785 on Development
1984	Law no. 2982 on Excluding and Exempting the Housing Construction and Investments in Priority Regions from Tax, Duty, and Fees
1984	Law no. 2983 on the Encouragement of Savings and Acceleration of Public Investments
1984	Law no. 2981 on Law on Certain Procedures to be Applied to Structures in Violation of Development and Squatter Legislation and Amendment of an Article of Law no. 6785 on Development
1984	Law no. 2985 on Mass Housing
1984	Law no. 3030 on the Amendment and Adoption of the Decree Law on the Administration of Metropolitan Municipalities
1984	Law no. 3194 on Development
1986	Law no. 3290 on Amending Certain Articles of Law no. 2981 dated 24.2.1984 and Adding Certain Articles to this Law
1987	Law no. 3366 on Amending Certain Articles of Law no. 2981 dated 24.2.1984 as Amended by Law no. 3290 dated 22.5.1986
1988	Law no. 3414 on the Amendment and Adoption of Decree Law no. 247 dated 3.5.1985 on the Amendment of Certain Provisions of the Law no. 775 on Squatters and of Decree Law no. 250 dated 16.8.1985 on the Amendment of Two Articles of this Decree Law

It is evident that in the 1980s, under the influence of neoliberal policies, central government have increased its interventions in urban development and planning by introducing further legal regulations (Table 4) and administrative arrangements (Kayasü & Yetişkul, 2014, p. 214). Decentralization reforms, which had been advocated by RPP municipalities in the 1970s with a social justice perspective, have been introduced to support the central government's pro-globalization and pro-capital

accumulation policy agenda in the roll-back era of the 1980s (Bayırbağ, 2013, pp. 1135-1136).

Accordingly, turning İstanbul into a world city and marketing the city became one of the main goals of the MP-led İstanbul Metropolitan Municipality between 1984 and 1989 (Bezmez, 2008; Kuyucu & Ünsal, 2010). The Golden Horn, which housed small-scale industrial buildings and squatter settlements, was cleared during the deindustrialization phase that İstanbul underwent. Pedestrianization projects were subsequently initiated to restructure the city center of İstanbul. Furthermore, in the pursuit of neoliberal urbanization, numerous historically significant buildings were sacrificed to facilitate the opening of boulevards (Erman, 2016, p. 69).

The following statement made by Bedrettin Dalan, the Mayor of İstanbul Metropolitan Municipality at the time, regarding the demolition of historic buildings, is illuminating in demonstrating the modality of neoliberal urbanization (Küçük, 1986):

> We must treat historical artifacts with the utmost care. In this region, there are three thousand Levantine structures. Even though they may be 150 years old, these buildings are considered new for İstanbul. If there were only 5-10 of them, we could preserve them; but if there are three thousand, we will do this work, my friend. Seventy-four old houses will be demolished. We do not agree with the understanding of historical preservation that hinders development.
>
> We are willing to endure any penalty to serve İstanbul. For the demolition alleged to be in violation of Law no. 2863 [on the Conservation of Cultural and Natural Property], the country's judiciary has the authority. If anyone is guilty, including myself, I will face the consequences. It is up to the courts to judge me. I will do what is necessary and implement the plan. I am ready for any punishment. (p. 1)

The resulting municipal structure, on the other side, has allowed municipalities to have administrative and financial capacity, but not administrative and financial autonomy from the central government (Bayırbağ, 2013, p. 1136). In line with such subordination relations, municipalities, which had moved away from conventional municipal activities related to the reproduction of labor (i.e., collective consumption), have concentrated on urban development and investment, as they became the most prominent authority in the distribution of urban rent. This was accompanied by the marketization of municipal services and the corporatization of some important service institutions (Doğan, 2005, p. 79).

The socio-economic polarization created by the neoliberal policies in the roll-back era led to a backlash against these policies in the late 1980s. Accordingly, the 1990s were characterized by economic crises and unstable coalition governments (Bayırbağ, 2013, p. 1137). At the local level, the rising reaction against neoliberal policies resulted in the victory of the Socialdemocratic Populist Party (SPP) in the 1989 local elections. The mayoral candidates of the SPP, which based its electoral campaign on the problems of squatter areas, won six out of eight metropolitan municipalities, including Ankara, İstanbul, and İzmir Metropolitan Municipalities (Erder & İncioğlu, 2013, p. 9).

The SPP municipalities differ from the MP-controlled municipalities in terms of positive attitude towards municipal employees, socio-spatial arrangements for the development of a modern urban culture and life, the protection of the natural environment, and the emphasis on cultural and artistic activities. However, the implementation of large projects financed by foreign loans in large cities, such as Ankara and İstanbul, and the privatization of municipal goods and services towards the mid-1990s were reminiscent of the latter's practices (Doğan, 2007, p. 77). In addition, the SPP-controlled municipalities failed to fulfill their promises, such as the collectivization of collective consumption domains, regulation and control of consumption domains in favor of the impoverished, and implementation of participatory governance (Doğan, 2007, p. 77). The heavy political and financial control of the central government, the pressures of capitalist class centered on their economic interests, the tensions between mayors and their political party, and the corruption in municipalities brought the end of social democratic municipalism (Savaşkan, 2020, p. 66).

The failure of social democratic municipalism in combating the dominant neoliberal accumulation strategy led to the emergence of a different political quest at the local level in the mid-1990s. This resulted in the resurgence of political Islam as a radical movement organized especially among the urban poor and the takeover of important metropolitan municipalities, including İstanbul and Ankara Metropolitan Municipalities, by the WP in the 1994 local elections (Batuman, 2013, p. 585). Owing to this electoral success, the WP turned into a major political force until the late 1990s (Öniş, 1997, p. 743).

Criticizing the inequalities between İstanbul-based big capital and Anatolian capital[23], the WP embraced a rhetoric of 'Just Order' (see Öniş, 1997, p. 744) to attract the urban poor and the working class. The party, which is counter-hegemonic due to its criticism of the ideological foundations of the state, aims to be hegemonic by showing sensitivity local differences involving religious and ethnic differences and freedoms (Bayırbağ, 2013, pp. 1137-1138).

In contrast to mainstream political parties, the cadre of the WP was responsive to urban poverty and established an actively functioning network of aid and solidarity (Batuman, 2013, p. 585). This helped the WP gain support from the impoverished parts of the country in Central, Southeastern and Eastern Anatolia, as well as in major metropolitan centers such as İstanbul and Ankara (Öniş, 1997, p. 757; Savaşkan, 2020, p. 66). Owing to this, the WP became the political party with the highest number of votes in the 1995 general elections[24].

"The great organizational strength" of the WP was also among the factors that contributed to its success in the elections. Despite the fact that visual media became the dominant form of communication, the WP attached great importance to grassroots organizations and face-to-face interaction with the voters. The party's strong militant grassroots organization was intertwined with Islamic business and sectarian networks, serving not only to enhance its voter support but also financial resources at its disposal (Erder & İncioğlu, 2013, p. 13; Öniş, 1997, p. 755).

This grassroots organization operated as "an informal arm of the local governments" (Bayırbağ, 2013, p. 1138) in offering food, shelter, clothing, coal, school stationary, and jobs to potential voters, mainly the urban poor and the working class on the periphery of major metropolitan areas (Öniş, 1997, pp. 755-756). These practices, on the one hand, maintain solidarity between the municipality and the local Islamic

[23] A small number of large-scale Istanbul-based capital is represented by Turkish Business and Industry Association, while small and medium-scale Anatolian capital is represented by Independent Industrialists and Businessmen's Association, which is also supported by the WP (Çavuşoğlu, 2016, p. 203).

[24] Despite being the first party in the elections, the WP could not form a government since it did not have enough members of parliament for a vote of confidence and the other parties in the parliament were not willing to support the WP. It took until the mid-1996 to form a coalition government with the True Path Party (Yeni Şafak, n.d.).

business community based on the municipality's purchases from pro-WP urban entrepreneurs, and on the other hand, ensured the continuation of the voting support of the poor to whom these aids are distributed (Erder & İncioğlu, 2013, p. 22).

Batuman (2013, p. 585) argues that the economy created by such solidarity and aid mechanisms was "disorganized and shady". For him, the fact that municipalities, together with Islamic associations and through municipal funds, ensured the distribution of aids blurred the flow of municipal funds and obscured their monitoring. The lack of transparency also applied to donations made by businessmen to municipal aid funds and the stakes they receive in return (Batuman, 2013, p. 585).

As Doğan (2007, p. 272) points out, the "Just Order" municipalism of the WP eliminated the public aspects of the municipality and turned it into a service company and reproduced poverty by making it sustainable through charity activities. It was in continuity with the MP's neoliberal municipal approach in terms of reducing personnel costs (through dismissals, retirements, forced resignations, etc.) and using pro-market neoliberal tools, such as privatization and outsourcing in service delivery.

In WP-controlled municipalities, temporary/contract staff were hired for the delivery of remaining municipal services. Municipality staff were forced to become members of pro-WP unions (Doğan, 2005, p. 80). This municipalism approach is criticized for its lack of transparency and participation as it prioritizes informal relations and favors certain pro-WP circles (Çavuşoğlu, 2016, p. 231).

Due to the intense involvement of municipalities in social policy issues, social policy has been rescaled at the local level since the 1990s. However, the rescaling of social policy is not a result of the decentralization of policymaking power. Rather, it was a pragmatic effort to build legitimacy and support for this counter-hegemonic political movement by providing municipalities with room for maneuver in service delivery (Bayırbağ, 2013, p. 1138;). Although this effort led to demands for public administration restructuring to empower local governments, the economic crises and political instability of the 1990s prevented these steps (Savaşkan, 2020, p. 67).

By the same token, there were significant financial and legal obstacles to the implementation of urban renewal projects in Turkish cities throughout the 1990s.

According to Kuyucu (2018b, p. 368), these obstacles are as follows: (1) It was very difficult for the state, which was constantly struggling with budget deficits and high interest rates; to transfer resources to municipalities to carry out urban renewal projects that required large resources. (2) Administrative and financial system of Türkiye's local government severely hindered municipalities from creating the resources to carry out such practices on their own. (3) Private sector actors (real estate investment trusts, large developers, finance companies, etc.) were either not interested in large-scale urban renewal projects or lacked the resources to implement such projects in this period characterized by high interest rates and inflation.

Despite the need for urban renewal in Türkiye due to unplanned and irregular urbanization since the 1950s, there are few examples of urban renewal projects, including three squatter areas in Ankara (Dikmen Valley Urban Renewal Project, Portakal Çiçeği Valley Urban Renewal Project, and Urban Renewal Project for Transformation from Squatter Housing to Contemporary Housing) and a few small-scale projects along the Golden Horn coast in İstanbul, mainly due to these obstacles (Kuyucu, 2018b, p. 368). Nevertheless, the tendencies towards urban entrepreneurialism, inter-city competition, and city marketing have been maintained in accordance with the rise of globalization and the demands of capital, especially international capital, albeit with minor ideological modifications. For instance, the idea of turning İstanbul into a world city was reinterpreted by the WP-controlled metropolitan municipality as turning İstanbul into an "Islamic superpower" by associating this idea with the worldview of their constituency (Bezmez, 2008, p. 531).

After urban rents became an important source of capital accumulation, large-scale capital began to take part in the built environment through not only public procurements but also direct investments including the construction of shopping malls, large hotels, and business centers in large cities, especially since the early 1990s. Therefore, due to the increasing appeal of urban rents, urban areas have become not only the domain of small-scale interests and capital, but also the domain of medium and large-scale interests and capital (Şengül, 2009, p. 140).

Hence, urban space, especially city centers, has become too valuable to be abandoned to unauthorized buildings (Özden, 2016, p. 268). The erection of mass housing

projects, gated communities, collective workplace areas[25], campus-based universities, and large shopping centers[26] in the urban periphery created significant vacancies in city centers (Tekeli, 2006, pp. 18-19). Despite this, land values in city centers have risen exponentially due to the decentralization of industrial production and the centralization of control and coordination functions, such as auditing, banking, financial services, and information services (Tekeli, 1998, p. 22). Accordingly, mayors as true entrepreneurs and managers of urban transformation have become increasingly eager to make city centers ready to respond to the demands of international capital. The promotion of the revitalization and rehabilitation of historic city centers as an urban policy in the late 1990s is closely related with this new tendency (Özden, 2016, p. 268).

Nevertheless, in addition to the aforementioned financial and legal barriers to the implementation of renewal projects in such urban areas, there was a significant political obstacle, namely the persistence of populist mechanisms in the urban land and housing market. Although there are large tracts of urban lands with high rent potential, such as squatter areas and inner-city slums, mayors could not afford to lose public support in a politically unstable climate by intervening in informal settlements and thereby wealth distribution mechanisms (Kuyucu & Ünsal, 2010, p. 1484). It took a significant political change in the early 2000s and subsequent legal, administrative, and financial restructuring moves to remove these obstacles.

4.1.3. Designed legal indeterminacies and privileged public authorities (from 2000 onwards)

To begin with, it is worth to briefly touch upon the path leading to the establishment of the Justice and Development Party (JDP) and its rise to power, which marked the post-2000 period of political life in Türkiye, to understand the approach to urban

[25] Collective workplace areas involve organized industrial zones, wholesaler sites, shipping sites, special manufacturing sites, free trade zones, and so forth.

[26] In this period, the entry and consumption of foreign consumer goods increased rapidly due to the abandonment of the import substitution model and the liberalization of import. In addition, tax reductions, extensive incentives, and credit facilities turned retailing into an attractive business in Türkiye in the 1980s. The opening of large shopping centers since the late 1980s is associated with the emergence of large distribution chains due to this significant shift in the retailing sector (Öztürk İ. , 2006, p. 72).

renewal in the country since the 2000s. In this respect, a series of political events characterized the second half of the 1990s. First, the WP, predecessor of the JDP, took over the central government as the major coalition partner for a short while. Then, the Islamic-oriented practices of WP politicians and WP municipalities alarmed urban middle classes, its coalition partner, other political parties, and military-civil bureaucratic cadres (Erder & İncioğlu, 2013, p. 15). Subsequently, the military memorandum of 28 February 1997 forced the WP-led coalition government to resign from the office. Ultimately, the WP was shut down by the Constitutional Court in 1998 on the grounds of actions contrary to the Republic's principle of secularism (Constitutional Court, 1998).

The WP cadres then came together under the umbrella of the newly established Virtue Party (VP) in the late 1990s. The systemic challenge to the WP led to a process of self-criticism within the VP regarding the party's ideological pillars. As a result of this self-criticism, which included a review of the VPs stance on neoliberal ideas, globalization, the EU, and secularism, two opposing blocs emerged within the party. One of these blocs was the traditionalists who carried on the WP's pro-equality discourse as well as its anti-globalization and anti-Western approach. Traditionalists continued their political activities under the umbrella of the VP. The VP, like the WP, was shut down by the Constitutional Court on 21 June 2001 due to its actions against the principle of secular republic. This time, political Islamist cadres reunited in the Felicity Party, which was founded on 20 July 2001. The other bloc was the reformists who, while maintaining the emphasis on solidarity, broke away from the traditionalists by taking a stance in favor of globalization and EU membership processes. The JDP was born out of this reformist bloc in 2001. Having learned from the state's unyielding defiance of political Islam in the late 1990s, the JDP also sought a compromise with the neoliberal secular state (Bayırbağ, 2013, pp. 1138-1139).

In the early 2000s, Türkiye's agenda was dominated by the economic crisis that resulted in a 9.4 percent drop in gross domestic product. Hence, the country headed to the 2002 general elections under the pressure of distributional demands and growing inequalities. In the elections, voters reacted against political parties that failed to find solutions to economic crises and political instability throughout the 1990s by voting them out of parliament. The JDP, which promised to eliminate poverty and extreme

inequality on the one hand, and championing privatization, economic liberalization, entrepreneurialism, and private investment on the other, came to power in such a political and economic climate by gaining the support of both the poor and the wealthy (Atasoy, 2007, p. 121).

The official perspective attributes the 2001 economic crisis to the public sector's failure to meet austerity goals and fully implement the free market logic of globalization (Cizre & Yeldan, 2005, p. 387). Owing to the massive popular support in the 2002 national elections, the JDP-led government pursued a neoliberalization strategy that included significant economic, legal, and administrative reforms determined by its predecessor. Central to this strategy was the drive to establish a fully commodified and privatized urban space in Türkiye through extensive urban renewal initiatives targeting state-owned properties and squatter areas (Kuyucu, 2014, p. 612).

On the other hand, the devastating Gölcük and Düzce earthquakes, along with the looming threat of a major earthquake in İstanbul sparked intense debate on urban renewal focused on mitigating natural disaster risks (Keleş, 2012a, p. 583). This discourse reinforced the widespread belief in the urgent necessity of large-scale urban renewal projects to mitigate potential disasters, thereby legitimizing urban renewal efforts (Bartu Candan & Kolluoğlu, 2008, p. 17). Despite acknowledgment of the inevitability of urban renewal in disaster-prone areas, the absence of national legislation hindered proactive measures against earthquake risks (Özden, 2016).

The construction sector emerged as a key driver to overcome the economic crisis and mitigate disaster risks, offering potential for economic growth and urban resilience. Consequently, the JDP-led government implemented various legal and administrative measures in the 2000s to incentivize the construction industry, particularly through initiatives focused on the MHA. These initiatives expanded administrative powers and resources throughout the decade (Balaban, 2012). Owing to these regulations, the MHA has moved from being an institution that provides financial support to housing projects and producers to becoming one of the most important actors in the construction sector. It has become the sole authority in the field of housing and land production. It has also acquired new duties ranging from the development of profit-oriented projects to the protection of historical textures.

Moreover, the MHA has been given the authority to make and approve development plans for the lands and plots whose ownership has been transferred to the MHA. In cooperation with municipalities and private firms, it has embarked on rent-seeking urban renewal projects under the name of "fundraising" (Balaban, 2013, pp. 63-64). Considering these, Perouse (2013, p. 90) argues that the MHA lost its public character and has become a structure with ambiguous identity, from which it draws its strength.

The purpose of these regulations was to liberalize and deregulate the urban planning and development system so that investments, especially in construction, real estate, and tourism, could be realized rapidly without any obstacles. In other words, the legal and administrative framework for urban planning and development was intended to be made more flexible on the one hand, and replaced with fewer and simpler regulations that are easier to bypass on the other. The underlying reason for this intention was that the right-wing politicians in Türkiye see planning as a bureaucratic barrier to investments and thus, wish to loosen the legal and administrative framework in order to free up investments (Balaban, 2013, pp. 63-66).

By the same token, the legal and administrative regulations introduced after the JDP came to power, while seemingly in favor of decentralization, were aimed at centralizing the powers, responsibilities, and resources related to certain policy fields, particularly urban policy field, in certain public institutions. This tendency manifested itself in the centralization of urban development and planning powers in central government institutions (such as the Ministry of Construction and Settlement, the Ministry of Culture and Tourism, the MHA, and the Privatization Administration) on the one hand, and the transfer of a substantial part of these powers from district municipalities to metropolitan municipalities on the other (Balaban, 2013, pp. 63-65; Kayasü & Yetişkul, 2014, p. 216).

The major restructuring of the legal and administrative framework during the JDP period was also heavily influenced by globalization and EU accession processes. The debates on the organizational and functional reform of central government and local governments that emerged in the early 2000s can also be evaluated within this framework. A report titled "Change in Management for the Management of Change" published by the Prime Ministry in 2003 outlined the framework for these discussions

and envisaged a public administration that is governance-based, participatory, transparent, accountable, respectful of fundamental rights and freedoms (Dinçer & Yılmaz, 2003).

Heavily influenced by the NPM approach, the report emphasizes the importance of future and goal orientation, result orientation, performance-based working system, efficient use of resources, and flexible and horizontal organization in today's public administration approach. In addition, it aims to ensure fair, effective, efficient, fast, high-quality, customer-oriented, and decentralized delivery of public services.

It also argues that public services should be provided by the private sector and civil society actors on the grounds that they are efficient, cost-effective, and widely accessible to large segments of society. According to the report, the simplification of legal rules and bureaucratic procedures, which is the general desire of citizens, domestic and foreign investors, and businesspeople, is considered critical to the realization of these visions and objectives (Dinçer & Yılmaz, 2003).

In line with this report, the "Law on Basic Principles and Restructuring of Public Administration" was adopted by the Turkish Grand National Assembly in 2004. However, the then-President of the Republic vetoed this law on the grounds that it undermined the unitary state structure and disrupted the balance between central and local governments in favor of the latter (Presidency of the Republic of Türkiye, 2004a).

In response, new laws, which were significantly influenced by the logic of this vetoed law, were enacted in 2004 and 2005 regarding metropolitan municipalities and municipalities respectively (Kayasü & Yetişkul, 2014, p. 214; Özden, 2010, p. 197). These laws formed the basis for urban renewal projects, which are one of the cornerstones to the process of liberalization and deregulation of the urban development and planning system (Balaban, 2013, p. 66). However, these laws will be discussed later so as to adhere to the timeline of the evolution of the legal and administrative framework for urban renewal in the 2000s.

In this respect, the first legal regulation to be addressed is Law no. 5104 on the North Ankara Entrance Urban Renewal Project enacted in 2004 The law aims to raise the quality of urban life by improving the physical condition, upgrading the appearance of

the environment, and providing a healthier settlement formation through an urban renewal project in the areas covering the northern part of Ankara.

The importance of Law no. 5104 stems from the fact that it was enacted by the GNAT specifically for an urban renewal project to be carried out in a specific region of Ankara. Although the project area designated by the law falls under the jurisdiction of the Keçiören and Altındağ District Municipalities, the law identified the AMM as the sole authority[27] for all decision-making, planning, and application processes of this project. The reason for enacting a special law for the renewal of this area was to ensure "smooth development and implementation", "fast-track planning and implementation processes", and "enforced means to overcome ownership issues" (Korkmaz & Balaban, 2020, pp. 7-8).

The project regulated by this law, in which the interventionist and pioneering role of the state is more strikingly observed in large-scale projects, was initiated with the rhetoric of "creating a prestigious urban space attractive for tourists" on a 1582-hectare area that is "Ankara's international gateway" (Penpecioğlu & Bayırbağ, 2015, p. 346). Prior to the project, this area was a squatter settlement occupied by low-income people who migrated to the city after the 1970s. After the project, the area was planned to consist of a congress center, shopping malls, hotels and luxury residences. The project, which included villa-type residences inspired by 'Ottoman' and 'Seljuk' architecture, aimed not only to capture urban rent but also to erode Ankara's modern identity as the capital of the Republic (Erman, 2011, p. 180).

Those who became property owners in the project area thanks to the 1984 development amnesty were considered as rightful owners within the scope of the project. A significant number of these people were offered housing from another mass housing

[27] The law stipulates that all properties within the project area will be subject to the rules and principles set by the law and the renewal project. It suspended the implementation of the plans developed and approved for the project area before Law no. 5104. The AMM is authorized to continue the implementation of these plans partially or completely or to redevelop the plans in accordance with this law. The public properties in the project area were also transferred to the AMM, except for those that are actively used for a public service and on which there is a structure for its intended use. In addition, private properties were also taken over by the AMM through an agreement between the right holders and the AMM. The AMM was also authorized to expropriate the properties of right holders who did not reach an agreement with the AMM. With an amendment made to the law in 2006, squatter owners who could not make use of previous amnesty laws (Laws no. 2981, 3290, and 3366) were given the chance to become rightful owners under certain conditions.

project on the periphery, which provided unfavorable conditions (Penpecioğlu & Bayırbağ, 2015, p. 346). The development and implementation of the project was carried out with a top-down approach that excluded local people from these processes (Erman, 2011, p. 194). Designed by the state and directly through the law, this project focused solely on the physical dimension of urban renewal, it ignored the vital priorities of the low-income groups in the renewal area (Penpecioğlu & Bayırbağ, 2015, p. 347).

In the case of Türkiye, another urban policy area that blends the goals of creating earthquake-resilient cities and economic growth is the renewal of the historic fabric in the center of cities. Until the late 1990s, the residential function in city centers disappeared due to certain problems, such as unsoundness, unsanitariness, heavy traffic, noise nuisance, air pollution, and lack of green space, resulting in the abandonment and obsolescence of city centers (Özden, 2016). However, the historic texture and city centers have gained significance since the 2000s, as they have not yet been integrated into capitalist markets (Kuyucu & Ünsal, 2010, p. 1485). Thus, the conservation, renewal, and reuse of existing historical buildings, often by changing their function, constituted the basis of urban renewal practices in these areas. In this respect, squatter settlements, slum areas, and old industrial buildings in city centers have also become the target of such practices to be transformed and opened up for commercial, cultural, and residential uses (Uzun, 2017, p. 594).

Accordingly, Law no. 5366 on Conservation by Renewal and Use by Revitalization of the Deteriorated Historical and Cultural Immovable Property[28] was adopted in 2005 by the GNAT to facilitate the reconstruction and restoration of worn-out and deteriorated sites by local governments; to develop residential, commercial, cultural, touristic, and social facilities in these areas; to take precautions against natural disaster risks; to conserve immovable historical and cultural property by renewal; and use it by revitalization. In other words, the law allows for the restoration of existing buildings in historic inner-city districts that are experiencing rapid decline and are mostly inhabited by low-income populations who cannot meet their housing needs elsewhere,

[28] The draft of this law was first submitted to the GNAT under the name "Draft Law on Urban Renewal and Development", later renamed “Draft Law on the Renewal, Conservation, and Use of Obsolete Urban Textures”, but was later enacted under its current name (Genç, 2008, p. 120; Üstün, 2008, p. 75).

or the demolition and reconstruction of these buildings in accordance with the overall historic character and development potential of the area (Kuyucu & Ünsal, 2010, p. 1485).

Figure 1: Local governance framework for the designation of renewal areas and the implementation of renewal projects in Law no. 5366.

As illustrated in Figure 1, Law no. 5366 introduces a multi-actor governance framework for urban renewal. According to the law, renewal areas are designated by the decision of the absolute majority of the total number of the municipal or provincial councils. The designated renewal areas are approved by the President of the Republic[29]. Then, the renewal projects prepared or commissioned by the relevant units of the local governments are discussed and decided by the regional councils for the conservation of cultural and natural heritage that are determined by the Ministry of Culture and Tourism. Subsequently, these projects enter into force with the decision

[29] The public authority responsible for the approval of renewal areas was changed from "the Council of Ministers" to "the President of the Republic" due to the structural changes of government system in 2018.

of the absolute majority of the total number of the municipal/provincial councils and the approval of the mayor/governor.

The renewal projects can be implemented by public institutions and organizations involving municipalities and the MHA or real and legal persons. The supervision of the implementation is carried out by the authorized unit of local governments – mostly conservation, implementation, and supervision bureaus. As a result, local governments are transformed into the only decision-makers that determine the boundaries of renewal areas, establish the general framework of the project, determine the project-implementing institution, and choose the financial model for project implementation (Dinçer İ., 2011, p. 47).

Although the title of Law no. 5366 points to the conservation of historical and cultural property, its essence prioritizes urban renewal over conservation. In fact, the law regulates the renewal practices to be carried out within urban sites. The law is thus criticized for excluding the areas declared as renewal areas within sites from the scope of Law no. 2863 on the Conservation of Cultural and Natural Property, which restricts local governments to intervene in the areas registered and declared as sites and in the conservation areas adjacent to the sites (Dinçer İ., 2010, p. 243).[30]

With this law, the areas where renewal projects are to be implemented are also privileged from upper-scale urban plans and urban development legislation, especially from Law no. 2863 (Penpecioğlu & Bayırbağ, 2015, p. 346). No relationship is established between the renewal projects and the urban development plans/conservation plans in force (Üstün, 2008, p. 93). Therefore, the law provided flexibility in the planning system by following a project-based approach (Tarakçı & Türk, 2021, p. 420). This means that Law no. 5366 encourages piecemeal solutions in sites, which should be addressed with a holistic conservation approach, and therefore, ignores the integrity of site decisions and conservation plans (Özden, 2016, p. 282; Uzun, 2006a, p. 51).

[30] In response to concerns in the academic and professional community, it was clarified with Law no. 5835 on the Amendment of the Law on the Protection of Cultural and Natural Assets enacted in 2009 that both Law no. 2863 and Law no. 5366 would be applied together in the renewal areas within sites (Dinçer İ., 2010, p. 243).

In this respect, the Fener-Balat-Ayvansaray Renewal Project in İstanbul is an illuminating example. In the project, the renewal area is designated in such a way that the two sides of a street are subject to two different laws. While the buildings on one side of the street, which is not declared a renewal area, cannot be interfered with without the permission of the conservation council (to be explained below) as they are subject to Law no. 2863, the buildings on the other side of the street can be demolished, their parcels can be unified, floors can be added, and even floor parking areas can be placed under the buildings when necessary, as they fall within the renewal area under Law no. 5366. The fact that different legal orders apply to neighboring buildings is not only contrary to the principle of equality before the law, but also carries the risk of disrupting social peace and breaking the bonds of solidarity (Şahin Ç., 2016, pp. 117).

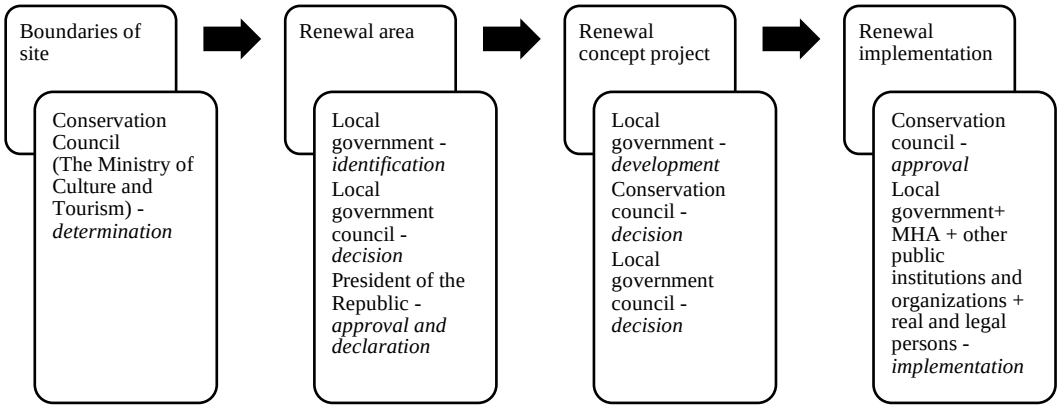

Figure 2: The processes leading up to the renewal project and the actors involved in these processes.

Law no. 5366 outlines the administrative structures and procedures for the designation of renewal areas and the implementation of renewal projects (Figure 2), yet it lacks clarity regarding how municipalities determine renewal areas (Kahraman, 2013, p. 40). This is because the law does not include any clear, objective, and scientific criteria for the designation of obsolescent and deteriorated historic urban areas to be subject to renewal areas and projects. This deficiency in the law provides flexibility by granting discretionary authority to local governments, which are the first actors to determine the renewal area (Tarakçı & Türk, 2021, p. 419). This flexibility allows local governments to define renewal area boundaries based on observational and subjective data, potentially enabling rent generation (Dinçer İ., 2010, p. 243; Özden, 2016, p.

282; Penpecioğlu & Bayırbağ, 2015, p. 346). For example, in İstanbul, six different renewal areas were declared in 2006, varying in size and location (Dinçer İ., 2010, p. 250).

Law no. 5366 also changes the scale of intervention in sites, particularly for metropolitan municipalities, which can develop much more comprehensive and large-scale renewal projects. This requires the establishment of new regional conservation councils to oversee neighborhood-scale interventions. The law stipulates that as many regional conservation councils as necessary can be established to approve renewal projects. Differing from regional conservation councils established under Law no. 2863 that make decisions at the scale of individual land parcels, these new councils, called "renewal area conservation councils", can monitor and control the scale and scope of renewal projects in historical urban sites (Kıyak İngin & İslam, 2011, p. 126).

The other reason for the establishment of new regional conservation councils is that the standard conservation decisions taken by the High Council for the Conservation of Cultural and Natural Heritage and regional conservation councils established under Law no. 2863 are seen by central and local governments as an obstacle to urban development in historical sites (Türkün, 2011, p. 67). Thus, new conservation councils have been established as per Law no. 5366 to bypass the decisions of the conservation councils that were established as per Law no. 2863. The establishment of new conservation councils for renewal projects allows these councils to take tailor-made decisions for each project rather than standard decisions, providing speed and flexibility in the designation and implementation of these projects (Şahin Ç., 2016).

The establishment of conservation councils to approve renewal projects has created indeterminacy and confusion as to whether the conservation councils established pursuant to Law no. 2863 or those established pursuant to Law no. 5366 are authorized in renewal areas. Therefore, Law no. 5835 on the Amendment of the Law on the Conservation of Cultural and Natural Assets has been enacted in 2009 to authorize conservation councils established pursuant to Law no. 5366 to carry out the works specified for conservation councils in Law no. 2863. Thus, the bypassing of the conservation councils established in accordance with Law no. 2863 by the new conservation boards has been legalized.

According to Kuyucu (2014, p. 616; 2018b, p. 370), the main purpose of this law, which grants extensive powers to the central government and local governments, is to bypass the complex and complicated legal and bureaucratic obstacles that prevented the full commodification of sites. Thus, it is intended to overcome the site status that prevents major developers and investors from implementing large-scale renewal projects. For this very reason, this law is rightly referred to by some researchers as the "renewal law" (Özçakır, Bilgin Altınöz, & Mignosa, 2018).

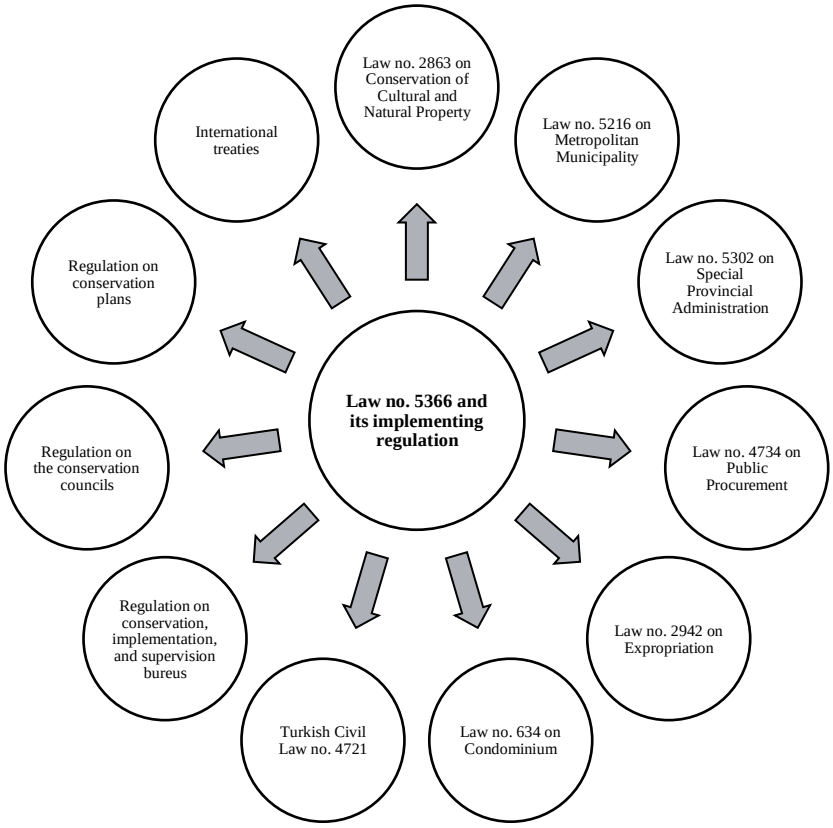

Figure 3: Legal regulations referred by Law no. 5366 and its implementing regulation.

Law no. 5366 and its implementing regulation refers to several legal regulations (Figure 3). One of these is Law no. 2942 on Expropriation, which also allows for drastic interventions in property rights. Although Law no. 5366 envisages mutual agreement as the basis for the evacuation, demolition, and expropriation of the buildings in the renewal areas, it allows the municipality to expropriate the immovable

owned by real and private persons in cases where no agreement can be reached. In addition, the Regulation for the Implementation of Law no. 5366, which have been put into force in 2005, authorizes municipalities to resort to urgent expropriation in accordance with the Law no. 2942 in case it is determined that the ordinary expropriation process will cause delay in the implementation of the project.

The fact that urgent expropriation is an exceptional practice in cases of national defense needs and states of emergency makes the legitimacy of urgent expropriation in renewal areas questionable (Türkün, 2016, p. 146). In addition, the regulation does not include a provision on the criteria by which it will be determined that the ordinary expropriation process will cause delay. It also does not refer to the public interest as a requirement for the expropriation decision. Considering these, the implementing regulation of Law no. 5366 provides municipalities with flexibility to resort to urgent expropriation (Tarakçı & Türk, 2021, p. 420).

Under the threat of (urgent) expropriation, property owners feel obliged to compromise with municipalities or third parties (Türkün, 2011, p. 67) because most of them are not fully aware of their rights and responsibilities with regard to urban renewal processes in such an indeterminate legal framework (Şahin Ç., 2016, p. 125). Owing to this, municipalities are in a strong position to impose their demands in the absence of mutual agreement. With this room of maneuver, municipal officials further strengthen their authority and can make decisions regarding the residents' properties without any consultation and notification (Ahunbay, Dinçer, & Şahin, 2016, p. vii; Kıyak İngin & İslam, 2011, p. 126). On the other hand, the inadequacy of legal remedy mechanisms to operate swiftly and fairly and the tendency of municipalities and other public institutions to disregard court rulings favoring property owners poses a significant issue of justice and legitimacy, coupled with the feelings of pessimism and helplessness (Şahin Ç., 2016, p. 125).

The (urgent) expropriation power granted to municipalities by Law no. 5366 and its implementing regulation leads to the sale of the expropriated properties to third parties after urban renewal projects are completed (Dinçer İ., 2011, p. 47; Özden, 2016, p. 283). To put it another way, the law facilitates the transfer of ownership of historic and cultural property in the renewal areas, triggering public interest disputes on the

conservation of the historic urban fabric. Moreover, conflicting interests arise between local residents (including property owners and tenants), municipalities, and construction companies. Local residents who want to preserve their homes, businesses, and neighborhoods are confronted with municipalities and construction companies that want to take over their living spaces at low prices and turn them into urban spaces that serve high-income groups (Dinçer İ., 2010, pp. 24-245; Dinçer İ., 2011, p. 47).

On the other side, after the declaration of a renewal area, or even the emergence of renewal prospect, the sale and rental prices of real estate in the area increase significantly. While the relatively high sale prices are attractive for those who are willing to sell their property, these prices are not considered high for the buyers in terms of the profit that the real estate will bring in the long run (Dinçer İ., 2010, p. 245). The usual victims of these processes are the tenants in the historic city centers, often the poorest segments of the city, because they are often the first to be displaced from where they live and work. Considering these, critics rightly argues that Law no. 5366 constitutes "the legal basis for what is in effect state-initiated gentrification" (Dinçer İ., 2011, p. 47). In other words, this law facilitates the displacement and dispossession of local residents while serving the capital's aim of making more profit, which overlaps with the urban development goal of municipalities.

Furthermore, the implementing regulation sets out the issues of participation and public information. In accordance with the regulation, municipalities hold meetings to notify the property owners or local people within the renewal area about the implementation processes, take their opinions, and ensure their participation. When necessary, municipalities may organize consultation meetings with universities, professional organizations, NGOs, public institutions, and neighborhood headmen (*muhtar*), and may inform them about the projects through press and broadcasting tools.

In this respect, the regulation assumes a centralist and authoritative approach as it considers participation merely as notifying and holds professionals in charge of all decisions. Participation and consultation processes are also left entirely to the discretion of municipalities as municipalities can decide whether and when consultation meetings are necessary (Dinçer İ., 2011, p. 47). These enable municipal

officials to make arbitrary decisions concerning historic and cultural properties without consulting and involving their owners in decision-making processes (Ahunbay, Dinçer, & Şahin, 2016, p. vii).

Law no. 5366 reformulates the planning and project processes in sites in order to avoid constraints brought by the site status set by Law no. 2863. Instead of establishing a balance between urban conservation and renewal, it deepens the contradiction/tension between these two fields in favor of the latter. In this respect, it rolls back conservation measures for urban sites and cultural heritage values. In parallel, it also increases the powers of municipalities, especially metropolitan municipalities, to renew sites, paving the way for them to implement urban renewal projects in these areas (Demiröz & Şahin Güçhan, 2021, p. 344).

Thus, all obstacles to the transfer of urban rents to capital through piecemeal practices within sites have been removed (Kahraman, 2013, p. 41). This leaves the sites in inner cities of Türkiye, which have a very dense stock of historical and cultural property, vulnerable to unconstrained rent-seeking urban renewal projects (Kayasü & Yetişkul, 2014, p. 217). However, this "hasty spirit" of Law no. 5366 contradicts with existing conservation laws and regulations which creates serious obstacles to the implementation of the projects, including legal disputes (Kuyucu, 2018b, p. 370).

Another law related to urban renewal is Law no. 5393 on Municipalities, adopted in 2005, which has enhanced the financial and administrative powers of municipalities (Kuyucu, 2014, p. 615). Law no. 5393 was the first law to introduce the concept of urban renewal into the legislation, even though it was adopted after Law no. 5366, as it took nearly a year to enter into force due to legal challenges[31]. Article 73 of Law no. 5393, entitled "Urban Renewal and Development Areas", authorizes municipalities to implement urban renewal and development projects with the decision of the municipal council to create housing areas, industrial areas, commercial areas, technology parks, public service areas, recreation areas and all kinds of social facilities; to rebuild and

[31] The first version of this law was adopted by the GNAT in July 2004 as Law no. 5215. However, it was returned by the then President to the GNAT for reconsideration. The GNAT reconsidered the law and adopted it as Law no. 5272 in December 2004 (Presidency of the Republic of Türkiye, 2004b). The Constitutional Court annulled Law no. 5272 in January 2005. Subsequently, the law was adopted by the GNAT in July 2005 as Law no. 5393.

restore the obsolescent parts of the city; to protect the historical and cultural texture of the city; or to take measures against earthquake risk. This authority was also granted to metropolitan municipalities by Law no. 5216 on Metropolitan Municipalities adopted in 2004, with reference to this article.

As Güzey (2009, p. 27) argues, Article 73 has a unique approach in that it stipulates the same rules and policies for urban renewal and development project areas to be implemented in different localities with different socioeconomic backgrounds and physical characteristics. Interestingly, the law does not include a scientific definition of an urban renewal and development area. It only stipulates that in order for an area to be declared as an urban transformation and development project area, it must be located within the boundaries of a municipality or an adjacent area and be at least fifty thousand square meters in size. However, according to Özden (2010, p. 198), as in contemporary renewal practices, renewal areas should be determined by overlapping many scientific criteria, such as obsolescent and dilapidated urban texture, poor housing conditions, unqualified environment, mixture of industrial and housing uses, dysfunctional service units, lack of urban facilities and so forth. The absence of these criteria allows municipalities wide discretion in determining urban renewal and development project areas.

Law no. 5998 on Amendments to the Municipal Law, adopted in 2010, made significant amendments to Article 73 of Law no. 5393. First, the amended version of the article prioritizes functional changes in cities as the primary objective of urban renewal and development projects whereas the initial version of the law emphasized the renewal of obsolescent parts of cities. According to Kahraman (2021, pp. 209-210), this amendment marks a paradigm shift in urban renewal. He argues that the law has shifted from the priority of revitalizing dilapidated urban areas to the priority of creating new construction areas and new social reinforcement zones in cities.

Secondly, this amendment has further expanded the conditions for an area to be declared an urban transformation and development area. It paves the way for the declaration of areas with or without buildings, with or without development plans, with an area size of at least five and at most five hundred hectares as urban transformation and development areas where building heights and densities are determined regardless

of development plans in force. It also allows determination of building heights and densities in renewal areas regardless of development plans in force. Moreover, it facilitates the designation of more than one area related to the project area as a single renewal area, provided that it is not less than five hectares. Thus, municipalities are authorized to arbitrarily declare urban renewal areas in any built or unbuilt area within the municipality's adjacent area, independent of upper and lower scale plans, which means the complete dysfunctionalization of planning (Kahraman, 2021, pp. 210-211).

Thirdly, the amendment to Article 73 reiterates that metropolitan municipalities can declare urban renewal and development project areas within the boundaries of metropolitan municipalities and adjacent areas. It also stipulates that district municipalities may implement urban renewal and development projects within their borders if deemed appropriate by the metropolitan municipality council. The fact that district municipalities in metropolitan cities requires the authorization of the metropolitan municipality council for the implementation of urban renewal and development projects shows that the abovementioned strong metropolitan municipality-weak district model continues to be valid in the post-2000 period.

Fourthly, the amendment authorizes metropolitan municipalities to make and approve development plans at all scales in urban renewal and development areas. This reduces the authorities of district municipalities in urban renewal areas and transfers almost all authorities to metropolitan municipalities (Tarakçı & Türk, 2021, p. 421), which makes the already strong metropolitan mayors even stronger. With Law no. 6360 enacted in 2012, the boundaries of metropolitan municipalities were extended to provincial boundaries and, accordingly, the metropolitan mayor became the only directly elected political actor within the provincial borders, further strengthening his political power.

Penpecioğlu and Bayırbağ (2015, p. 347) relate this amendment to the legal challenges the AMM faced in the Güneypark Urban Renewal Project. The project was planned to be implemented in the south of the city where migrants had settled in the 1970s and 1980s. It had the potential to generate huge real estate rent as it aimed to build a gated community with luxury residences and shopping centers. By declaring the project area an urban renewal and development area, the AMM aimed to bypass upper-scale urban

plans and to ensure privileged development decisions. Nevertheless, the resolution of the AMM Council on the declaration of urban renewal area was annulled by the administrative court on the grounds that there was no public interest in designating the area as a renewal area and that the AMM did not have the authority to make an implementation development plan in this area. Therefore, this amendment to Article 73 allowed metropolitan municipalities to bypass such judicial verdicts against urban renewal project. It also constructed a "legal" ground that ensures the realization of the rent-oriented interests of capital by facilitating the granting of privileged construction rights in urban renewal areas (Penpecioğlu & Bayırbağ, 2015, pp. 347-348).

The other consequence of this amendment is that it opens the way for the displacement of local people living in the urban renewal and development project area after the launch of the project. The amended article allows municipalities, at their discretion, to sell land or housing outside the urban renewal and development project area to squatter owners who cannot benefit from the 1984 development amnesty. Hence, this amendment has been criticized for promoting displacement and neglecting approaches, such as "in-situ renewal" or "the sale of land and housing in the closest area to the renewal area" (Özden, 2010, p. 199).

Laws No. 5366 and 5393, forming the legal infrastructure for urban renewal, share controversial characteristics. The first of these is that, although they have determined the urban areas where renewal projects will be implemented, they have not clarified the principles on which these implementations will be based. Furthermore, what grounds urban renewal projects will be implemented on, what problems they will tackle and solve, and how different social segments will participate in the project processes have hardly been addressed.

Moreover, the compatibility of urban renewal projects with existing urban planning decisions was disregarded.; Instead, existing legislation's restrictions and obligations were largely waived for urban renewal project areas. In short, in the first decade of the 2000s in Türkiye, urban renewal was brought to the agenda as part of the liberalization and deregulation of urban development and planning regime to facilitate the implementation of rent-seeking renewal projects unconstrained by urban development and planning regulations in force (Balaban, 2013, p. 66).

Another two legal regulations directly related to urban renewal are Decree-Laws no. 644 and 648, enacted in 2011, which set out the organization and duties of the Ministry of Environment and Urbanization[32] (MEU) in 2011. In terms of planning, they authorized the ministry to develop plans of all types and scales on public lands. An example of this is the ministry making the necessary planning and development revisions for the realization of the project involving the construction of twin towers in the port area, which is strongly opposed by the İzmir Metropolitan Municipality (Kuyucu, 2017, p. 62).

Moreover, decree-laws allow the ministry to carry out or have carried out the renewal projects and implementations of the structures that are not earthquake-resilient and that are contrary to the development legislation, plans, projects, and annexes, and of the areas where these structures are located. They gave the ministry all kinds of authorities related to urban renewal, including planning, construction, building permits, and expropriation – even urgent expropriation (Akay & Kaldırım Akgün, 2014, pp. 107-108). In the implementation stage of the large-scale urban renewal project in İstanbul's Fikirtepe Neighborhood, within the jurisdiction of Kadıköy Municipality, it is by virtue of these authorities that the municipality was completely excluded from the decision-making process and that the ministry declared the neighborhood a renewal area and left the implementation of the project to a partnership between the MHA and private contractors (Kuyucu, 2017, p. 62). Although Law no. 3194 already grants extensive authorities to the ministry in urban planning, these decree-laws are also significant in terms of further centralizing urban planning and renewal authorities in the ministry (Özden, 2016, p. 287).

The latest legal regulation concerning urban renewal is Law no. 6306 on Renewal of Areas Under the Risk of Disasters, adopted in 2012. This law, which lead to a fundamental transformation in the approach to urban renewal, is related to the fact that only a few of the hundreds of urban renewal projects initiated between 2005 and 2012

[32] The ministry has been established in 2011 by bringing together the environmental branch of the Ministry of Environment and Forestry and the Ministry of Construction and Settlement under a single roof with the Decree Law no. 644 on the Organization and Duties of the Ministry of Environment and Urbanization. The duties, powers and responsibilities of the ministry have been further expanded by the Decree Law no. 648. In 2021, the ministry was renamed the Ministry of Environment, Urbanization, and Climate Change, as mentioned earlier.

were completed, while the rest were never started or their implementations were halted (Kuyucu, 2018b, p. 370). The earthquake that destructed eastern Türkiye in late 2011 also played an important role in the enactment of this law.

In Türkiye, where earthquake risk is significant and resilient built environments are scarce, Law no. 6306 identifies urban renewal as the primary method to eradicate substandard settlements and establish safe living environments. However, this law has raised numerous controversies, with some aspects being nullified by the Constitutional Court. Notably, it introduces a parcel-based and expedited urban renewal approach, permitting the demolition and reconstruction of deteriorated built environments, especially in city centers, even if they were developed in a planned manner on the grounds of disaster risk (Kuyucu, 2018b, p. 370; Uzun, 2017, p. 596). Particularly in high-rent areas like Kadıköy, property owners and developers exploit the law to capitalize on increased property values through demolition and reconstruction, prioritizing rent generation over disaster risk mitigation (Kuyucu, 2017, p. 62).

Furthermore, Law no. 6306 lacks clear methodology or scientific, artistic, and technical criteria for identifying disaster risk areas[33], often resulting in legal disputes during implementation (Güzey, 2016, p. 44; Özden, 2016, p. 291 To address these disputes, the law's implementation regulation was amended in 2016 to broaden the scope of disaster risk area designation. This amendment enabled previously annulled disaster risk areas to be reinstated (Tarakçı & Türk, 2021, p. 422).

The law also does not clearly define the required characteristics of a reserve area and the determination of reserve areas is left to the discretion of the Ministry (Tarakçı &

[33] The consequences of the indeterminacy regarding how disaster risk areas are declared are laid out in a report by the İstanbul Planning Agency of the İstanbul Metropolitan Municipality as follows: İstanbul Metropolitan Municipality identified priority intervention areas in eighteen districts. While eight of these districts have more than twenty million square meters of land that the municipality has identified as priority intervention areas, there are no areas in these districts that have been declared disaster risk areas by the Ministry of Environment and Urbanization under Law no. 6306. The 142 priority intervention areas identified by the municipality do not overlap with the disaster risk areas declared under Law no. 6306. In seven districts, where both areas declared disaster risk areas by the ministry under Law no. 6306 and priority intervention areas identified by the municipality, there is a need for intervention in areas five times more than the declared disaster risk areas. In thirteen districts, where priority intervention areas were not identified by the municipality, over seven million square meters of area was declared disaster risk area by the ministry under Law no. 6306 (İstanbul Planning Agency, 2023, pp. 2-3).

Türk, 2021, p. 422). For this reason, the law is criticized for adopting an unscientific, centralized, and top-down approach as it authorizes the Ministry of Environment and Urbanization to declare reserve areas ex officio and does not require compliance with upper-scale plans in the declaration of reserve areas (Özden, 2016, p. 291). With the amendment made to Law 6306 on 7 November 2023, the definition of reserve area, which previously referred to areas designated for new settlements, has now been extended to existing built-up areas.

Associated with this, Law 6306 leads to centralization by concentrating a significant portion of the urban renewal authorities granted to municipalities in the first decade of the 2000s under the purview of the Ministry of Environment and Urbanization (Keleş & Mengi, 2014, p. 124; Kuyucu, 2018b, p. 370; Özden, 2016, pp. 291-292). Pursuant to the law, the ministry has the discretion to decide whether or and which of these authorities to delegate to the MHA and municipalities. In this respect, a striking example is the authorization of the ministry to develop, approve, and supervise all types and scales of plans and projects for disaster risk areas, reserve building areas, and immovable properties where disaster risk buildings are located (Tarakçı & Türk, 2021, p. 422). This level of centralization involves the risks that municipalities are left without authority in their cities, that they become unable to fulfill their duties, that the local people and the municipality come into conflict with each other, and that the municipality is pitted against the ministry (Aldemir & Doğan, 2015, p. 508).

Another criticism of the Law is that Law 6306 interferes in certain cases with the right to property, which is guaranteed by the Constitution and the Turkish Civil Code. The Law stipulates that the decision on what to do with the immovables that become land after the demolition of the risky building must be made by a two-thirds majority of the shareholders. According to the Law, the shares of those who disagree with this decision can be sold to other stakeholders, and if not, they can be purchased by the Ministry. In case of disagreement, the ministry, MHA, and municipalities may also resort to urgent expropriation, the implementation of which is controversial as discussed above.

Moreover, Law no. 6306 stipulates that non-risk buildings can also be included within the scope of the law on the grounds of integrity of implementation. Hence, risky as

well as non-risk buildings can be demolished if they fall within the boundaries of the risky area to be determined by the ministry. In other words, all buildings, risky or not, can be included in renewal projects on the basis of the integrity of implementation. Such interventions on the right to property are prone to disrupt the fair balance between the public interest in preventing disaster risk and the protection of the individual rights (Kahraman, 2021, p. 221).

According to the law, agreement with the property owners is essential in the demolition of risky buildings and in the implementation in the areas where these buildings are located, as well as in risky areas and reserve building areas. However, the law stipulates that temporary housing, workplace allocation or rental assistance are provided to the owners of the buildings evacuated by agreement, or even if they are not owners, to those who reside in these buildings as tenants or limited real right holders, or to those who have workplaces in these buildings. In other words, those who are forcibly evicted and those who do not come to an agreement cannot benefit from these aids. Pursuant to the law, the provision of infrastructure services, such as electricity, water, and natural gas for buildings in risky areas and risky buildings is suspended by the relevant institutions and organization if requested by the ministry, the MHA, and municipalities during the implementation. As can be seen, although Law no. 6306 states that it is essential to reach an agreement with the owners, it practically penalizes the owners who do not reach an agreement and makes it *de facto* obligatory for them to cooperate in urban renewal processes (Kahraman, 2021, p. 222).

Furthermore, the law provides that the expenditures for social facilities and infrastructure constructed in risky areas, reserve construction areas and immovable properties where risky buildings are located may not be included in the implementation cost. Therefore, imposing the costs of social facilities and infrastructure on those whose houses are demolished increase the amount of debt, especially for the poor, which contradicts the Constitution's rule of law and social state principles (Aldemir & Doğan, 2015, p. 507).

Law no. 6306, which stipulates that administrative lawsuits can filed against the administrative acts established pursuant to this law, included a provision stating that a stay of execution cannot be granted in these lawsuits. However, the Constitution

stipulates that the issuing of an order on stay of execution of an administrative act may be restricted in cases of emergency, mobilization and state of war, or on the grounds of national security, public order, and public health. In fact, in the absence of a stay of execution, an administrative act that is clearly unlawful will also cause irreparable harm to the individuals who are parties to the case until the conclusion of the administrative case. On this basis, the Constitutional Court (2014, pp. 2459-2460) annulled this provision, concluding that it unconstitutionally disables the stay of execution, which allows individuals to exercise their freedom to pursue their rights more effectively and makes all actions and transactions of the administration subject to judicial review. According to Kahraman (2021, p. 223), the attempt to remove the constitutional right to request a stay of execution reveals the illegality of the law.

In addition, the law states that the plans to be made pursuant to this law are not subject to the restrictions specified in the Law no. 3194 on Development and other legislation, including special laws containing provisions on development. The Constitutional Court (2014, p. 2475) determined that the authorization to develop plans without being bound by the restrictions specified in the laws on urban development results in the executive body being able to regulate development issues firsthand in the areas where the law is applied, without relying on any legal regulation. Hence, the court annulled this provision on the grounds that it was incompatible with the constitutional principle of non-delegation of legislative power. Critical scholars, on the other hand, argue that this provision excludes the discipline of planning in risky areas and aims to adopt a planning approach that bypasses the existing legislation in these areas (Kahraman, 2021, p. 224).

Last but not least, Law no. 6306 provides that the laws concerning olive groves, forests, natural and cultural property, coasts, meadows, pastures, sites, and agricultural areas do not apply to the actions and procedures required by the implementations in the areas within the scope of this law. The Constitution, on the other hand, assigns the duty to protect these areas and environmental health to the state. Departing from this, the Constitutional Court (2014, pp. 2478-2479) rules that exempting the administration from the restrictions in the aforementioned laws while implementing Law no. 6306 was unconstitutional, because it is indeterminate how the administration would fulfill its duty of protection while implementing this law. According to the Court, such

authorization of the executive power in an indeterminate domain whose boundaries are not defined by law is incompatible with the principle of determinacy, which is a requirement of the rule of law. This provision has also been annulled by the Constitutional Court for the reasons explained above. Despite its annulment, this provision is important as it reveals the intention to arbitrarily intervene in areas protected by law through exceptions under the guise of public interest (Kahraman, 2021, p. 224).

In short, the JDP-dominated GNAT enacted Law no. 6306 in 2012 as a new tool to overcome the existing development, planning, and conservation legislation which it sees as an obstacle to urban renewal. In fact, this tool is so (ab)useful that it has been amended to overcome the legal challenges that arise during the implementation phases of urban renewal projects. In addition, by containing vague provisions and centralizing authorities, the law enables the emergence of central government bodies with exceptional powers and wide room for maneuver in urban renewal, and even the ability to circumvent the legislation. These powers range from intervening in private properties through exceptional methods, such as urgent expropriation, to selectively benefiting citizens from certain rights, *de facto* forcing them to cooperate in urban renewal processes, and making them share the costs incurred as a result of renewal projects. Law no. 6306 has not only done these, but has also, albeit unsuccessfully, threatened citizens' right to legal remedies and right to live in a healthy and balanced environment by bypassing development and conservation legislation. Considering all these, it is possible to say that Law 6306 is a revelation of the JDP government's extra-legal, speed-driven, and rent-oriented approach to urban renewal.

The significant earthquakes on 6 February 2023, affecting the southern and southeastern regions of Türkiye, resulting in substantial destruction in eleven provinces, equivalent to 16.6 percent of the country's population, were followed by notable administrative and legal changes in urban renewal during the last quarter of 2023 (Presidency of Strategy and Budget, 2023, p. 6). The first of these is the establishment of the Urban Renewal Presidency under the Ministry of Environment, Urbanization, and Climate Change by the Presidential Decree no. 153 issued on 16 October 2023 to carry out urban renewal practices in areas under disaster risk and in lands and plots with risky buildings outside these areas. The duties and powers of the

Urban Transformation Directorate are defined as carrying out the tasks and exercising the authorities provided by Law no. 6306, preparing legislation related to the renewal of areas and structures at risk of disasters, and conducting the necessary preparatory processes for urban transformation and development areas under the implementation of Article 73 of Law no. 5393 and renewal areas under Law no. 5366.

The Central Executive Board of the Chamber of Architects emphasized that the establishment of Urban Renewal Presidency as a special-budgeted administrative entity reduces public oversight. Furthermore, the board argues that unlimited powers are granted to the ministry and the presidency as the authorities of local governments are restricted in a manner contrary to the principle of subsidiarity, which implies that public services should be carried out by the management levels closest to the public. It also underscores the extensive powers granted to the presidency in the renewal implementation processes and the unlimited powers bestowed to create financial resources for renewal implementations (Chamber of Architects, 2023). The chairs of the Ankara and İstanbul branches of the Chamber of Architects echoed these arguments, pointing out that the presidency has been designed as a privileged administrative structure with extensive powers[34] (Birgün, 2023; Karakuş Candan, 2023).

Moreover, Law no. 7471, enacted on 9 November 2023, introduced certain controversial amendments to Law no. 6306. The most prominent among these is the removal of the expression "new settlement areas" from the definition of reserve construction areas, which are defined as areas designated by the ministry ex officio or upon the request of MHA or municipalities to be used as new settlement areas in the implementations to be carried out in accordance with the law. The Minister of Environment, Urbanization, and Climate Change states that the removal of this expression is due to courts interpreting 'new settlements' as vacant areas outside the

[34] The Chair of the Ankara Branch of the Chamber of Architects anticipates that the establishment of the presidency will centralize the powers of local governments regarding zoning practices in the hands of the presidency and establish a further authoritarian urban development process. On the other hand, the Chair of the İstanbul Branch of the Chamber of Architects commented that the Urban Renewal Presidency works like a private company with broad powers. The presidency is such a monopolistic structure that it develops its own projects, renders professional chambers ineffective, and conducts all inspections itself. It issues building permits. It also bypasses the authority of municipalities over treasury lands.

city and subsequently nullifying decisions to declare reserve areas in residential zones on the grounds that these areas are not considered new settlements (Zeyrek, 2023). That is to say, the amendment in Law no. 6306 has been made to bypass the court verdicts.

The Chamber of Architects (2023) emphasizes that this legal amendment enables the designation of parcels and buildings in existing urban and rural settlements as reserve construction areas, paving the way for the confiscation of citizens' properties in all areas. The İstanbul Bar Association (2023) also argues that the change in the definition of reserve areas opens the way for expropriation of everyone's property everywhere, even if they are already inhabited. It would not be inaccurate to anticipate that citizens facing economic difficulties in areas designated as reserve construction areas under this legal amendment will struggle to pay the borrowing costs of the new constructions.

Although the minister argues that the properties of citizens whose houses are renewed cannot be confiscated (Zeyrek, 2023), the Chair of the İstanbul Branch of the Chamber of City Planners claims that this amendment to the law is "a serious move towards dispossession" (Abatay, 2023). As is seen, the omission of the criterion “new settlements area” during the declaration of reserve construction areas creates an indeterminacy that is open to abuse (İstanbul Planning Agency, 2023, p. 14).

Another amendment introduced by Law no. 7471 to Law no. 6306 is the elimination of the requirement for two-thirds consent of property owners in all applications, including construction, demolition, and sales. Instead, it allows transactions to be carried out with a simple majority, meaning more than half, which is argued to disregard property rights (İstanbul Bar Association, 2023).

The amendment also stipulates the identification of risky structures will be electronically communicated to property owners through the e-Government Gateway instead of notifying property owners in writing. Additionally, these notifications will be publicly announced for a period of fifteen days at the neighborhood headmen’s office (*muhtarlık*) and the Urban Renewal Presidency’s official website. As this will make it difficult for right holders to obtain information and participate, it will not serve the public interest expected from urban renewal (İstanbul Planning Agency, 2023, pp. 16-17).

According to Law no. 7471, the urban development and parceling plans for the areas within the scope of the Law no. 6306 is announced for fifteen days. Contrary to Law no. 3194, which envisages the announcement of urban development and parceling plans for a period of one month, the amendment reduces by half the time granted to individuals affected by these plans to participate and/or object to the planning process. Therefore, it is assessed that the inability to effectively exercise the right to object during the announcement period will result in consequences favoring the administration and disadvantaging the citizens (İstanbul Bar Association, 2023; İstanbul Planning Agency, 2023, pp. 17-18).

It is also stated that Law no. 7471 allows the identification, evacuation, and demolition of risky structures to be performed coercively and ex officio procedures through the intervention of law enforcement authorities (Chamber of Architects, 2023; İstanbul Planning Agency, 2023). In addition, it is discussed that the amendment included hasty measures, such as the completion of the expert report within fifteen days and the forced eviction of property owners within ninety days, aiming to accelerate urban renewal processes by curtailing legal and judicial processes. Considering these, it can be asserted that the amendments made to Law no. 6306 aims to design a real estate development process focusing on demolishing and rebuilding rather than preventing disaster risks (Abatay, 2023).

In conclusion, the analysis of the legal framework (Table 5) and administrative structure of urban renewal in the post-2000 period conducted here reveals their striking common features. The most prominent issue here is the elimination of legal and administrative obstacles to urban renewal projects in order to ensure their smooth and rapid development and implementation. To this end, the deliberate choice of ambiguous wording in legal regulations and the creation of simple provisions that are easy to overcome provide the central government and local governments with a wide room for maneuver during the implementation of urban renewal projects. By the same token, multiple or alternative legal and administrative frameworks regulating the same field are created, enabling central government and local governments to strategically and selectively (ab)use them as circumstances dictate. At the same time, there is a constant effort to privilege urban renewal projects over existing development plans and development, planning, and conservation legislation.

Table 5: The legal framework for urban renewal established since the 2000s.

Year	**Number and title of laws**
2004	Law no. 5104 on the North Ankara Entrance Urban Renewal Project
2004	Law no. 5162 on the Amendment of the Public Housing Law and the Section of the Annexed Tables of the Decree Law on General Staff and Procedures for the Public Housing Administration
2004	Law no. 5216 on Metropolitan Municipalities
2004	Law no. 5273 on the Amendment of the Law on Land Office and the Law on Mass Housing and the Abolition of the General Directorate of the Land Office
2005	Law no. 5366 on Conservation by Renewal and Use by Revitalization of the Deteriorated Historical and Cultural Immovable Property
2005	Law no. 5393 on Municipalities
2010	Law No. 5998 on Amendments to the Municipal Law
2011	Decree Law no. 644 on the Organization and Duties of the Ministry of Environment and Urbanization
2011	Decree Law no. 648 on the Amendment of the Decree Law on the Organization and Duties of the Ministry of Environment and Urbanization and Some Laws and Decree Laws
2012	Law no. 6306 on the Renewal of Areas Under the Risk of Disasters
2023	Presidential Decree No. 153 on Amendments to Certain Presidential Decrees
2023	Law no. 7471 on the Amendment of the Law on the Renewal of Areas under Disaster the Risk of Disasters and Certain Laws and Decree Law no. 375

On the other hand, it is noticeable that there is a preference for creating privileged public institutions with exceptional powers (e.g., metropolitan municipalities, the MHA, and the Ministry of Environment and Urbanization, and the Urban Renewal Presidency) or alternative public institutions (such as renewal area conservation councils). One consequence of this has been to remove bureaucratic obstacles to urban renewal practices and provide flexibility to implementers, while the other has been to force citizens to cooperate in these practices by positioning these administrative units in a powerful position *vis-à-vis* citizens. Thus, while issues such as mutual agreement and participation as stipulated in the legislation have been sidelined, it has become easier for administrative units to intervene in property rights.

The post-2000 legal and administrative framework of urban transformation also has some commonalities in terms of its socioeconomic outcomes in urban space. The areas where urban renewal projects have been implemented have mostly been squatter settlements, historic city centers, or disaster risk areas where the urban poor and working class live and/or work, with relatively little knowledge of legal rules and institutions due to their socioeconomic and cultural capital. Owing to this, entrepreneurial central and local governments that engage in urban renewal projects with the aim of getting ahead in interurban competition, attracting capital to their cities,

and achieving economic development rely on the legal indeterminacies and exceptional authorities at their disposal to displace and dispossess the population in these areas in favor of the rent-seeking capital class and make them ready for the use and/or investment of middle- and high-income groups.

However, urban renewal processes have been paralyzed due to the increasing complexity and dispersion of the legal and administrative frameworks of urban renewal during this period, leading to recent efforts to simplify these frameworks through legal amendments and administrative changes. The following section will discuss the historical development of the legal and administrative framework of urban conservation, which stands as a challenge against the neoliberal urban renewal approach that focuses on physical transformation to promote capital accumulation and ignores the cultural, historical, natural, and social dimensions of this transformation.

4.2. Legal and administrative framework of urban conservation in Türkiye

This part makes a historical assessment of the legal and administrative framework of urban conservation in Türkiye by dividing it into three periods. These periods are identified in accordance with the political, legal, and administrative breaking points which relate to the conservation field. To begin with, this evaluation starts with a general overview on the conservation-related legislation and administrative structure inherited from the pre-1980 period. Then, the period between 1980 and 2000 is reviewed, in which the first law regulating the field of conservation was enacted, conservation-related authorities were centralized in the hands of the Ministry of Culture and Tourism and development-oriented approaches became dominant in the field. Lastly, the legal and administrative developments in urban conservation since 2000, which is characterized by the tensions between centralization and decentralization and between conservation and renewal, is evaluated.

4.2.1. Institutionalization of the conflict between urban conservation versus development in the pre-1980 period

4.2.1.1. First steps of urban conservation (the late Ottoman period)

As mentioned earlier, the legal and administrative framework for the conservation of built environment in Türkiye was first established during the late Ottoman period, which witnessed the Empire’s westernization and reform efforts throughout the

nineteenth and early twentieth century. In this respect, the pious foundations system which played a crucial role in the conservation of privately owned properties permanently allocated for public use – especially significant religious building – was institutionalized through the establishment of the Ministry of Pious Foundations (*Nezaret-i Evkaf-ı Hümayun*) in 1826 (Akar, 2009).

The Imperial Guard of Architects (*Hassa Mimarları Ocağı*) until 1831 and its successor, the Imperial Buildings Directorate (*Ebniye-i Hassa Müdürlüğü*), also undertook a pivotal role in the conservation of public buildings, such as palaces, official buildings, and religious buildings (Can, 2002; Turan, 1963). In addition, four Ancient Monument Regulations[35] were enacted between 1869 and 1906, which were initially restricted to archeological excavations and unearthed artifacts (Madran, 2002, p. 28) and expanded over time to include the rules concerning the conservation of monuments (Dinçer İ., 2016, p. 184).

In 1912, the Monument Conservation Regulation (*Muhafaza-i Abidat Nizamnamesi*), the first legal document covering only immovable cultural heritage, came into force (Madran, 2002, p. 72). The 1910s was a localization period when decision-making authority in the field of conservation was delegated to local institutions and the ownership of some monuments was transferred to municipalities. The last conservation-related institution established in 1917 was the Council for the Conservation of Ancient Monument, which was responsible for registering and listing of monuments in İstanbul and supervising activities related to these buildings (Şahin Güçhan & Kurul, 2009, p. 23).

Although there were certain legal and administrative initiatives to conserve monuments in the late-Ottoman era, urban development operations (e.g., demolition of buildings to widen roads) destroyed traditional fabric and structures in the big cities, especially those in İstanbul (Madran, 2002, p. 67). Conservation began to be seen as an obstacle to urban development, which was mainly aimed at providing transport

[35] The third and fourth Ancient Monument Regulations, which were enacted in 1884 and 1906 respectively, became the basis of the Republic of Türkiye's legislative framework on conservation until the enactment of the first law on the conservation of cultural heritage in 1973 (Şahin Güçhan & Kurul, 2009, p. 23).

infrastructure and solving the problems of rapidly changing cities (Şahin Güçhan & Kurul, 2009, p. 21).

4.2.1.2. In the midst of tradition and progress (the early Republican period)

On the way to the proclamation of Republic and in the early-Republican period, certain Ottoman institutions and legal regulations was taken over by the newly founded Republic. The legislative and administrative framework of the field of urban conservation was no exception. For example, the Republic's provisional government, known as the Government of the Grand National Assembly[36], restructured the Empire's two main ministries concerned with conservation in 1920 as the Ministry of Religion and Pious Foundations (*Şeriyye ve Evkaf Vekaleti*) and the Ministry of Education (*Maarif Vekaleti*) (Madran, 2002, p. 96). Despite these, cultural assets could not be effectively conserved in this period due to the War of Independence (*Kurtuluş Savaşı*) between 1919 and 1922 (Şahin Güçhan & Kurul, 2009, p. 25).

Following the abolishment of the Ministry of Religion and Pious Foundations, the Presidency of Religious Affairs (*Diyanet İşleri Başkanlığı*) and the General Directorate of Pious Foundations (*Vakıflar Genel Müdürlüğü*) were established under the Prime Ministry in 1924. The task of conserving religious buildings was entrusted to the former and conserving the assets of these foundations to the latter. The duties of repairing and conserving theological schools and those affiliated to pious foundations were also transferred to the Ministry of Education. Moreover, the Council for the Conservation of Ancient Monuments inherited from the Ottoman Empire was reestablished in the same year to conserve the historic heritage in İstanbul. It was the first and only institution with the expertise and decision-making capacity to intervene in historic buildings until 1950s (Madran, 1996).

On the other side, Law no. 1580 on Municipalities (dated 1930) stipulated that municipalities should provide financial support to the owners of historic monuments in the form of credits or loans. Law no. 2290 on Municipal Buildings and Roads (dated 1933) also requires that the location of ancient monuments to be conserved be marked

[36] During the War of Independence (1919-1922), the Grand National Assembly, headquartered in Ankara, formed its government from within. Türkiye was represented at the time by this government, not by the Ottoman Imperial Government based in Istanbul, which was occupied by the Allied Powers.

on development plans. It prohibits new constructions closer than 10 meters to these monuments. The responsibilities of municipalities in terms of conservation were limited to "approving development plans and repairing historically significant dilapidated civic buildings" (Şahin Güçhan & Kurul, 2009, p. 27). Hence, it is difficult to argue that there was a relationship between development plans and the conservation of the traditional environment in the early Republican period since municipalities were more interested in the development of new residential and commercial properties rather than the conservation of the existing built environment (Madran, 1996, p. 92).

The Commission for the Conservation of Monuments, established by a Council of Ministers decree in 1931, identified two problems regarding the conservation of monuments in a report published in 1935. First, the repairs and maintenance of monuments were devolved on numerous institutions through various legal regulations[37]. These institutions neither had sufficient financial resources nor the ability to carry out repairs and maintenance based on scientific principles. Thus, monuments were neglected (Madran, 1996, p. 70). Second, municipalities and special provincial administrations lacked sufficient knowledge about the significance of monuments and conservation, leading them to prefer demolishing monuments in order to build roads and sell the lands on which the monuments stand (Madran, 1996, p. 70).

Despite the abovementioned administrative and legal restructuring and investigation efforts, some of the symbolic buildings inherited from the Ottoman Empire, such as palaces, theological schools, and tombs, were rapidly dilapidated during the legal and administrative transition period between 1925 and 1935. This is because these buildings were mostly left vacant and derelict. The newfound Republic, which had limited financial resources, prioritized the issues of building a nation-state and designing a new capital over the conservation of the architectural heritage of the Ottoman Era (Şahin Güçhan & Kurul, 2009, p. 25).

Legal and administrative framework concerned with conservation continued to be frequently reconfigured after 1935. However, as Madran (1997, p. 75) mentions, these restructurings consisted of changing the staff and administrative organization rather

[37] For further details on which antiquities were entrusted to which institutions through which legal regulations, please see Madran (1996, pp. 65-66).

than introducing new task definitions or new approaches to conservation. The development-oriented approach of local governments also did not help the conservation of monuments. On the contrary, it led to the destruction of many historic urban fabric (e.g., opening of Vatan and Millet Avenues in İstanbul), albeit with a few exceptions (such as the designation of the Citadel area as a "protocol area" by Jansen in the city plan for Ankara) (Şahin Güçhan & Kurul, 2009, p. 27).

4.2.1.3. Changing rules, fading heritage (1950-1980)

The 1950s and the 1960s were a period when the legal and administrative framework for conservation did not evolve much, whereas the lack of financial resources and staff for conservation became critical (Şahin Güçhan & Kurul, 2009, p. 28). The most important development during this period was the establishment of the High Council for the Historic Real Estate and Monuments under the Ministry of Education in 1951 with the enactment of Law no. 5805[38]. Şahin Güçhan and Kurul (2009) discuss the importance of the High Council as follows:

> The High Council (HC) was completely autonomous and had the sole decision-making power above and beyond all central and local authority. Its establishment is significant for raising the profile of conservation in Turkey. It also helped increasing the level of conservation activity at a time when the country was rapidly urbanizing. The primary contribution of the HC to architectural conservation was to initiate discussions on the need to conserve areas, as well as individual buildings. These discussions culminated in the introduction of the concept of conservation area in 1973. (p. 28)

On the other hand, local residents started to leave the historic neighborhoods from the 1950s onwards and moved into the newly established modern neighborhoods. In these years, the historic neighborhoods of large cities provided cheap housing units for the people who migrated from rural to urban areas. The poor-quality customization and improper use of historic buildings by migrants resulted in the degeneration,

[38] According to Law no. 5805 on the Organization and Duties of the High Council for the Historic Real Estate and Monuments, the duties of the High Council were to determine the principles to be followed in the conservation, maintenance, repair, and restoration works of the architectural and historic monuments, which need to be conserved in the country, and to determine the programs related to such works, to monitor and inspect the implementation of these programs, and to provide a scientific opinion on all kinds of issues and controversies which are acquainted with through its instruments and investigations. The High Council members were the standing members who must be experts in at least one of the fields of history, archeology, history of arts, architecture, and aesthetic urbanism, and must have studies in these fields. Public authorities and natural and legal persons were obliged to comply with the resolutions of the High Council in affairs that concern them.

dilapidation, and devastation of civic buildings, which were yet to be seen as cultural assets then (Dinçer İ., 2011, p. 46).

As can be seen, although the establishment of the High Council led to "the raising profile" of the field of conservation, the state's attitude towards the historic real estate and monuments, which it owns and is obliged to protect, was decisive in the period between 1950 and 1970. This attitude was manifested in the view of conservation as an obstacle to urbanization and development. Besides, the absence of a city planner in the High Council indicates that conservation and planning are seen as separate fields (Şahin Güçhan & Kurul, 2009, p. 28). In some cases, the challenges in the restoration of historic monuments were resolved by their destruction. In other instances, the state distributed artifacts among public institutions or sold them to private entities on the grounds that they were not antiquities, leading to their destruction (Durukan, 2004).

The most important development that marked this period in terms of conservation was the enactment of the Law no. 1710 on Historic Monuments in 1973. This law set the stage for many firsts in the field of conservation. It was the first legal regulation to directly address the conservation of historic and cultural heritage since the last Ancient Monument Regulation in 1906. It was also the first law to introduce the concepts of "site", "historic site", "archeological site", and "natural site" into the legislation on conservation (Ahunbay, 2009; Dinçer İ., 2016; Şahin Güçhan & Kurul, 2009).

As the first law that envisages the conservation of the historic environment in its entirety, Law no. 1710 constitutes a critical stage in the history of conservation in Türkiye (Ahunbay, 2009, p. 136). One of the crucial contributions of this law to the field of conservation was that it expanded the concept of cultural property, which was restricted to monuments, and included civil structures within this conception (Dinçer İ., 2016, p. 185). In other words, the law laid the foundation of a more comprehensive, holistic, and integrated approach to conservation in Türkiye.

Despite the enactment of this law, it is challenging to argue that the conservation of historic and cultural assets in Türkiye was successful in the 1970s. This is because the institutional structure of the conservation failed to include specific issues, such as resource transfer, technical support, and knowledge acquisition. Although local governments complained about the deliberate destruction of sites or their destruction

due to the lack of interest, they were reluctant to initiate the long-lasting process of preparing conservation plans. Thus, no plans were prepared and put into practice in any urban site until the 1980s (Dinçer İ., 2016, p. 185). Also, planners in municipalities viewed Law no. 1710 as an obstacle to development since the law restricted development in sites (Şahin Güçhan & Kurul, 2009, p. 29).

On the other side, the public opposed the designations of sites and put political pressure on public authorities to change the decisions regarding the sites (Ahunbay, 2009, p. 136). For instance, the private owners of historic buildings objected to Law no. 1710 on the grounds that it restricted their property rights (Şahin Güçhan & Kurul, 2009, p. 29). Such reactions were closely related to the urban policies developed in the 1950s to solve the problem of rapid urbanization by increasing development rights. As a result of such policies, speculative developers with limited investment capacity emerged to replace existing buildings with taller ones (Günay B., 1992). The middle and upper classes also gravitated towards replacing their historic buildings with taller buildings in the 1960s and 1970s because conserving historic buildings did not appear to them to be a prestigious or economically feasible option (Şahin Güçhan & Kurul, 2009, p. 30). Consequently, many historic districts were rapidly destroyed during this period.

The tendency of middle and upper classes to abandon historic areas and move to modern neighborhoods continued during this period. Similarly, there was a persistent trend of abandoning and selling historical buildings in the old districts. These historic buildings served as housing for the urban poor. The urban poor have divided historical buildings into several households or constructed new structures in the courtyards of these buildings to meet their daily needs. (Şahin Güçhan & Kurul, 2009, p. 30). In the end, such low-quality customization and improper use led to the continued degeneration, dilapidation, and destruction of historic buildings and districts.

4.2.2. Localization of urban conservation and its limitations (1980-2000)

In 1983, Law no. 2863 on the Conservation of Cultural and Natural Property has been adopted in the GNAT. That is, a new law has been enacted in the field of conservation. The law annulled Law no. 1710 on Historic Monuments and abolished the High Council for the Historical Real Estate and Monuments. It aims to (1) determine the

definitions of movable and immovable cultural and natural property that need to be conserved, (2) to regulate the transactions and activities to be carried out, and (3) to determine the establishment and duties of the organization that will take the necessary decisions concerning the principles and implementation of conservation.

The enactment of Law no. 2863 indicates a conceptual transformation from 'historic artifact' to 'cultural heritage', adopted by United Nations Educational, Scientific and Cultural Organization (UNESCO) (Ahunbay, 2009, p. 136). The law defines cultural heritage as "all movable and immovable heritage on the ground, under the ground, or under the water, which pertains to science, culture, religion and fine arts of prehistoric or historic periods, or which is of unique scientific and cultural value in prehistoric or historic periods". The law also defines sites as "the products of various civilizations from prehistoric times to the present day; cities and urban ruins reflecting the social, economic, architectural and other similar characteristics of the period in which they lived; places where cultural properties are concentrated; places that have been the subject of social life or where important historical events took place; and areas that need to be protected with their identified natural features". It is argued that the definition of site in this law is narrower than its predecessor (Özel, 2005, p. 116).

The law has given significant duties and responsibilities to various public organizations, particularly the Ministry of Culture and Tourism, as well as private persons (Avcıoğlu, 2016, p. 705). It granted the Ministry of Culture and Tourism many conservation-related powers, such as decision-making, delegation, and supervision. Regardless of who owns or manages immovable cultural and natural heritages, the ministry is authorized to take necessary measures, to have these measures taken, and to conduct all kinds of control in order to ensure the conservation of these heritages.

With this law, the High Council for the Conservation of Cultural and Natural Heritage (affiliated with the Ministry of Culture and Tourism) and regional councils for the conservation of cultural and natural heritage (determined by the Ministry) were established to conduct the services regarding immovable cultural and natural heritage to be conserved within the country and under the scope of scientific principles. The law obliges public institutions and organizations, municipalities, and real and legal persons to comply with the decisions of the High Council and conservation councils.

According to Law no. 2863, the duties and authorities of the High Council are as follows: (1) To determine the principles that apply in the affairs related to the conservation and restoration of immovable cultural and natural properties that need to be conserved, (2) to ensure the coordination among conservation councils, and (3) to assist the ministry by evaluating the general problems encountered in practice and presenting an opinion, and (4) to decide on the issues delegated to the High Council by the ministries and on the issues taken into the agenda. Local governments and other public authorities submit their requests for the issues they want to be discussed in the High Council to the ministries to which they are affiliated or related.

On the other side, the Law no. 2863 grants the following duties and authorities to conservation councils: (1) To register the cultural and natural properties in need of conservation identified by the ministry, (2) to classify cultural properties in need of conservation, (3) to determine transition period construction conditions within three months after the registration of sites, (4) to examine and decide on conservation development plans and all kinds of revisions thereof, (5) to determine the site of immovable cultural and natural properties that need to be conserved, (6) to remove the registration records of those cultural and natural properties that have lost their characteristics, (7) to take implementation decisions regarding immovable cultural and natural properties and sites that need to be conserved.

The institutional restructuring of conservation through the establishment of conservation councils contributes to the delegation of decision-making power to local agencies and the representation of municipalities in the conservation processes (Şahin Güçhan & Kurul, 2009, p. 31). Nevertheless, these localization efforts have some limitations.

Şahin Güçhan and Kurul (2009) discuss the phenomenon of local pressure on the decisions of conservation councils, which is one of these limitations, as follows:

> Although it is desirable in the conservation context, delegation of decision-making power to the regions exposed the conservation councils to local pressures. […] [T]he number of experts who could become members is very limited. Existing experts prefer not to be involved due to the limited opportunities to implement the decisions taken by the councils, to the absence of local institutions which would direct, control, and make conservation a reality, and to the susceptibility of councils to local pressure against

> conservation. Consequently, these councils have not yet started to function properly despite the fact that they offer practical advantages and empower the regions. (p. 31)

Şahin Güçhan and Kurul (2009) also point out other constraints, such as the incompetence of regional conservation council members and susceptible of their appointment procedures to political influences as follows:

> [T]he majority of the academic and non-academic members of the regional councils are not specialized in conservation. Neither do they have the required knowledge of the law or implementation issues. Two main reasons lead to this condition. First, the number of experts with appropriate knowledge and skills is very limited. Second, the procedure for the selection of council members dictates that academic members are appointed by the Higher Education Council while the Ministry of Culture appoints non-academic members which are in the majority. Thus, many council members were discharged in the past because of political reasons which resulted from changes to the Government. (p. 31)

In the period between 1980 and 2000, municipalities had very limited responsibilities in the field of conservation, although they could be considered as one of the most important actors due to their significant duties and powers to intervene in the built environment (Şahin Güçhan & Kurul, 2009, p. 31). These duties and authorities involve (1) preparing and implementing conservation plans as per the decisions of conservation councils, (2) implementing the transition period conservation principles and terms of use (TPCPTU) in sites, (3) ensuring the conservation of registered buildings in collaboration with conservation councils, and (4) being represented in conservation councils by the relevant mayors or their technical delegate.

In addition, there are two reasons why municipalities have fallen short in the field of conservation in this period. First one was the lack of specialized personnel in implementing and controlling conservation projects, such as (conservation) architects, planners, and civil engineers, due to the lack of legal regulations, which oblige municipalities to employ such personnel. Second one was that municipalities are responsible for implementing certain decisions in favor of conservation although they did not necessarily support these decisions for the sake of urban development (Şahin Güçhan & Kurul, 2009, p. 31).

As a product of urban entrepreneurialism discussed above, historic city centers came under the radar of municipalities and the private sector during this period. This

emanated from the fact hegemonic urban coalitions including entrepreneurial local politicians and local government officials as well as investors, landowners, media, etc., viewed such areas as potential investment areas for high-standard housing, offices, and touristic facilities sought by high-income groups (Dinçer İ., 2016, p. 186). In line with this trend, public resources have been mobilized for urban marketing campaigns in global markets instead of providing urban services, improving technical infrastructure, and enhancing the quality of life in urban areas, such as historic city centers and squatter settlements in their surroundings, where the urban poor mostly reside (Enlil, 2000). Consequently, entrepreneurial municipalities have been pushing for the demolition and rapid renewal of the long-neglected historic fabric containing cultural heritage, rather than its rehabilitation, in order to get ahead in interurban competition and attract capital investment.

In short, the Ministry of Culture and Tourism has become the foremost public authority with significant authorities related to conservation. Besides, the Ministry was able to impose complete control over the conservation process through the High Council, conservation councils, and its affiliated local branches. Nevertheless, the susceptibility of conservation to local pressure, the lack of experts in the conservation field, and the lack of merit in the field resulted in ineffective and inconsistent practices.

Despite the ongoing legal and administrative evolution in the conservation field, development-oriented approaches posed a threat to the cultural heritage. Nevertheless, conservation debates have entered the urban policy agenda in the 2000s and triggered counter-movements, such as prioritizing use-value over the exchange-value and defending the housing rights of those residing in historic city centers (Dinçer İ., 2016, p. 186).

4.2.3. Urban conservation in the shadow of renewal (from 2000 onwards)

With the coming to power of the JDP in the early 2000s, a period of change began in Türkiye that concerned the legal and administrative framework of many fields, including urban conservation. In this respect, Law no. 4848 on the Organization and Duties of the Ministry of Culture and Tourism was adopted in 2003 to restructure the Ministry. Among many other responsibilities, it entrusted the Ministry with the responsibility of conserving historic and cultural heritage from destruction and

disappearance. In addition, it contributed to the allocation of new positions for specialized staff and higher budget to the Ministry (Şahin Güçhan & Kurul, 2009).

In the early 2000s, the adoption of decentralization as one of the political and administrative priorities of the EU also affected the legal and administrative framework of the conservation field in Türkiye. The assignment of key conservation responsibilities to municipalities in this period is partly related to this. Entrepreneurial municipalities have become increasingly interested in urban conservation, recognizing the role of historic and cultural heritage in improving urban landscape to stand out in interurban competition and attract capital investment. Thus, it was expected that the increased role of municipalities in the field of conservation would contribute to an increase in the number of specialized staff in this field (Şahin Güçhan & Kurul, 2009).

According to Law no. 5216 on Metropolitan Municipalities, enacted in 2004, and Law no. 5393 on Municipalities, enacted in 2005, metropolitan municipalities and municipalities are responsible for ensuring the conservation of cultural and natural heritage, of the historic urban fabric, of areas with historical significance, and their functions; carrying out maintenance and improvement to that end; and reconstructing them in their original form where conservation is impossible. Moreover, Article 73 of Law no. 5393, discussed in detail above, authorized municipalities to carry out urban renewal and development projects in order to rebuild and restore worn-out parts of the city and preserve the historic and cultural heritage of the city.

Another legislative change concerning conservation adopted in 2004, was Law no. 5226 on the Amendment of Law (no. 2863) on the Conservation of Cultural and Natural Property and Various Laws. The law states that the designation of an area as a site by the conservation council for the conservation of cultural and natural property halts the execution of all other plans in that area. It added to Law no. 2863 the concept of "conservation plan", whose adoption process and actors involved in this process are presented in Figure 4. According to the law, a conservation plan aims to sustainably preserve cultural and natural heritage in a site designated under this law. Superimposed on existing maps, it is prepared based on field research that includes archeological, historical, natural, architectural, demographic, cultural, socio-economic, property, and structural data, taking into account the interaction-transition area of the designated site.

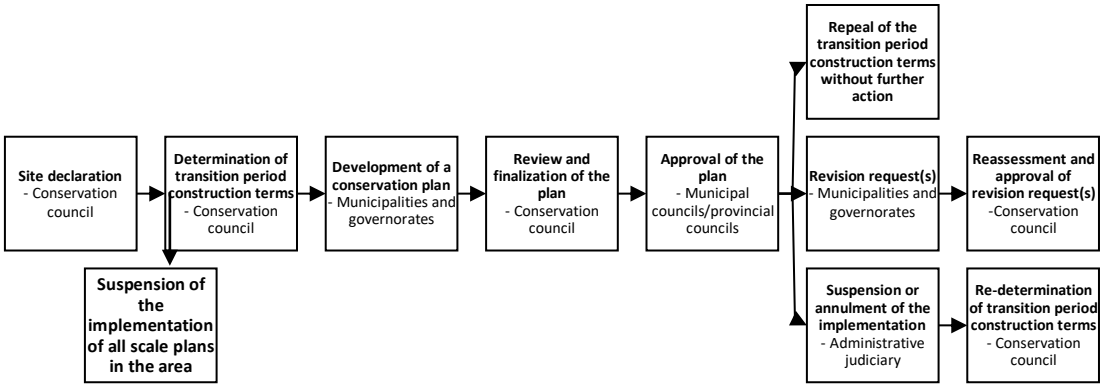

Figure 4: The adoption process of the conservation plan and the actors involved in the process.

Besides, the plan establishes principles for conservation, usage conditions, construction restrictions, rehabilitation, renewal areas and projects, implementation stages and programs, open space systems, pedestrian and vehicular transportation, design principles for infrastructure facilities, density, parcel designs, and participatory area management models in accordance with principles of local ownership and financing of the implementation. It is a holistic document comprising goals, tools, strategies, planning decisions, attitudes, plan notes, and an explanatory report in the required scale for both master and implementation zoning plans.The introduction of this concept into conservation legislation filled a gap in Law no. 2863 regarding urban sites that overlapped with urban renewal areas. Filling this gap was critical as Türkiye has a very dense stock of historical heritage and civil architecture samples that make up most of the country's worn out and dilapidated building stock. Furthermore, Law no. 5226 requires conservation plans of the sites within urban renewal areas be approached with a holistic approach in line with urban renewal projects. This new approach views conservation as a process that goes hand in hand with implementation (Şahin Güçhan & Kurul, 2009, p. 34).

Law no. 5226 also changed the administrative framework of conservation and facilitated the applicability of conservation (Dinçer İ., 2016, p. 186). The law allows the establishment of "conservation, implementation, and supervision bureaus" within metropolitan municipalities, governorates, and municipalities authorized by the Ministry of Culture and Tourism to manage and oversee the processes and practices

related to the conservation of cultural heritage. It is envisaged that the bureaus employ experts from the fields of art history, architecture, city planning, engineering, and archeology. According to Şahin Güçhan and Kurul (2009, p. 34), this administrative change can be interpreted as a step towards bridging the gap between planning and conservation. On the other hand, Dinçer (2016, p. 186) argues that the establishment of these bureaus facilitated the proper implementation of the decisions taken by conservation councils and the supervision of sites.

The law also provided municipalities with a new financial resource, the “Contribution Share for the Conservation of Immovable Cultural Property”, which is charged to the taxpayer at the rate of ten percent of the real estate tax to be used for the conservation and utilization of the cultural property within the jurisdiction of the municipalities. The creation of a new institution and a financial resource for conservation under the auspices of municipalities points to the administrative reforms towards decentralization that gained momentum in the early 2000s in Türkiye.

For the post-2000 period, another law that could be considered within the framework of urban conservation legislation is Law no. 5366 on Conservation by Renewal and Use by Revitalization of the Deteriorated Historical and Cultural Immovable Property, which is adopted in 2005. This law has already been discussed in the chapter focusing on the legal and administrative framework of urban renewal in the post-2000 period. As mentioned earlier, although this law refers to the conservation of historical and cultural assets in its title, in essence, it prioritizes urban renewal over conservation and is referred to as the "renewal law" precisely for this reason. Therefore, it is not deemed essential to revisit this law in the context of the post-2000 legal and administrative framework for urban conservation.

In 2011, the legal regulations made within the scope of the restructuring of ministries were also expanded to include the field of conservation. In this respect, Decree-Law no. 648, which relates to the organization and duties of the Ministry of Environment and Urbanization, renamed “the High Council for the Conservation of Cultural and Natural Property” as “the High Council for the Conservation of Cultural Property” and “the regional councils for the conservation of cultural and natural property” as “the regional councils for the conservation of cultural property”.

On the other side, amending Law no. 2863, the decree-law also obliges municipalities to have conservation plans prepared for the sites and submit their plans to the respective conservation councils for review and finalization within three years, which was set as one year by Law no. 3386 in 1987. To reiterate at this point, conservation councils are authorized to identify TPCPTU for sites until the approval of conservation plans, as stated in Law no. 2863. If a conservation plan cannot be approved within the three-year period due to force majeure, this period may be extended by the conservation councils. During the extended period, TPCPTU are applied. As Demiröz and Şahin Güçhan (2021, p. 345) point out, the decree law does not specify how long the three-year period can be extended by conservation councils if a conservation plan cannot be approved within three years, creating a legal indeterminacy in this respect.

The decree law has also made significant changes to the composition of the members of conservation councils. The provision of Law no. 2863, which stipulated the Higher Education Council inviting two faculty members from the disciplines of archaeology, art history, architecture, and urban planning to the conservation council has been annulled. Consequently, the conservation councils are left with seven members appointed by the Ministry of Culture and Tourism among the specialists in archeology, art history, law, architecture, and city planning. If the subject to be discussed in the conservation council concerns a municipality, governor's office, certain ministries, and general directorates, they may appoint a technical delegate to attend the conservation council meeting. This makes conservation councils accountable only to the central government as almost all of their members are appointed by the central government, which supersedes the autonomous structure of conservation councils (Demiröz & Şahin Güçhan, 2021, p. 345).

In sum, the regulatory framework of urban conservation in Türkiye was significantly changed in the 2000s (Table 6), transforming the administrative structure. There are two tensions that characterize the field in this period. The first is the tension between urban conservation and urban renewal, while the second is the tension between decentralization and centralization. Owing to the legislative and administrative restructuring in the first decade of the 2000s, the municipalities were equipped with new administrative and financial tools in terms of conservation. Nevertheless, this restructuring empowering municipalities also fostered the implementation of urban

renewal projects in urban sites. To hasten the implementation of such projects, indeterminate and flexible legal regulations and administrative arrangements were brought into effect.

Table 6: The legal framework for urban conservation established since the 2000s.

Year	**Number and title of laws**
2003	Law no. 4848 on the Organization and Duties of the Ministry of Culture and Tourism
2004	Law no. 5216 on Metropolitan Municipalities
2004	Law no. 5226 on the Amendment of Law on the Conservation of Cultural and Natural Property and Various Laws
2005	Law no. 5366 on Conservation by Renewal and Use by Revitalization of the Deteriorated Historical and Cultural Immovable Property
2005	Law no. 5393 on Municipalities
2011	Decree Law no. 648 on the Amendment of the Decree Law on the Organization and Duties of the Ministry of Environment and Urbanization and Some Laws and Decree Laws

On the other hand, the centralization tendency that marked the second decade of the 2000s was accompanied by a centralization in the field of conservation. The Ministry of Culture and Tourism started to impose its tutelage over municipalities through conservation councils. The indeterminate time duration in which conservation councils can impose their powers over sites without conservation plans also facilitates the conduct of renewal activities within sites. As is seen, the state's attitude towards the field of conservation was inconsistent throughout the 2000s. It is possible to observe a dominance of urban renewal policies led by the central government, municipalities, and construction sector over urban conservation policies.

4.3. Concluding remarks

This chapter examines the historical trajectory of urban renewal and conservation in Türkiye, with a particular emphasis on the evolution of their legal and administrative frameworks. It traces the origins of Türkiye's urban renewal perspective to a longstanding belief, dating back to the late Ottoman period, that urban conservation hinders development. The early Republican era encountered challenges in urban development due to industrialization prioritization, financial constraints from the War of Independence, and a lack of specialized personnel. This neglect of urbanization fostered the emergence of squatter settlements and the occupation of historic city

centers by the new urban poor following mass rural-to-urban migration from the 1950s onwards.

Between 1950 and 1980, central and local governments, under the influence of a competitive political system, facilitated the establishment of an indeterminate property regime in squatter settlements. Especially after the 1960s, when mayors began to be directly elected, local governments utilized these legal indeterminacies and employed various administrative tactics, primarily for the reproduction of labor. After 1980, the focus of investments shifted from industrialization to urbanization through large-scale urban projects. The neoliberal roll-back policies of this period led to the withdrawal of the central government and municipalities from public services serving the reproduction of labor. This period also witnessed a transformation in the legal and administrative framework of urban conservation with the adoption of Law no. 2863.

This chapter also discusses the pivotal role of newly established metropolitan municipalities in the urbanization of capital due to their significant urban development and planning powers. In this respect, this neoliberal administrative reform in the municipal system reinforced the popular image of metropolitan mayors who largely control urban resources, leading to the tolerance and even support for the mayor's arbitrary actions with antidemocratic and illegal inclinations.

The post-2000 era, marked by the dominance of the Justice and Development Party (JDP), saw the generation of deliberate legal indeterminacies that benefited central and local governments in favor of urban renewal projects that serve the reproduction of capital. The complex and dispersed legal and administrative framework of urban renewal established during this period has perpetuated existing legal indeterminacies and created new ones, allowing central and local governments to instrumentalize administrative tactics that stepping outside the legal and formal boundaries for neoliberal urban renewal goals. Despite this, many urban renewal projects initiated in the 2000s, such as AMM’s efforts in Ulus Square, faced obstacles and could not be completed. With these in mind, the next chapter elaborates on the research methodology, outlining the spatial and temporal focus, data collection methods, methodological limitations, and suggested strategies to overcome these limitations in examining AMM's renewal activities in and around Ulus Square.

CHAPTER 5

METHODOLOGY

This study aims to highlight the tendency of public authorities within the framework of neoliberal urban policies to exploit indeterminate legal rules and apply them arbitrarily, despite the neoliberal assertion that legal rules should be certain and public authority should be bound by these rules in accordance with the principles of the liberal rule of law. Accordingly, the study argues that, in line with the urban entrepreneurialism and new public management approaches promoted by neoliberal theory, local governments and their officials, exhibit arbitrary behavior by neglecting formal rules and processes while implementing investment-focused activities in a fast and results-oriented manner.

This highlighted trend, although predominantly characterized by the withdrawal of urban welfare services in Turkish cities since the 1980s, has shifted towards the provision of extensive urban areas with large rent gaps to the service of middle and upper-income groups, particularly from the 2000s onwards. This form of urbanization, driven by the imperative of rapid capital turnover, perceives participatory mechanisms, bureaucratic procedures, and legal processes as time-consuming obstacles due to its speed and outcome-oriented nature. To overcome these obstacles, privileged areas are identified where specific authorities endowed with exceptional powers can easily implement urban renewal projects that overcome these mechanisms, procedures, and processes.

In this context, the study examines the legal and administrative framework of urban renewal in Türkiye, focusing on the post-2000 period. However, an exclusive focus on urban renewal in examining the legal and administrative framework in this study would be insufficient, especially when considering the case study. This is because the urban space addressed in this study, being situated within an urban site, is also subject

to urban conservation regulations and administrative structures. Therefore, within the outlined framework, the study also addresses urban conservation legislation and administrative structures.

The historical periodization of the discussion on the legal and administrative framework is categorized around the years of 1980 and 2000, which this study considers as turning points in terms of urban policies and the organizational structure of local governments in Türkiye. Considering the theoretical significance of neoliberalism debate in this study, three distinct periods are identified: The pre-neoliberal era before 1980, the early neoliberal period spanning from 1980 to 2000, and the post-2000 era characterized by a neoliberal focus on urban space. The significant legal and administrative regulations implemented during these periods are examined in the context of political developments.

5.1. Grounds for choosing Ulus Square, Ankara as a case study

The case study of this dissertation is selected as the urban renewal initiatives in Ulus Square (Figure 5), located at the historic city center of Ankara, the capital of Türkiye. Given its pivotal role in the history of Türkiye's urbanization policy, Ankara is considered a suitable urban setting for this research agenda. Since the mid-1990s, the Republic's project of creating a modern and planned city as a model for urban development across the country has been challenged in Ankara under Gökçek's pragmatic municipalism (Batuman, 2013). The city has also functioned as a testing ground for institutional experimentation, and certain regulatory reforms initiated there have had an impact on the JDP's endeavors to revitalize cities throughout Türkiye (Bayırbağ, Schindler, & Penpecioğlu, 2023, p. 1683). Moreover, since the majority of the literature on urban renewal practices in Türkiye focuses on İstanbul, it was considered that focusing on an urban renewal initiative from Ankara would contribute to the field of urban studies.

Ulus Square and its immediate surroundings are also at the heart of the Ankara's historic center, which is one of the city's most important business districts. It has an important historical and cultural richness as a multi-layered urban space stemming from its uninterrupted use during the Roman, Seljuk, Ottoman, and Republican eras. In addition, Ulus Square is a very important urban space in the sense that it contains

the places that hosted the founding of the Republic. On the other hand, the rent gap has widened in Ulus Square, a historical site, due to years of intentional and unintentional neglect. These multi-layered and undervalued characteristics create tension between those in favor of rent-oriented urban renewal and those in favor of preserving cultural and historical heritage in and around Ulus Square.

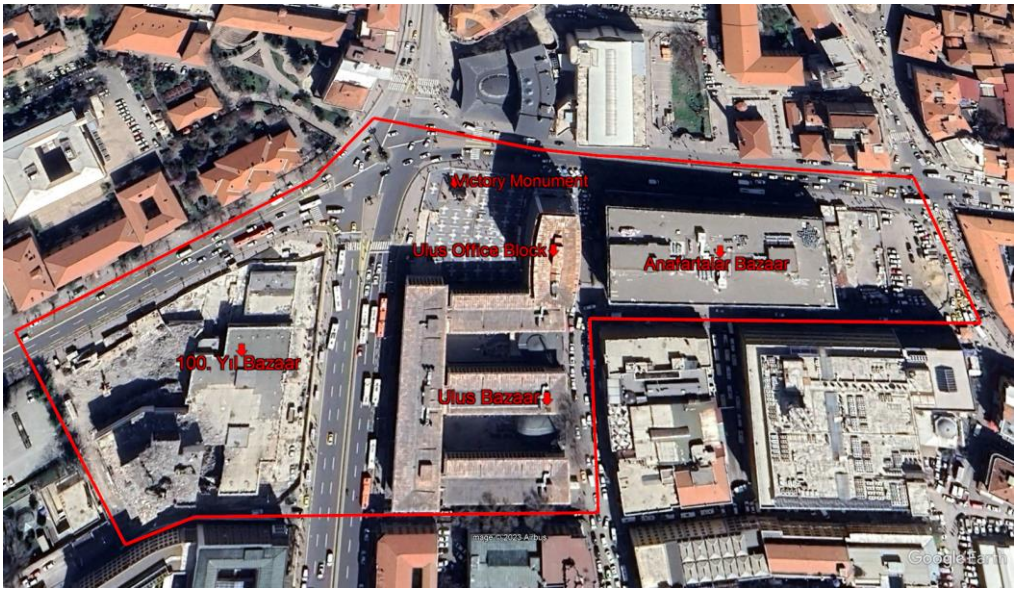

Figure 5: The built environment in Ulus Square and its surroundings, where urban renewal project was to be implemented by the AMM.
Source: Drawn by the author on the base image retrieved from Google Earth Pro on 15 November 2023.

In addition, Ulus Square was chosen as the case study because it is a place that has been targeted to be renewed within the Ulus Historic City Center since the 2000s, but the renewal initiatives have failed for various reasons, which will be discussed in detail below. The choice of Ulus Square as the research area aims to respond to the need for a better understanding of the politics, administrative tactics, negotiations, and struggles behind the unfinished and stalled initiatives identified in the field of urban studies, which have created grievances for residents in areas undergoing transformation (Ay & Penpecioğlu, 2022, p. 10).

Notably, the period between 2003 and 2019 is a phase in which the power in the central government and the power in the AMM are controlled by the same political party. The political unity is important as most of the bazaar buildings in Ulus Square shown in

Figure 6 were owned by the Social Security Institution affiliated with the Ministry of Labor and Social Security until the mid-2010s, eliminating the need for the AMM to expropriate the immovables of many property owners in Ulus Square.

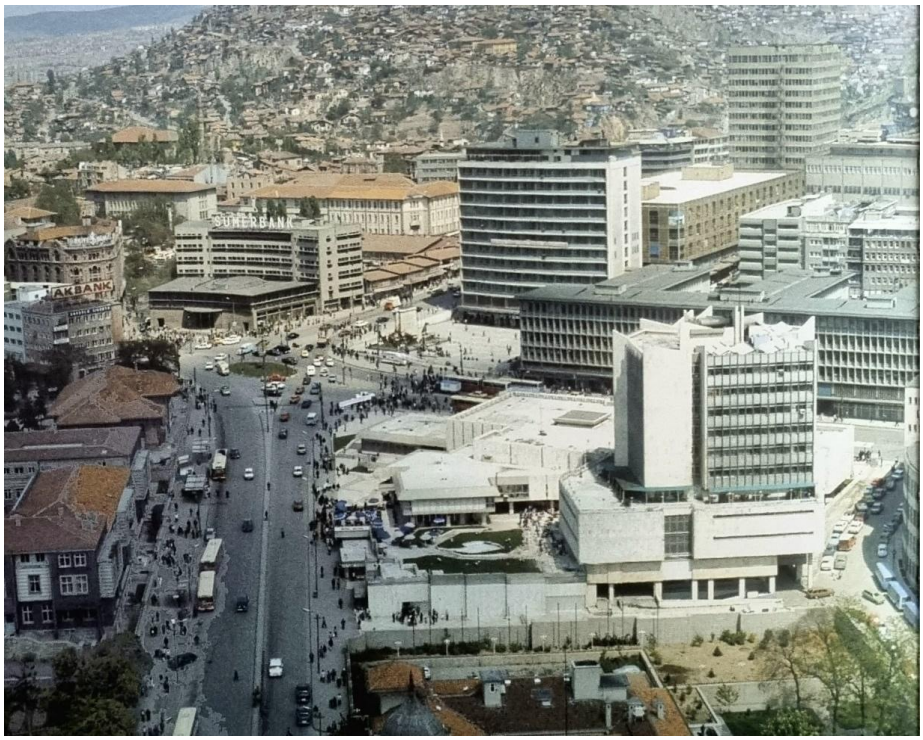

Figure 6: An aerial view of Ulus Square from the west.
Source: Cengizkan & Kılıçkıran, 2009, p. 114.

Another characteristic of the period from the early 2000s onwards is that the legal and administrative obstacles preventing local governments from implementing urban renewal projects were largely eliminated through new legal and administrative regulations. Hence, while urban renewal projects were rapidly implemented in various parts of Ankara and the Ulus Historic City Center, it is crucial to uncover the underlying reasons for the failure of the renewal attempts at Ulus Square and the administrative tactics of the AMM to overcome these reasons.

5.2. Data sources and data collection methods

To reveal the underlying reasons for the failure of the AMM's renewal initiatives in Ulus Square and its practices to overcome these reasons, the emergence and historical development of the square as an urban space is examined in detail in the following

sections. Throughout this investigation, specific turning points in the historical development of Ulus Square have been identified, leading to a periodization based on these milestones. The first periodization focuses on the pre-2000 era when Ulus Square gained administrative, commercial, political, and financial functions. During this period, efforts were made to preserve Ulus Square to some extent, but towards its end, signs of urban decline emerged, laying the groundwork for subsequent renewal aspirations. The second periodization addresses the post-2000 era, characterized by a renewal-oriented approach where the acquired functions were significantly overlooked. Each periodization has revealed the internal changes and transformations within each period, highlighting the necessity for further sub-periodization.

To elaborate on the political, legal, and administrative changes and transformations during the post-2000 period, which constitutes the focus of this study, it is essential to detail the leadership transitions in the AMM. Between 2004 and 2017, İbrahim Melih Gökçek, the mayoral candidate of the JDP, held the position of mayor, overseeing the municipal administration for nearly three terms. Following Gökçek's unexpected resignation in the second half of 2017, Mustafa Tuna, also from the JDP, assumed the role of the AMM Mayor from 2017 to 2019.

The 2019 local elections marked a significant political shift in Türkiye's major metropolitan cities. Consequently, Mansur Yavaş, the candidate of the RPP, was elected as the AMM Mayor. Examining these distinct periods is crucial for identifying continuities and discontinuities in the approaches and practices of different AMM Mayors regarding urban renewal activities in Ulus Square. It is especially worth to explore how the situation, where the central government and the AMM Mayor were from different political parties for the first time in sixteen years, influenced the AMM's approach and practices in Ulus Square.

To identify the AMM's (ab)use of legal indeterminacies and formal and informal managerial tactics in its urban renewal initiatives in Ulus Square since 2004, this study utilized qualitative research methods comprising in-depth semi-structured interviews, online media analysis, and examination of legal case files. For in-depth interviews, approximately forty individuals identified as those affected by, observing, intervening in, or both observing and intervening in the renewal activities in and around Ulus

Square during the post-2000 period have been purposefully selected (Table 7). Interviews were conducted between 17 October 2022 and 28 February 2023 with twenty-six interviewees who could be reached and agreed to be interviewed.

Table 7: Four-tier sampling.

Affected party	Intervening party	Observing party	Both observing and intervening party

The interview, consisting of eight questions, aim to understand the interviewee's experiences and observations related to the urban renewal process in Ulus Square. Therefore, the same set of questions was asked to each stratum. The questions seek to gather insights into the interviewee's professional background, critical stages in the renewal process, challenges encountered by the AMM during renewal, decisive factors in the renewal process, institutional consistency or inconsistency in the renewal process, strategies and legal frameworks employed by the AMM, and the AMM's approach to Ulus Square under different mayoral administrations.

Since the study required collecting information from human subjects, it was approved by the Middle East Technical University Human Subjects Ethics Committee, which oversaw the list of interviewees and the questions to be asked to the interviewees in terms of scientific ethics. Before starting the interviews, interviewees were briefed on the study and the interview process, informed about the confidentiality of their identities, and required to sign an informed consent form. The interviews lasted approximately one hour on average, with the shortest lasting approximately fifteen minutes and the longest lasting more than five hours. These interviews were conducted face-to-face, online, or through written responses, depending on the availability and preferences of the interviewees. Before the interviews began, the interviewees were asked whether they could be audio-recorded (for face-to-face interviews) or video-recorded (for online interviews), and the interviews with those who did not give consent were not recorded. The recorded interviews have been transcribed using a word processor on the computer, without any distortion to their content.

Among the interviewees listed in Table 8, there were shopkeepers from the bazaars around Ulus Square, a lawyer representing some shopkeepers, individuals responsible

for managing the bazaars, local journalists involved with the square, an artist who played a role in an art event at the square, an architect involved in the development of the conservation plan concerning the square, current or former bureaucrats from the AMM, experts serving in professional chambers, academics, a former district mayor, and former members of the ARACC.

Table 8: List of interviewees.

Stratum	ID	Profession/position	Workplace
Affected party	Interviewee 1	A shopkeeper	Anafartalar Bazaar for more than five decades
	Interviewee 2	A shopkeeper	Anafartalar Bazaar for more than two decades
	Interviewee 3	A shopkeeper	Ulus Office Block for more than two decades
	Interviewee 4	A shopkeeper	Ulus Bazaar for more than three decades
	Interviewee 5	A shopkeeper	Anafartalar Bazaar for more than three decades
	Interviewee 6	A shopkeeper	Anafartalar Bazaar for more than two decades
	Interviewee 7	A shopkeeper	Ulus Bazaar for about four decades
	Interviewee 8	A shopkeeper	100. Yıl Bazaar for about three decades
	Interviewee 9	A third-generation shopkeeper (who held positions of responsibility in the building management of Anafartalar Bazaar and Ulus Bazaar)	Ulus Bazaar
	Interviewee 10	An official in the building management of Anafartalar Bazaar and Ulus Bazaar	Anafartalar Bazaar and Ulus Bazaar
	Interviewee 11[39]	A lawyer of some shopkeepers in the bazaar	Lawyer's office
Observing party	Interviewee 12	A retired journalist	National media, the media department of the AMM
	Interviewee 13[40]	A journalist	National media, local media
	Interviewee 14	An independent researcher (on Ankara's civil architectural memory)	No information
	Interviewee 15	An architect, a conservation specialist, and a lecturer (a former bureaucrat in the AMM)	The AMM Department of Development, Conservation and Restoration Specialists Association, a university
Intervening party	Interviewee 16	An architect (involved in the development of a conservation plan in Ulus Historic City Center)	A private firm
	Interviewee 17[41]	A municipal bureaucrat (served under Gökçek, Tuna, and Yavaş)	The AMM, the ARACC
	Interviewee 18	A municipal buraucrat (a former municipal representative in the ARACC)	Altındağ District Municipality, the AMM, the ARACC
	Interviewee 19	An ex-mayor	Altındağ District Municipality
	Interviewee 20[42]	An architect, a conservation specialist, and an academic (a former representative of the Higher Education Council in the ARACC)	The ARACC

[39] Interviewed via phone call.

[40] Written answers to interview questions (due to busy schedule of the interviewee)

[41] Written answers to interview questions (due to busy schedule of the interviewee)

[42] Interviewed via Zoom call.

Table 8 (continued): List of interviewees.

Both observing and intervening party	Interviewee 21[43]	A city planner and an academic (a former bureaucrat with professional experience in Altındağ district and Law no. 5366, held positions of responsibility in the professional chamber, one of the experts in a lawsuit against a conservation plan for Ulus)	The AMM, the Ministry of Culture and Tourism, the Chamber of City Planners, a university
	Interviewee 22	A city planner, a conservation specialist and an academic (a former bureaucrat in the AMM, one of the experts in the lawsuits against conservation plans for Ulus)	The AMM, a university
	Interviewee 23	An artist (a member of an art initiative that organized an interdisciplinary art event in Ulus Square and bazaars)	A museum
	Interviewee 24	A landscape architect (held positions of responsibility in the professional chamber)	The Chamber of Landscape Architects
	Interviewee 25	An architect (held positions of responsibility in the professional chamber)	The Chamber of Architects Ankara Branch
	Interviewee 26	A city planner (held positions of responsibility in the professional chamber)	The Chamber of City Planners Ankara Branch

As evident, a stratified sampling method was employed to select interviewees related to urban renewal activities in Ulus Square. The population was segmented into sub-populations (strata) based on professional and specialized fields, from which a random sample was drawn. Special attention was given to ensuring representation from each stratum to enhance the sample's representativeness. In cases where representation couldn't be achieved, gaps were addressed through online media analysis and examination of lawsuit files. For instance, political perspectives of AMM Council members on Ulus Square matters were gathered from their press statements, while legal viewpoints of administrative judges and expert opinions were extracted from judgments and expert reports within lawsuit files.

The online media analysis seeks to comprehensively review all internet-accessible news content concerning the AMM's renewal efforts in Ulus Square from 2004 to the present. This analysis aims to provide insights into how these initiatives are perceived by local residents and the wider public. By incorporating various media sources, the study aims to capture diverse perspectives on the research topic. This includes news reports, interviews, and commentaries, which collectively enrich the study's understanding of the subject matter.

The online media analysis within the scope of this study both contributes to obtaining information from those who could not be interviewed through their statements in the

[43] Interviewed via Zoom call.

media and serves the purpose of verifying the narratives of the interviewees. This review includes both national and local media sources. While using these media sources, a balance has been tried to be maintained between media sources that support and oppose AMM's renewal activities in Ulus Square. However, national media organizations with Ankara bureaus, such as Hürriyet and Cumhuriyet, inevitably provided more data than other sources. The AMM's website is the primary local media source on the AMM's actions in Ulus Square. Additionally, İlksayfa, one of the local press organizations, contributed to the study by reflecting the views of those directly affected by the AMM's actions. As shown in Table 9, this media review includes numerous national and local media sources.

Table 9: List of media sources.

National media sources	Local media sources
Anadolu Agency	AMM Website
CNN Türk	Anayurt
Cumhuriyet	Barış
Evrensel	Başkent
Gazete Duvar	Chamber of Architects Ankara Branch Website
Haberler.com	Chamber of City Planners Ankara Branch Website
Habertürk	EGO Website
Hürriyet	Haber3
JDP Website	İlksayfa
Kültür Envanteri	
Milliyet	
ODATV	
Official Gazette	
Sabah	
soL	
T24	
TRT Haber	
Yapi.com.tr	

Indeed, the examination of court case files offers valuable insights into the legal processes and legislation pertinent to the contentious renewal activities in Ulus Square, an area fraught with legal complexities. It plays a crucial role in understanding diverse perspectives on the subject by presenting arguments and defenses from involved parties. Furthermore, these files illuminate legal battles by exposing indeterminacies, conflicts, and disputes, while also shedding light on which arguments judges find persuasive, as court decisions are accompanied by justifications. Additionally, expert reports and other documents within these lawsuits provide rich material for thorough analysis. Finally, court files aid in understanding the chronological progression of the issue and how events unfolded over time.

As mentioned above, the lawsuits filed against the decisions of the Council of Ministers, the decisions of the Council of Ministers and the decisions of the conservation council concerning Ulus Square were also examined within the scope of this study. Thus, it is aimed to comprehend how legal indeterminacies and arbitrary actions of the AMM are evaluated by judicial bodies. In addition, it was possible to follow the legal interpretations of hard-to-reach administrative court and Council of State judges, plaintiff's lawyers, and defendant's lawyers regarding the renewal initiatives of the AMM in Ulus Square from these files.

5.3. Potential limitations of the methodology

Similar to most scientific inquiries, the methodology employed in this study comes with certain limitations. Despite the four-tier sampling approach aiming to ensure a comprehensive exploration of perspectives from affected, observing, intervening, and both observing and intervening parties, there is a disproportionate representation of the affected party among interviewees. Therefore, the study might face criticism for potential bias and the perceived omission of certain perspectives. However, it is crucial to note that this imbalance in the sample was not a deliberate choice. For instance, in an attempt to augment the number of interviewees from the observing party, some journalists, recognized for their coverage of significant news reports on the Ulus region, either did not respond to interview requests or declined participation, citing a lack of current interest in the region.

In addition, certain national and local politicians associated with the Ulus region, with whom appointments had been scheduled, abruptly canceled these appointments, citing their campaign activities for the 2023 general elections. The request for an appointment with the current Mayor of Altındağ District Municipality, who served as the Secretary General of the AMM during the Gökçek era, was not accepted due to mayor’s busy schedule. Instead, it was suggested to contact the relevant department of the AMM. To address the potential issue of underrepresentation, efforts were made to compensate by closely monitoring the statements of politicians in the media.

Furthermore, an appointment was arranged with the top-level bureaucrat of the key department of the AMM related to the Ulus Historic City Center. However, this bureaucrat mentioned that discussing the issue would take very long time and

redirected the interview to a lower-level bureaucrat. Although this lower-level bureaucrat agreed to respond to questions in writing, the provided answers evaded the core of the interview questions, offering only superficial information about the renewal initiatives in the area. This attitude encountered at the AMM is crucial as it hints the administration's established approach to the renewal initiatives in Ulus Square.

Additionally, an author of a conservation plan developed for the Ulus Historic City Center expressed reluctance to discuss Ulus due to disappointment with the actions of public authorities in the region over the years. Repeated appointment requests to the firm of another conservation plan author also received no response. This challenge was addressed by reviewing statements from these authors, previously featured in the press or other scientific studies.

An intriguing situation emerged during the interview process involving a former member of the conservation council who initially agreed to be interviewed. After conducting the interview over the phone, the notes taken were sent to the individual for confirmation. Despite initially confirming the notes verbally, the interviewee later asserted that all written notes were inaccurate and could not be used in the study. Consequently, the notes taken during the interview were discarded and not incorporated into the study. Another person who held a position of responsibility in the conservation council agreed to be interviewed, but later canceled the appointment following the devastating Kahramanmaraş earthquake on 6 February 2023.

In addition to the challenges faced during interviews, some critics may argue that the online press review introduces certain limitations, such as the potential for selectivity in media sources, concerns about reliability and accuracy, and questions about the representativeness of the online environment. It is important to note, however, that no specific media organization was given preferential treatment during the assessment of both national and local press sources. All encountered news reports were utilized as data to the extent that they were pertinent to the renovation initiatives in Ulus Square. Moreover, to ensure the reliability and accuracy of the online media review, interviews and case file analysis were also integrated into the study. This approach allowed for the inclusion of multiple data sources, each reinforcing and verifying the others. Given that the efforts to renew Ulus Square began in the mid-2000s, concerns about the

representativeness of online media resources are largely unfounded, especially considering that print media started transitioning to online platforms during the same period.

A notable limitation of the methodology relates to the challenges posed by the intricate legal language and the extensive and complex nature of legal proceedings. The complexity inherent in legal terminology renders it challenging to acquire and interpret precise and meaningful information from the case files. On the other hand, the prolonged and complicated legal proceedings create difficulties in concentrating on a specific timeframe within the study and in tracking legal developments in a linear progression. In addressing these challenges, press reports on the cases and references to prior legal proceedings in expert reports played a pivotal role in navigating and comprehending the intricacies of the legal landscape.

5.4. Concluding remarks

This chapter describes the spatial and temporal focus and data collection methods of this study, which aims to identify the obstacles to urban renewal goals of municipalities in Türkiye and the legal indeterminacies and administrative tactics employed to overcome these obstacles, as well as the limitations of these methods and strategies to overcome these limitations. In that regard, the chapter indicates that the choice of Ankara's Ulus Square as a case study was influenced by Ankara's pioneering – yet neglected – role in Türkiye's urbanization process, the historical significance of the square, and the failure of the AMM's urban renewal initiatives in the square during most of the post-2000 period.

Furthermore, this chapter notes the use of a multifaceted methodology, including in-depth semi-structured interviews, online media analysis, and a review of administrative case files, within the scope of the study. It explains that a four-tier sampling approach was employed in interviews to ensure a comprehensive exploration of the perspectives of affected, observing, intervening and both observing and intervening parties of urban renewal initiatives in Ulus Square. It also points out that the study conducted an extensive online media analysis covering both national and local sources as well as a review of administrative case files in both administrative courts and the Council of State to supplement the data from the interviews. In addition,

the chapter emphasizes that the study adopts a multi-method approach in data collection, capturing the diverse perspectives of stakeholders as well as navigating the complex interplay of legal, administrative, and social factors shaping the urban renewal landscape in Ulus Square during the post-2000 period.

Within this scope, the first of the next two chapters (Chapter 6) investigates the emergence and development of Ulus Square as a public open space within the broader context of Ankara's urbanization. It aims to narrate the historical significance of Ulus Square, emphasizing its rise and decline, and the journey that led to the square becoming one of AMM's renewal targets. The subsequent chapter (Chapter 7) continues this narrative, exploring the opportunities afforded by the existing legal and administrative framework for the AMM in the context of Ulus Square's renewal. It investigates how the AMM (ab)used these opportunities and analyzes the role they played in either facilitating or hindering the renewal efforts. Additionally, it aims to identify the impact of the change in the AMM Mayor, resulting from resignation in 2017 and local elections in 2019, on the continuity or discontinuity of AMM's renewal initiatives in Ulus Square.

CHAPTER 6

A HISTORICAL EVOLUTION OF THE URBAN DEVELOPMENT ACTIVITIES IN ULUS SQUARE UNTIL THE 2000s

This chapter aims to uncover the urban development activities in Ulus Square before the 2000s to understand today's renewal initiatives and anticipate the direction of future ones. The history of Ulus Square and its surroundings stretch back centuries, marked by Phrygians, Galatians, Roman Empire, Byzantine Empire, Seljukian Empire, Ottoman Empire, and the Republic of Türkiye. However, this chapter focuses on the story of Ulus Square in terms of urban development, which has become the heart and symbolic center of Ankara, from the late Ottoman period to the 2000s.

Such an analysis is expected to offer a better understanding of urban development activities in and around Ulus Square and to provide the necessary context for interpreting today's renewal-oriented urban policies, discourses, and debates. Moreover, it is also expected to provide an insight into the broader historical, political, economic, and social context in which the actions of the AMM unfolded. Thus, it becomes possible to identify the root causes and motivations behind AMM's decisions and actions regarding the renewal of Ulus Square on the one hand, and the origins of the legal challenges it faced in the process of these decisions and actions on the other.

A historical perspective on the urban development activities in Ulus Square can reveal parallels and divergences between past urban development activities and the current renewal practices of the AMM. It can also uncover the impacts of past urban policies and strategies on Ulus Square and its surroundings. A comparison between past practices and contemporary policies can highlight potential gaps, inefficiencies, or (ab)uses of existing legal and administrative framework.

To this end, Ulus Square and its surroundings were first examined in terms of its role under different civilizations dating back to prehistoric times. This examination is also

important as it covers the late Ottoman period, when Ulus Square began to gain the character of a public square with the arrival of the railroad and the construction of monumental buildings and a public garden around the square.

Then, the urban developments in Ulus Square during the early Republican Period between 1920 and 1950 will be discussed, which is a significant period in terms of the rise and fall of the square. Therefore, this discussion will cover the processes of Ulus Square's rise to the position of the command center of the War of Independence and the most important political, administrative, social, and financial center of the new capital Ankara, and its rapid loss of this position to Yenişehir (*New city*) located in the south part of the city.

The third period, which is analyzed in relation to urban developments in Ulus Square, spans from 1950 to 1980, during which the square assumed its present form. The main focal point of this analysis is the effects of the fundamental economic, political, and social transformations of this period on Ulus Square and the surrounding built environment. In this way, it is aimed to explain why, despite new urban developments, the decline in the area accelerated rather than halted.

Finally, the period between 1980 and 2000 is discussed, when significant planning and conservation efforts were undertaken in Ankara, particularly in the Ulus region. Within this framework, initiatives, such as the registration of historical and monumental buildings affecting Ulus Square and its surroundings, and the preparation of development and conservation plans involving the square are reviewed.

6.1. Ancient roots and Ottoman legacy of Ulus Square

Although Ulus Square is symbolized as the open public space that housed the founding of the Republic of Türkiye, historical and archeological research on Ankara reveals that the importance of Ulus Square is not limited to this. Archeological evidence from the historic city center shows that the region has been intensively inhabited by the Phrygians in the eighth century, but the ancient city of Ancyra was founded by the Galatians in 278 BC and made the capital. Following the annexation of Ankyra to the Roman Empire in 25 BC, the city became an important intersection point of Roman roads (AMM Department of Development, 1986, p. 9).

At the same time, today's Ulus Square, emerged as a public open space on the western foot of the hill where the city was settled. It is estimated that Ulus Square, which was part of the agora and where the palace (*Palatium*), Julian Column, and a Roman main street (*cardo maximus*) were located (Figure 7), was used for commercial, administrative, and social activities during the Roman period (Ayhan Koçyiğit, 2019, p. 29).

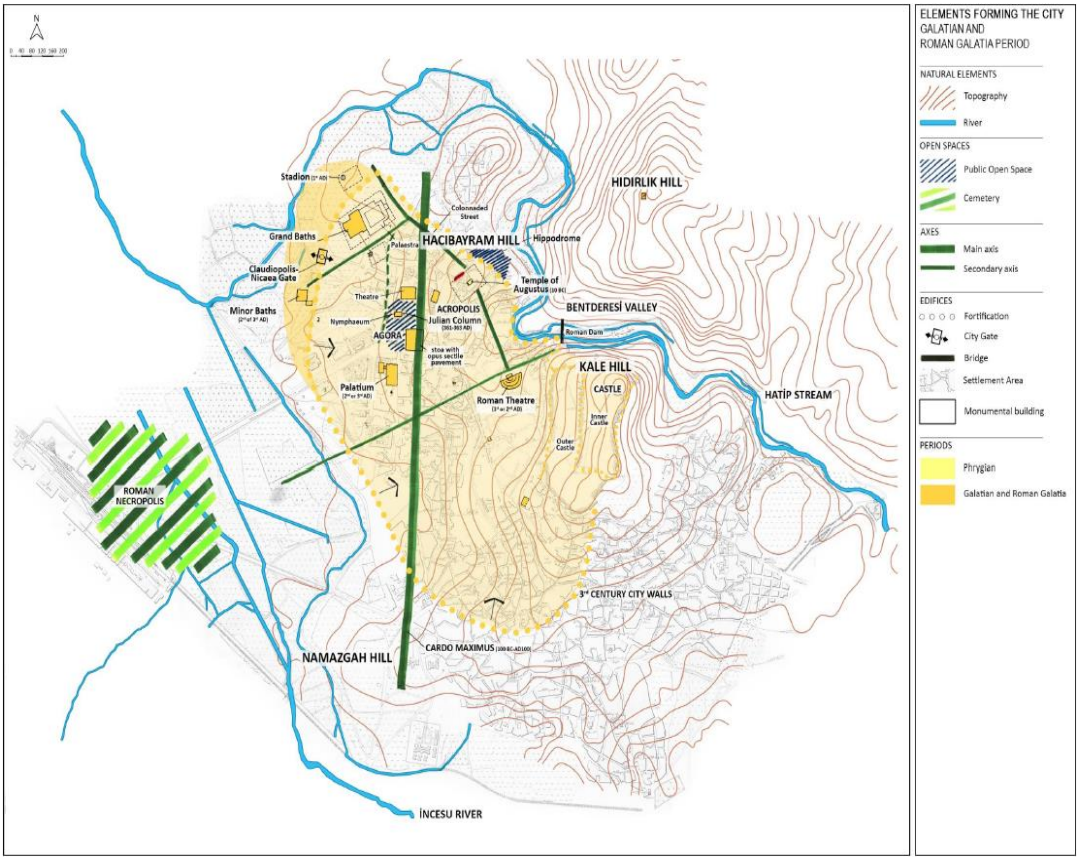

Figure 7: Elements forming Ankara during Galatian and Roman period.
Source: Ayhan Koçyiğit, 2018, p. 53.

Under the rule of the Byzantine Empire since 344 AD, Ankara was conquered by the Turks in 1073. The city changed hands between the Byzantine Empire and the Turkish principalities until the Ottoman Empire established political unity in Anatolia, making it difficult to determine the historical development of the city accurately and completely. As Ankara was one of the Ahi centers, its commercial functions developed and numerous inns were built around mosques in this period (AMM Department of Development, 1986, p. 9).

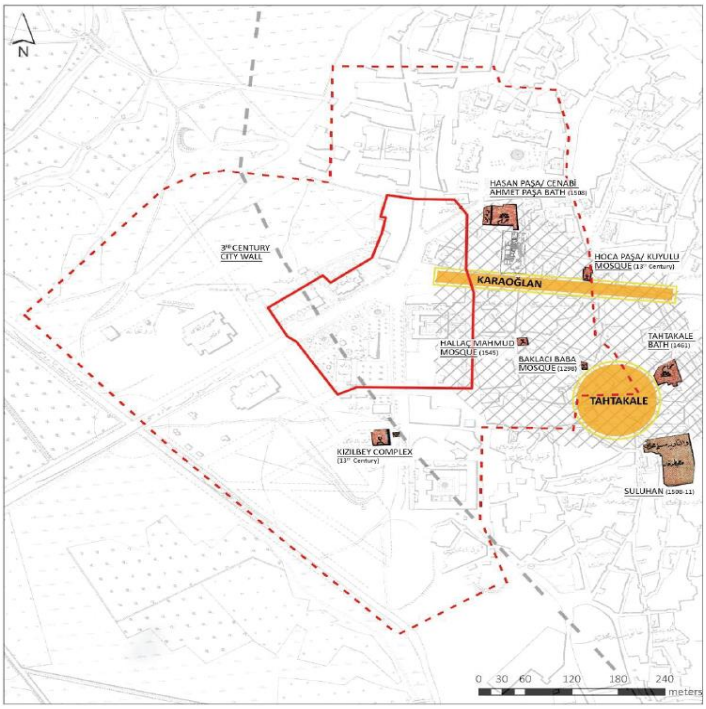

Figure 8: Commercial and public buildings constructed in the surroundings of today's Ulus Square during the Seljuk, Ahi, and Ottoman periods, thirteenth to sixteenth centuries.
Source: Ayhan Koçyiğit, 2018, p. 146.

Accordingly, there is limited information available about Ulus Square and its immediate surroundings until the Ottoman period. As reported by Ayhan Koçyiğit (2019, p. 29), various commercial and public buildings such as mosques, baths, and inns were constructed in the surroundings of today's Ulus Square during the Seljuk and Ahi Periods. According to her, the construction of Hoca Paşa/Kuyulu Mosque and its coffee house, Kızılbey Complex (*külliye*) and Baklacı Baba Mosque in this area around the thirteenth century indicates the presence of public activities around Ulus Square (Figure 8).

As can be seen, Ankara hosted many civilizations until it came under the rule of the Ottoman Empire. During the Ottoman period, especially from the sixteenth century onwards, Ankara was internationally renowned for the fine mohair cloth (*sof*) produced from the hair of a special breed of goat known as the Ankara goat (Ergenç, 2000, p. 54; Faroqhi, 1985, p. 211). The increase in the production and trade of mohair created a "double-centered" urban structure consisting of the old commercial center, the Upper Side (Yukarı Yüz), and newly emerging commercial center, the Lower Side

(Aşağı Yüz), where Ulus Square is located today. In addition, the open spaces in and around the area have been used as fields, cemeteries and short-term accommodation for foreigners visiting the city (Ayhan Koçyiğit, 2019, pp. 30-31).

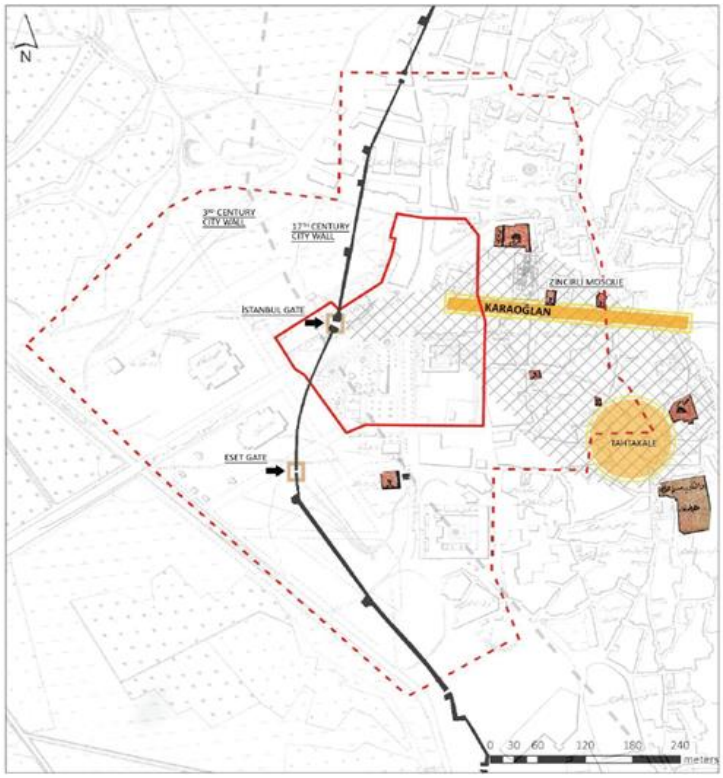

Figure 9: Today's Ulus Square and its surroundings in the seventeenth century. Source: Ayhan Koçyiğit, 2018, p. 146.

In the early years of the seventeenth century, a third city wall was built to protect the city from the Celali rebellions. This wall had eight main gates, one of which was the İstanbul Gate, located right in front of today's Ulus Square (Figure 9). The area between the Lower Side and the third city wall turned into an open space mostly used by foreigners (such as the English, Dutch, and French) for transportation, commercial activities, and temporary accommodation (Ayhan Koçyiğit, 2019, pp. 30-31). Nevertheless, the shift of the main trade routes to the oceans from the eighteenth century onwards, the failure of the urban economy to compete with the modern textile industry, and the production of mohair in other parts of the world[44] in the nineteenth

[44] Şimşir (2018, p. 31) notes that the British succeeded in reproducing Ankara goats in South Africa in the 1860s, undermining Ankara's mohair trade.

century caused an economic depression in Ankara (AMM Department of Development, 1986, p. 9; Karal Akgün, 2000, pp. 221-222).

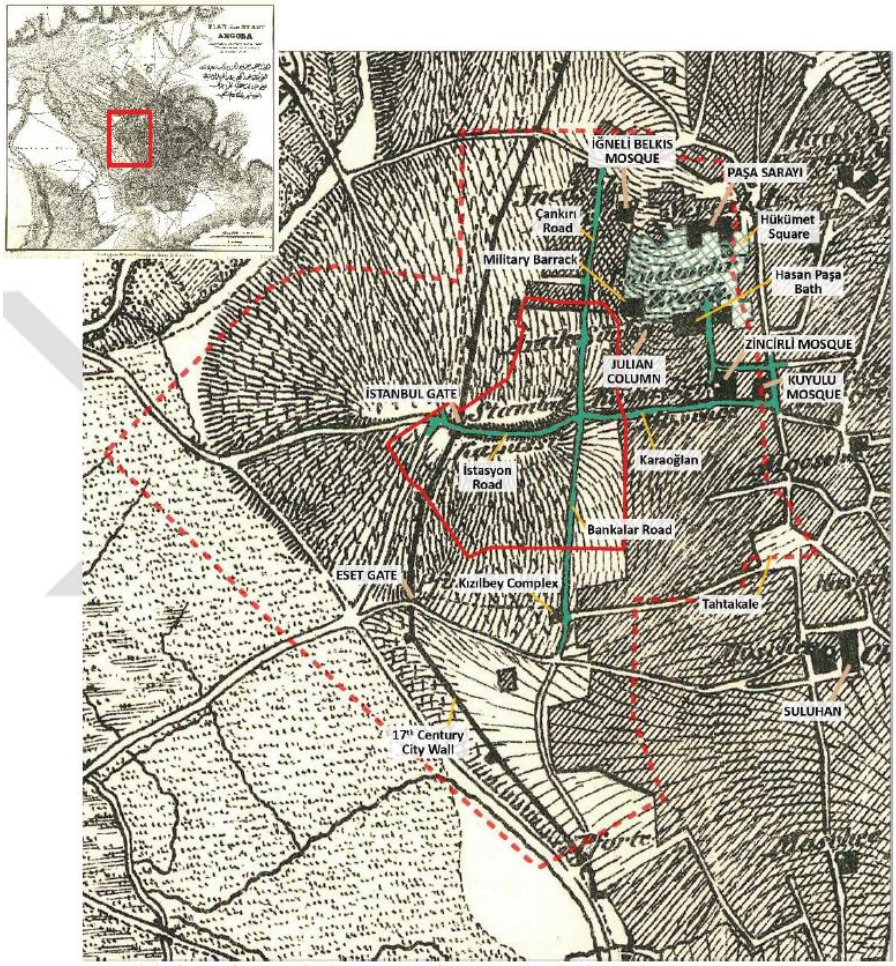

Figure 10: Ulus Square and its surroundings in Von Vincke's map.
Source: Ayhan Koçyiğit, 2018, p. 157.

Although there is no trace of today's Ulus Square in the two city maps drawn by Major Von Vincke, who visited Ankara in 1839, there are traces of today's main roads and streets as paths around the square (Figure 10). During this period, there were two open spaces in the northeast and southeast of the square. The first of these was a small garden surrounded by government buildings (Government Square/*Hükümet Meydanı*), while the other was a commercial public open space (*Tahtakale*). In the early 1880s, the fire in the Upper Side caused commercial functions to shift to the Lower Side on the one hand and the declaration of Ankara as the center of the Ankara Province caused administrative functions to be concentrated in the Government Square around the

Lower Side on the other. As can be seen, the commercial development of the Lower Side was followed by the relocation of administrative functions there (Ayhan Koçyiğit, 2019, pp. 33-35).

Figure 11: A photograph of Darülmuallimin and the Nation's Garden in front of it from 1901.
Source: VEKAM Library and Archive, n.d.-a.

In line with these developments, today's Ulus Square was opened by Dr. Reşit Bey, Governor of Ankara, after the proclamation of the constitutional monarchy (*Meşrutiyet*) in 1876 (Sarıoğlu, 1995, p. 186). Around 1880, the monumental building of *Darülmuallimin* (male teacher training school) was constructed to the south of the square (Figure 11). There are different views on the construction date of the building in the literature. Scientific publications suggest that the building was constructed in 1880 as the first building to define the square (Bayraktar N. , 2013, p. 22; Cengizkan & Kılıçkıran, 2009, p. 26; Yalım, 2017, p. 173), while narratives based on personal memoirs suggest that it was built around the 1900s as an art school for the twenty-fifth anniversary of Abdülhamit II's accession to the throne and later converted into Darülmuallimin (Dinçer G. , 2014, p. 37; Sönmez, 2016, p. 194).

Due to the concentration of commercial and administrative functions in the vicinity of today's Ulus Square, it started to be frequented by merchants and citizens who visited the area on a daily basis. This created the need for a place for temporary accommodation. In response to this, an inn called Taşhan (Figure 12), with rooms for short-term accommodation, was built in 1888 on what is today the north-east corner

of the square (Ayhan Koçyiğit, 2019, p. 35). Following this, the area in front of Taşhan, known today as Ulus Square, was popularly called Taşhan Square until the proclamation of the Republic (Yalım, 2017, p. 171).

Figure 12: A photograph of Taşhan (Hotel d'Angora or Taşhan Palas) thought to date between 1915 and 1920.
Source: VEKAM Library and Archive, n.d.-b.

In addition, by the end of 1892, the railroad arrived in Ankara and the train station was built on a land to the south-west of the square. Although some scholars argue that the arrival of the railway had no impact[45] on the spatial organization of Ankara (Karal Akgün, 2000, p. 222; Ortaylı, 2000, p. 215), there are also opinions that it created an environment of relative vibrancy in the city due to the construction of boulevards connecting the train station to Taşhan, which contributed to the development of the area (AMM Department of Development, 1986, p. 9; Tekeli, 1994, p. 177). Towards the end of the nineteenth century, the idea of creating a city garden entered the agenda as a reflection of the Ottoman modernization movement in Ankara. In 1895, it was decided that the southwestern area of Taşhan Square would be Ankara's first green public open space, called the Nation's Garden (*Millet Bahçesi*) (Ayhan Koçyiğit, 2019, p. 36).

[45] According to Ortaylı (2000, p. 215), the "Hotel d'Angora" sign on Taşhan, the most modern building in the city, symbolized the only change in lifestyle brought to Ankara by the railroad from the outside world.

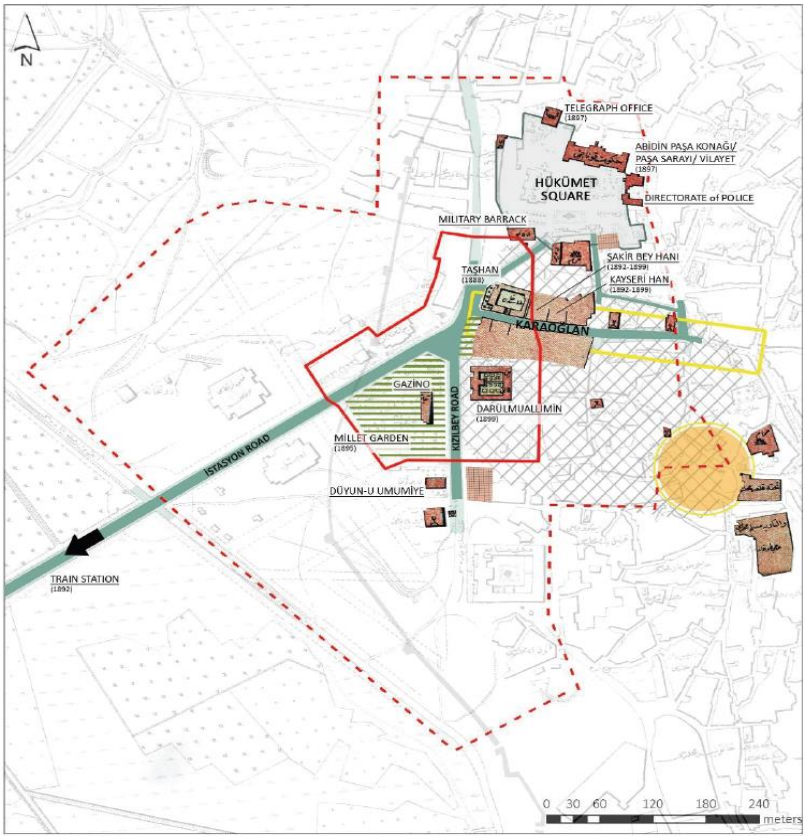

Figure 13: Ulus Square and its surroundings in the nineteenth century.
Source: Ayhan Koçyiğit, 2018, p. 177.

Ankara had its share of the political and economic crises that the Ottoman Empire went through in the late nineteenth and early twentieth centuries. However, Taşhan Square and Government Square were in relatively better condition, albeit slightly deteriorating. As mentioned earlier, these squares, which assumed commercial and administrative functions, was frequently used by the public as well as government officials. Therefore, as can be seen in Figure 13, the paths around the squares on Von Vincke's map have been transformed into the main axes of the city (Ayhan Koçyiğit, 2019, pp. 36-37).

Since Taşhan Square was the main entrance to the city from the train station, Governor Reşit Bey attached particular importance to the square and thus, in the early 1910s he expanded its borders and improved its physical conditions. Later, in the mid-1910s, the building of the Committee of Union and Progress (*İttihat ve Terakki Cemiyeti*) was constructed to the west of Taşhan, making western edge of Taşhan Square clearer and giving the square a more definite form. Thus, the square became characterized as “a

public open space with an irregular geometric form that was framed by monumental buildings and a public garden" (Ayhan Koçyiğit, 2019, pp. 36-38).

6.2. The shaping of Ulus Square as Ankara becomes the capital

Following the collapse of the Ottoman Empire in the aftermath of the First World War, a national resistance movement organized by the former Ottoman military officers under the banner of the National Forces (*Kuvayi Milliye*) began in 1919. Mustafa Kemal, who led this movement, thought that İstanbul could not be the center of the War of Independence due to its vulnerability to foreign military interventions, its cosmopolitan structure open to foreign influences and intrigues, and its association with the sultanate (Tekeli, 2000, pp. 318-320).

In contrast, Ankara was close enough to western Anatolia, the main theater of the war, but in a location that was difficult for foreign military forces to intervene directly. Besides, nineteenth-century infrastructural developments, such as telegraph network and the railroad that provides easy access to the battlefield and İstanbul, gave Ankara an advantage (Tekeli, 2000, p. 320). The support of community leaders, intellectuals, public officials, and the people in Ankara for the liberation struggle and Mustafa Kemal also contributed greatly to the decision to make Ankara the operational center of the War of Independence (Ayhan Koçyiğit, 2019, pp. 36-38; Karal Akgün, 2000, pp. 222-223).

Figure 14: A photograph from 1922 or 1923 of the first building of the GNAT.
Source: VEKAM Library and Archive, n.d.-c.

Thereupon, Mustafa Kemal and the Representative Delegation (*Heyet-i Temsiliye*), which served as the executive body of the National Forces, initiated the formation of a national assembly in Ankara. Due to the urgency and limited resources, the building of the Committee of Union and Progress was deemed suitable for the assembly. Therefore, with the opening of the GNAT on April 23, 1920, this building became the most important political and administrative building in the city (Figure 14). On the other hand, Taşhan Square, where the assembly building was located, became the most important public open space in the city, hosting ceremonies and demonstrations. In the following years, this square came to be known as the *Hakimiyet-i Milliye* (National Sovereignty) Square (Ayhan Koçyiğit, 2019, pp. 39-40; Yalım, 2017, p. 177).

To the northeast of Hakimiyet-i Milliye Square, the governor's office building in Government Square housed ministries, while the Darülmuallimin building was converted into a guesthouse for the deputies. Taşhan, on the other hand, served many functions. It functioned as a hospital, a place of accommodation for important visitors and guests to the city, and a place for the committees that fought alongside the national resistance cadres. Moreover, the Nation's Garden just across the assembly was "the main green open recreational space of Ankara". The opening of new shops, offices, and restaurants around the Hakimiyet-i Milliye Square also increased the popularity of the square (Ayhan Koçyiğit, 2019, p. 40).

Until the last quarter of 1923, Ankara's physical condition deteriorated due to numerous fires on the one hand and the economic difficulties brought about by the War of Independence on the other. However, the declaration of Ankara as the capital[46] by the GNAT on 13 October 1923 rapidly transformed the physical and social environment of the city (Ayhan Koçyiğit, 2019, p. 40). Thus, the city has assumed entirely new administrative, production, trade, and service functions. In this process,

[46] Türkiye is not the only country whose capital city was relocated after the First World War. Examples include the Soviet capital moving to Moscow, Brazil to Brasilia, Pakistan to Islamabad and Nigeria to Abuja. Despite this geographical diversity, the general tendency is to relocate the capital in the more central locations of the country's territory. The underlying reason was that the nation was turning inward, away from foreign influences and interventions, and towards its own reconstruction. With the exception of Moscow, the new capitals were either established as new cities or were significant expansions of smaller cities. Thus, the aim was to move away from the old capital, which was a large and bustling metropolis, and to create new capitals with new, centralized and more specialized political and administrative functions (Gottmann, 1983, p. 90).

the edge of the city center in today's Ulus region quickly became the focal point of new developments due to its connection to the train station, the availability of the existing building stock, and the large undeveloped areas around it (Bademli, 1987, p. 154).

In addition, public officials, bureaucrats, diplomats, delegations, and experts from many countries (e.g., the USSR, Azerbaijan, Bukhara, Afghanistan, and later Western countries) settled in Ankara (Karal Akgün, 2000, p. 228). There was also a mass migration to the city from both Anatolia (e.g., Erzurum and Bayburt) and Rumelia (e.g., Bosnians, Albanians, and Tatars) (Özalp, 2016, p. 34). As a result, Ankara's population increased from approximately 20,000 in 1923 to 75,000 in 1927 (Keleş, 2018).

Figure 15: A photograph from 1925 showing the work on laying cobblestones in Hakimiyet-i Milliye Square.
Source: VEKAM Library and Archive, n.d.-d.

Alongside the military, logistical, and social grounds mentioned above, Ankara's declaration as the capital also had a symbolic meaning, which was the search for a new and pilot capital city where modern, contemporary, and western lifestyle could flourish rather than İstanbul representing the sultanate and caliphate. The aim was therefore to develop Ankara according to modern Western planning standards in a way that would serve as a model for other Anatolian cities (Tekeli, 2000, p. 321). To achieve this aim,

Ankara Municipality was established in 1924 with Law no. 417. During the parliamentary debates on the law, the appointment of the mayor by the Minister of Interior was considered undemocratic and the adaptation of the İstanbul Municipality model to Ankara was challenged (Tankut, 2000, p. 309).

Following the establishment of Ankara Municipality, the Hakimiyet-i Milliye Square was cleared of dust and mud by laying cobblestones, as can be seen in Figure 15 (Özalp, 2016, p. 143). During this period, adjacent small shops belonging to the municipality and private individuals were built to the north of the male teachers' school, while adjacent buildings were constructed to the north of the parliament building. As a result, the square became more defined and suitable for daily activities, meetings, and celebrations, which in turn required modern transportation (Ayhan Koçyiğit, 2019, p. 41).

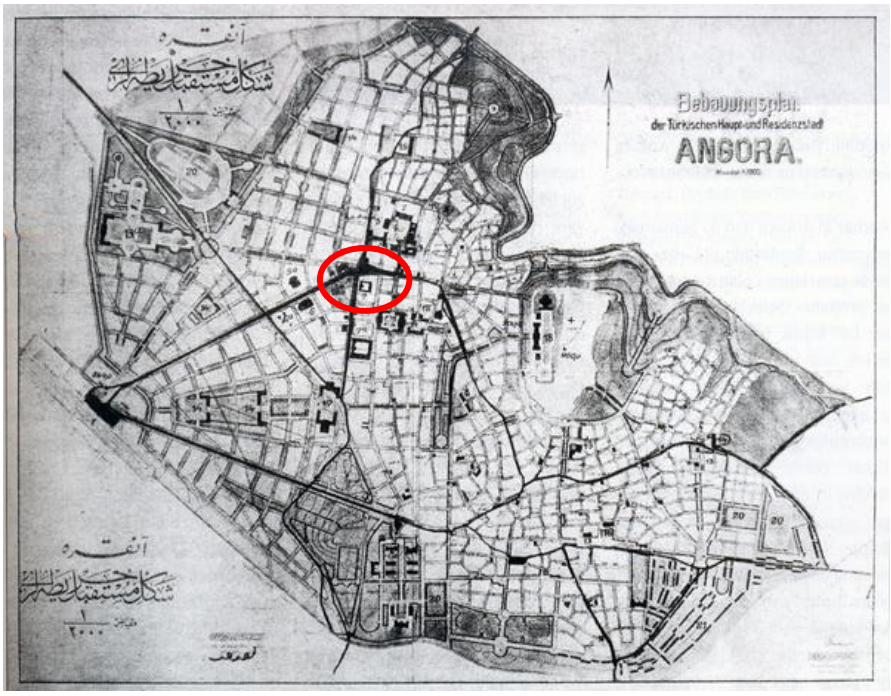

Figure 16: The plan developed by Lörcher for historic Ankara in 1924 (Ulus Square and its immediate surroundings are circled in red by the author).
Source: Cengizkan, 2018, p. 39.

In 1924, Carl Christoph Lörcher, a member of the İstanbul Urban Development Commission, was assigned to prepare plans for historic Ankara, including the Citadel and its surroundings (Figure 16). Lörcher's radical vision for the old town, which

involved significant demolitions, was found to be unfeasible (AMM Department of Development and Urbanization, 2006a, p. 62). His proposals, such as the expansion of Hakimiyet-i Milliye Square and the construction of buildings surrounding the square, were also not accepted. However, the placement of a statue in the center of the square and the improvement of the visual connection between the train station, the square, and the Citadel were among his ideas that were accepted in the following years (Ayhan Koçyiğit, 2019, p. 41).

In 1925, a four million square meter area in the southern part of the city was expropriated and opened for settlement. For this new area, called Yenişehir (today Sıhhiye and Kızılay), Lörcher was asked to develop another plan that included government buildings and housing for public officials. Expropriation led to a rapid development of the physical and social environment of this new district. While the market activities of the local population continued to be carried out in the Hakimiyet-i Milliye Square, elite housing and government activities were located in Yenişehir. The railway, which had defined the boundaries of the city since its construction, created a natural border between the old town and the new one (Batuman, 2013, pp. 578-579).

Figure 17: A photograph from 1933 of the İş Bank building, constructed in 1929, facing Hakimiyet-i Milliye Square (Taşhan on the right)
Source: VEKAM Library and Archive, n.d.-e.

During this period, construction activities were also underway around Hakimiyet-i Milliye square as well as Yenişehir. Between 1924 and 1929, numerous buildings with administrative, financial, and commercial functions have been constructed around the square. The buildings with administrative functions included the new building of the GNAT built in 1924; the Ministry of Finance (*Maliye Vekaleti*), the Court of Accounts (*Divan-ı Muhasebat*), and the General Directorate of Post and Telegraph (*Posta ve Telgraf Umum Müdürlüğü)* in 1925; and the Chief Directorate of State Monopolies (*Tekel Baş Müdürlüğü)* in 1928. There were also buildings hosting financial institutions, such as Osmanlı Bank (*Osmanlı Bankası*) which was constructed in 1926, Ziraat Bank (*Ziraat Bankası*) in 1929, and İş Bank (*İş Bankası*) in 1929 (Figure 17). Besides, there were commercial buildings composed of hotels, such as Lozan Palas which was built in 1926 and Ankara Palas in 1927 (Ayhan Koçyiğit, 2019, p. 42).

In this period, the expansion and improvement of existing roads and the opening of new ones encouraged the use of motorized vehicles to access other parts of the city. In addition to private cars, buses operated by private entrepreneurs took their place in urban transportation. Numerous bus stops were located in Hakimiyet-i Milliye Square due to its central location (Ayhan Koçyiğit, 2019, pp. 42-43). The departure stations of bus and trolleybus lines were in the square. With this urban transportation system, all old and new residential areas, urban peripheries, and recreational areas were connected to the square, making Ankara a comfortable city to live in for many years (Dinçer G., 2014, p. 39).

The first planned intervention to Hakimiyet-i Milliye Square during this period was the placement of the Victory Monument (*Zafer Anıtı*), designed by Austrian sculptor Heinrich Krippel, in the center of the square in 1927 (Figure 18). Representing the national unity and solidarity during the War of Independence, the monument has become the most defining element of the square. Thereafter, the square came to be known as the *Millet* (Nation's) Square (Bayraktar N. , 2013, p. 24). Moreover, with the adoption of the principle of laicism in the constitution, the role of Islam in political life diminished, which resulted in shift of the representational centrality from Hacıbayram Mosque and its environs, the most important religious center of Ankara, to the Ulus Square, the spatial symbol of the Republic's modernization project (Yardımcı, 2008, pp. 89-90).

Figure 18: A photograph taken on the side of the first GNAT building in 1927 during the construction of the Victory Monument in Ulus Square (Taşhan on the left, shops under the Ministry of Education building – former Darülmuallimin building – on the right).
Source: VEKAM Library and Archive, n.d.-f.

In the 1920s, Millet Square was also the center of entertainment and leisure activities. A patisserie was opened in the square in 1923 and a restaurant in 1928, which became important and famous venues in Ankara. Two movie theaters were also opened in the square in 1927 and 1928. Besides, there were nightclubs and bars where customers could consume alcoholic drinks accompanied by live music at night. Ankara Palas, located opposite the new building of the GNAT, hosted balls and parties attended by politicians, bureaucrats, and many other prominent figures (Ayhan Koçyiğit, 2019, pp. 44-45).

To the north of the square, opposite the building of the İş Bank, the adjacent buildings of Meydan Palas, Koç Han and Club Cinema were constructed, giving the square a more definite form. Moreover, the building of the Central Bank was constructed to the south of the Nation's Garden in 1931, marking the southern end of the square. A bazaar called the City Bazaar (*Şehir Çarşısı*) was also built on the eastern edge of the garden. This bazaar consisted of small adjacent shops facing the road and soon after, similar types of buildings were constructed across the road (Figure 19). Famous brands started to open stores in this area. Following these developments, this area emerged as an

important commercial axis, with shops on both sides of the road (Ayhan Koçyiğit, 2019, pp. 45-46).

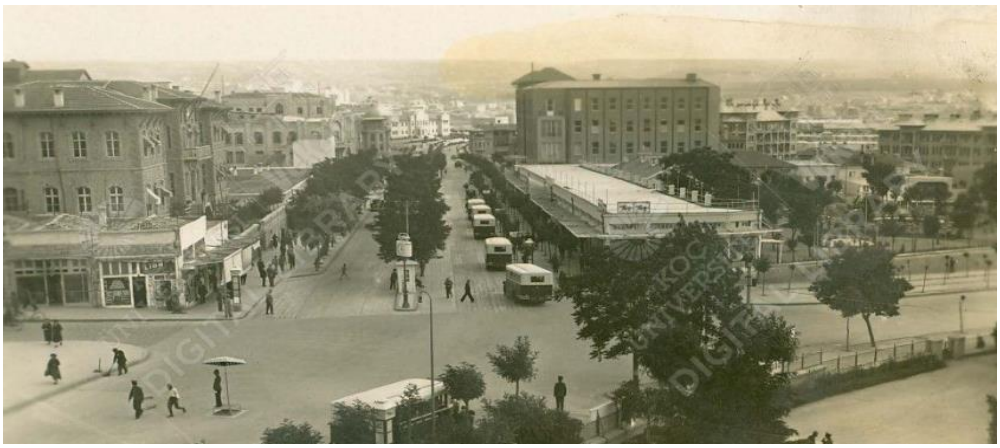

Figure 19: A photograph of Ulus Square from 1936. The Ministry of Education building is to the left of the road, the City Bazaar and the Nation's Garden to the right, and the Central Bank building behind them.
Source: VEKAM Library and Archive, n.d.-g.

Another change that shaped the ideological identity of Millet Square was realized in the early 1930s when the square was officially renamed "*Ulus* Square" as part of the language reform. The reform aimed to purify Turkish from words of Arabic and Persian origin and grammatical rules, and to use words of Turkish origin in both written and spoken language. Accordingly, the Arabic word "*millet*" was replaced with the Turkish word "*ulus*" and the square began to be referred to as Ulus Square in official documents.

Despite all these developments, squatter settlements emerged as a major problem in the immediate vicinity of Ulus region in the late 1920s. Ankara's existing housing stock around the city center proved inadequate to accommodate the rapidly increasing population due to massive migration to the city. Therefore, newcomers squatted close to the factories, either on open farmland with unknown owners or on poorly controlled public land that lacked infrastructure (Uzun, 2005, p. 184).

The need for new settlements made the rapid expansion of the city outside the historic center, to the north and south, inevitable, as suggested by Lörcher. However, the influx to Ankara, the increasing demand for housing, and the resulting rapid urban growth

needed to be guided with a comprehensive plan. Accordingly, Ankara Municipality held an international competition for the city's plan in 1927, to which Josef Brix, Hermann Jansen, and Léon Jaussely are invited. In 1929, it was announced that the German planner Hermann Jansen had won the competition.

In all three plan proposals submitted to the competition, Ulus and its immediate surroundings are considered as the city center. A glance at the Jansen Plan's development decisions and transportation network clearly shows that the Ulus area was envisaged as the city center. The concentration of the ministries and the GNAT in the administrative center in Yenişehir is one of the most important decisions of the plan, but it is assumed that this will have little impact on the central importance of Ulus (Bademli, 1987, p. 154).

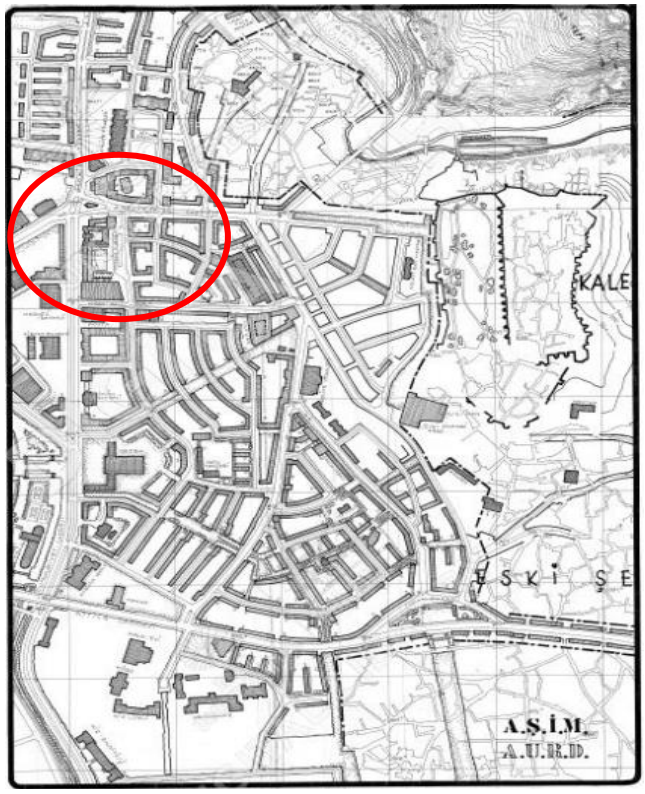

Figure 20: Old city in Hermann Jansen's plan (Ulus Square and its surroundings are circled in red by the author).
Source: VEKAM Library and Archive, n.d.-h

On the other hand, the Citadel was to maintain its central role for the city (Batuman, 2013, p. 579). Accordingly, the plan placed special emphasis on the conservation of

the traditional urban structure by designing the historic urban area as a "protocol area", which is assumed to be an early example of area-based conservation measures. However, the plan lacked conservation policies and methods that were required to conserve the protocol area, as can be seen in Figure 20 (Demiröz & Şahin Güçhan, 2021, p. 347).

Despite its historical, functional, and memorial value, Taşhan, which once gave the square its name, was sold to the Sümerbank in 1933 due to financial problems and demolished in 1935. In 1938, the building of Sümerbank was constructed in place of Taşhan, which was located northeast of Ulus Square (Figure 21). This new modern building, which replaced the supposedly outdated and dilapidated Taşhan, accelerated the physical, functional, and visual transformation of the square as it occupied the prime location in the city center (Ayhan Koçyiğit, 2019, p. 49; Yalım, 2017, p. 205). The construction of the building in the square was also important in terms of symbolizing the inception of the Republic's industrial leap as Sümerbank, which was active in the textile sector as well as the financial sector, was one of the archetypes of state-owned enterprises that compensated for the lack of a local business elite at the time (Öniş, 1991, p. 163).

Figure 21: A photograph of Ulus Square from 1940 (İş Bank building on the left, Sümerbank building in the center, and Victory Monument on the right).
Source: VEKAM Library and Archive, n.d.-i.

On the other hand, even though the Jansen Plan left the city's business and commercial center in Ulus region and the vibrant life of the new capital continued around Ulus

Square, it relocated the new administrative center to Yenişehir, as mentioned above (Madran, Altan Ergut, & Özgönül, 2005, p. 52). By the late 1930s, most of the ministries had moved to the *Bakanlıklar* (Ministries) region in Yenişehir, while the GNAT, the Governor's Office and the Victory Monument remained in Ulus Square. A 30-meter-wide road, which is called Atatürk Boulevard since the late 1930s, connected Ulus, Yenişehir, and Çankaya (Batuman, 2017, p. 67). As the administrative center began to shift, Yenişehir became an important sub-center contrary to the predictions of the Jansen Plan by attracting new commercial and service functions for high-income groups (Bademli, 1987, p. 155).

Another development affecting Ulus Square is the construction of sports facilities, entertainment venues, and parks in the vicinity of the square. For example, the 19 May (*19 Mayıs*) Stadium was opened in 1936 on the edge of the Station Road connecting the train station to the square. Following the opening of the stadium, national day ceremonies and celebrations were gradually moved from the square to the stadium. Although Ulus Square and Atatürk Boulevard continued to be used for national holiday parades, the transfer of ceremonies and celebrations to the stadium negatively affected the ceremonial functionality of the square (Ayhan Koçyiğit, 2019, p. 49).

On the other hand, a new train station complex was built in 1937 to replace the old train station to the west of the square. With its new luxury restaurant and music hall, this new modern train station became a gathering place for Ankara society and bureaucrats (Uludağ, 2005, p. 32). In 1943, a new large green area called *Gençlik Parkı* (Youth Park) has been created in the large area opposite the train station under the name Gençlik Park, which reduced the attractiveness of Ulus Square as a public open space. Nevertheless, Ulus Square continued to be an important administrative, commercial, financial and entertainment center of Ankara during this period (Yalım, 2017, p. 210).

The outbreak of the Second World War II caused fiscal problems for Türkiye despite the country remained neutral until the final stages of the war. The reflection of these problems on municipalities was budgetary cuts which caused disruptions in public services in the early 1940s. For instance, the fleet of Ankara Municipality fell short of meeting the demand for public transportation, as the population of Ankara rapidly

increased by 89 percent between 1935 and 1950. In order to fill this gap, private entrepreneurs commenced a new form of public transportation which was conducted by shared taxis (*dolmuş*) (Tekeli & Okyay, 1981, pp. 8-9). The rapid increase in population and the introduction of new forms of public transportation planted the seeds of the transformation of Ulus Square from an urban square into a public transportation hub (Ayhan Koçyiğit, 2019, pp. 51-52).

It has already been noted above that Ankara has been subjected to a constant influx since its declaration as the capital city. In addition, it was discussed earlier that there was an intense rural-urban migration in Türkiye after the Second World War. Ankara also received its share of this migration. In fact, the population of Ankara was 74,553 in 1927. It reached 226,712 in 1945 and doubled to 451,241 by 1955 (AMM Department of Development and Urbanization, 2006b, p. 183). As a result of this, Ankara, which was intended the first planned modern city of the Republic, was the first city to witness the rapid development of the increasingly intensified squatter problem due to the lack of housing stock and policy to meet this rapid population growth. For this reason, Ankara is referred to by some scholars as "a city with squatters, shared taxis, and street vendors (*işporta*)", where the newcomers seek to solve their housing, transportation, and employment issues on their own and the state ignores and/or pursue this spontaneous solution (Tekeli, Gülöksüz, & Okyay, 1976).

Numerous laws (such as the aforementioned Laws no. 5218, 5228, and 5431) enacted in the late 1940s to solve the squatter problem failed to prevent the expansion of squatter settlements out of the city and surrounding the historic Ulus district (Ayhan Koçyiğit, 2019, p. 52). The irregular settlement of low-income groups mostly around Ulus has started to negatively affect the attractiveness of Ulus for new and prestige functions (Bademli, 1987, p. 155). Over time, this situation created a dual structure across Ankara, with some regions developing spontaneously and others according to plans.

6.3. Metamorphosis of Ulus Square amid political, economic, and legal shifts (1950-1980)

The 1950s were a period of political and economic transformation as well as demographic and urban transformation in Türkiye. With the victory of the Democratic

Party in the 1950 general elections, statist economic policies were replaced by liberal economic policies that prioritized the role of the private sector in economic development. As the Turkish economy opened up to international markets in this period, the influence of the USA on Türkiye's foreign and domestic politics increased. Accordingly, the country's urbanization policy came under the influence of market demand and the American urban vision (Ayhan Koçyiğit, 2019, pp. 52-53). Influenced by the USA-centered reconceptualization of modernization, architectural perspectives have come under the influence of popular forms of the period, losing their political-ideological character. (Yalım, 2017, p. 210).

In line with the vision of portraying Ankara as the most modern metropolis in the Middle East, large-scale business centers and wide roads were constructed in Ulus Square (Yalım, 2017, p. 211). The first step in accordance with this vision was the construction of Ulus Office Block and Bazaar (*Ulus İşhanı ve Çarşısı*)[47] in 1955 in place of the Ministry of Education building, which burned down in 1947 (Figure 22). The remnants of Palatium, walls, and the İstanbul Gate revealed during pre-construction excavations provide clues about the depth and significance of the historical background of the area (Cengizkan & Kılıçkıran, 2009, p. 26).

The large scale of this building complex completely changed the layout of the square. Most importantly, a skyscraper (i.e., the Ulus Office Block), as a symbol of the capitalist mode of building production, has come to occupy the most strategic point of the city. Besides, a square-shaped area was organized between the western façade of the office block and the northern façade of the bazaar, and the Victory Monument was relocated to the northwest corner of this area. The space vacated by the monument has been rearranged as a four-way intersection (Figure 23). This arrangement has made the monument an obscure component of the square for some, while for others it has made it the most important element of the square (Bayraktar N., 2013, p. 28; Yalım, 2017, pp. 211-213).

[47] The project of Ulus Office Block and Bazaar was designed by Orhan Bolak, Orhan Bozkurt, and Gazanfer Beken within the scope of the competition opened by the General Directorate of Retirement Fund in 1952. The construction of the building complex started in 1955. The low-rise bazaar was opened in 1960 and the construction of the high-rise office block was completed in 1963 (Bayraktar N., 2020, pp. 164-165; Cengizkan & Kılıçkıran, 2009, pp. 23-25).

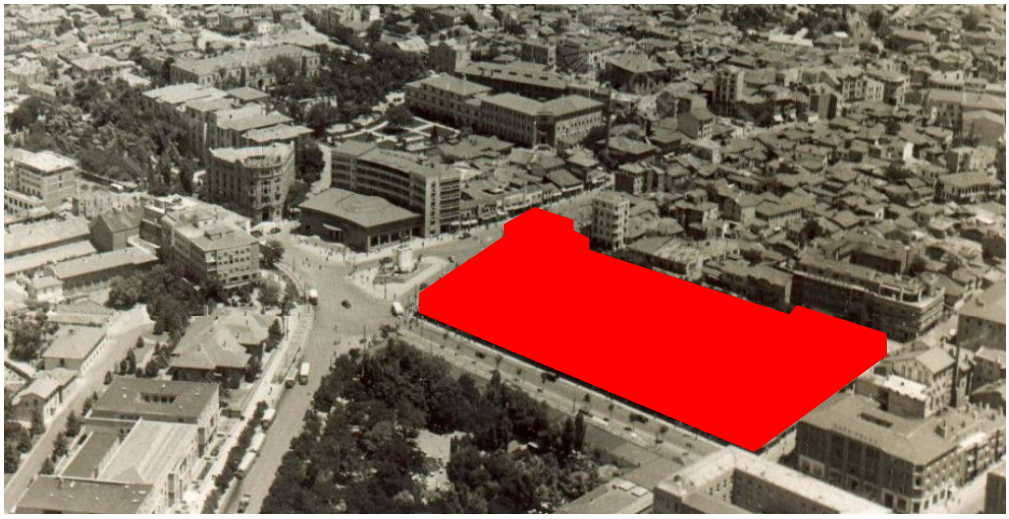

Figure 22: Aerial view of Ulus Square in 1953. The area marked in red by the author is the area vacated after the Ministry of Education building burned down and the Ulus Office Block and Bazaar were constructed.
Source: VEKAM Library and Archive, n.d.-j.

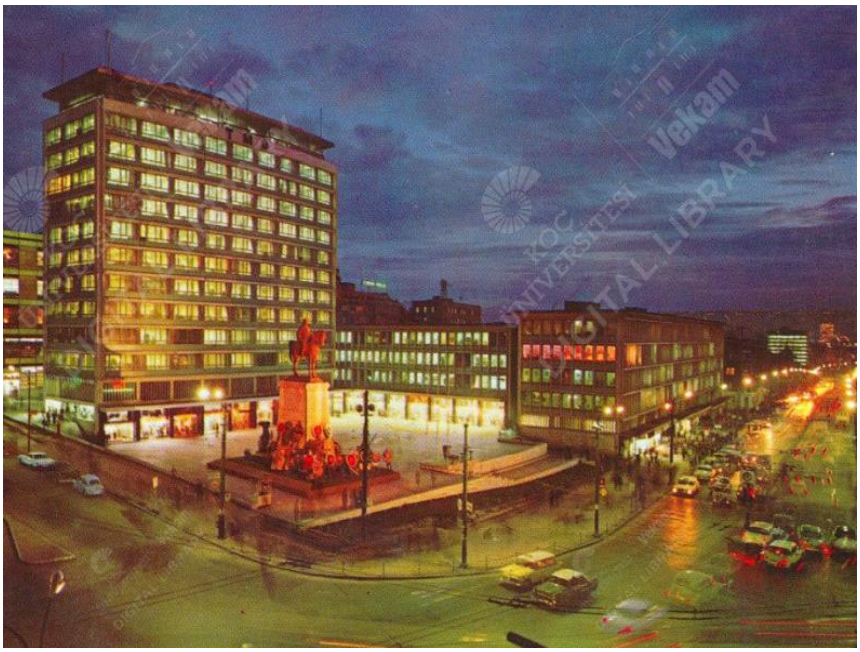

Figure 23: The physical form of Ulus Square after the construction of Ulus Office Block (left) and Ulus Bazaar (right).
Source: VEKAM Library and Archive, n.d.-k.

On the other hand, as the population of Ankara reached in 300,000 in 1950, which was predicted for 1980 in the Jansen Plan, it became clear that the city needed a new urban development plan. To this end, in 1955, an international competition was organized

for the development plan of Ankara. The plan developed by Nihat Yücel and Raşit Uybadin won the competition. However, the Yücel-Uybadin Plan, the implementation of which began in 1957, was stillborn because the projected population of 750,000 for the year 2000 was already exceeded in 1965 (Görmez, 2004, p. 64).

The plan rejected the existing urban form and proposed a new one consisting of geometric building blocks, which posed threat to the urban fabric of historic city center. It also sought to aggregate existing plots and redesign them without any reference to previous urban form (Figure 24). Besides, the Yücel-Uybadin Plan proposed new developments in a part of the protocol area and around Hacıbayram region (Chamber of City Planners Ankara Branch, 2019, p. 7). For instance, pursuant to the plan, Bent Stream (*Bentderesi*) has been dried and replaced with a new road and a junction as per the plan (Demiröz & Şahin Güçhan, 2021, p. 347). Therefore, it can be concluded that the plan threatens not only historical and cultural assets but also natural assets.

Figure 24: Partial view of the Ulus sheet of the Yücel-Uybadin Plan (Ulus Square and its surroundings are circled in red by the author).
Source: VEKAM Library and Archive, n.d.-l.

The Yücel-Uybadin Plan also failed to foresee the rapid development of Kızılay region as an urban center and the shift of the city center from Ulus Square to Kızılay (Ayhan Koçyiğit, 2019, p. 54). In fact, it envisages the densification of Kızılay, but it is not expected to assume the function of a central business district. Ulus is expected to remain and develop as the main center (Bademli, 1987, p. 155). However, upper class

hotels and restaurants; advertising, real estate, domestic and international travel agencies; insurance offices; cinemas; bookstores; fashion houses; photographers; and hairdressers were opened in Kızılay in the 1950s. Banks also moved their headquarters to the region. Even though the Ulus region had five times more workplaces than the Kızılay area before 1960 (Bademli, 1987, p. 155), Ulus had already started to lose its dynamic character in the economic and daily life of the city vis-à-vis Kızılay, which started to take on the characteristics of a central business district (Batuman, 2013, p. 580; Yalım, 2017, p. 208).

The 1960s was a period in which the functions, spatial organization and appearance of Ulus Square changed significantly. Firstly, the third building of the GNAT in Kızılay, the foundation of which was laid in 1938, was finally opened in 1961. Thus, the process of Ulus Square losing its political and administrative functions, which had begun in the late 1930s with the relocation of ministries from the Ulus region to the Kızılay region, was carried to a further stage. Ankara Palas, which was home to politicians, bureaucrats, and many important figures, lost its importance due to the severing of its relationship with the GNAT when the latter moved to Kızılay (Ayhan Koçyiğit, 2019, p. 56).

On the other hand, some legal and administrative regulations introduced in the second half of the 1960s played an important role in the decline of Ulus Square. Law no. 634 on Condominium enacted in 1965 and District Height Regulation Plan (*Bölge Kat Nizamı Planı*) in 1968 increased the maximum permitted number of stories and the number of flats in the buildings on the one hand and paved the way for the merging of small building plots to increase the floor area and large blocks to be built on them. As a result, while the main streets were developed with the increase in stories on the main streets, the historical textures behind these streets could not be preserved due to the sloping topography, fragmented ownership structure, and so forth (Chamber of City Planners Ankara Branch, 2019, p. 7).

Therefore, urban density has increased in Ulus, which has negatively affected social and physical urban infrastructure services. Indeed, the increase in urban density led to an increase in population density, which in turn brought about the need for more urban transportation vehicles, wider roads, and more bus stops. In order to meet the needs

for wider roads and more bus stops, green areas were significantly reduced, and Ulus Square was transformed into a public transportation center. In the end, the square was dominated by motorized vehicles and deprived of public open green spaces (Ayhan Koçyiğit, 2019, p. 57).

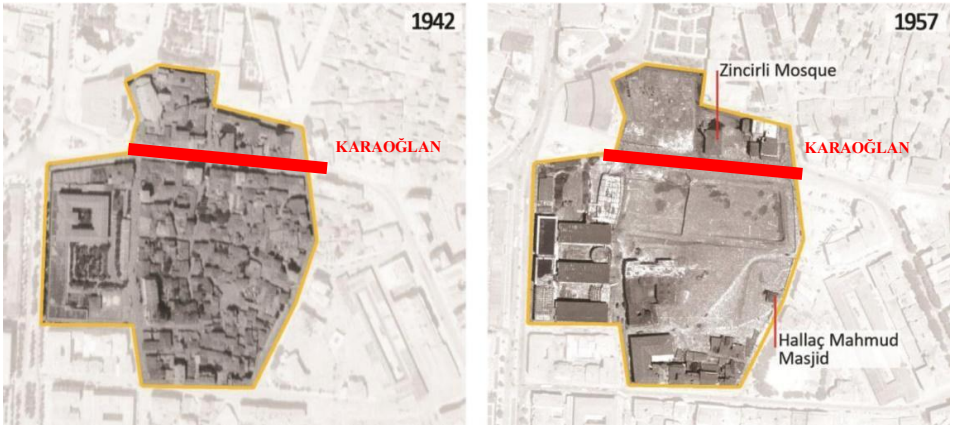

Figure 25: Comparison of Karaoğlan and its surroundings before and after Law no. 6830 (Ulus Office Block is marked in red by the author).
Source: Ayhan Koçyiğit, 2018, p. 351.

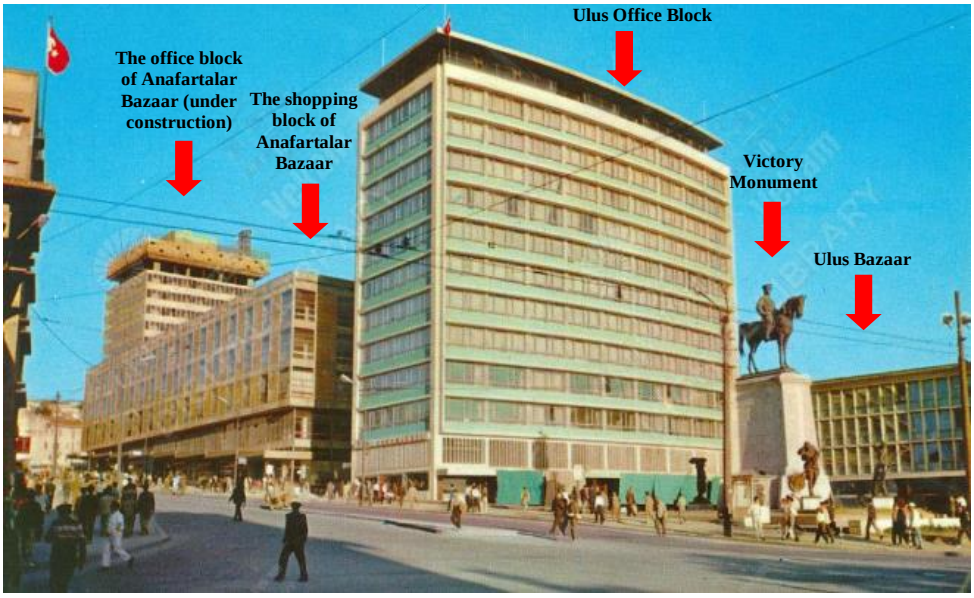

Figure 26: A view of Anafartalar Bazaar from Ulus Square.
Source: VEKAM Library and Archive, n.d.-m.

In addition, the area to the east of the Ulus Office Block was vacated (Figure 25) on the basis of Law no. 6830 on Expropriation enacted in 1956 to construct another

building complex in Ulus Square, called the Anafartalar Bazaar (*Anafartalar Çarşısı*). Similar to the Ulus Office Block and Bazaar project, the Anafartalar Bazaar project[48] is the winning project of an architectural competition. As can be seen in Figure 26, the project consisting of a five-story shopping block and fifteen-story office block was constructed in 1967 (Ayhan Koçyiğit, 2019, p. 55).

The last commercial complex constructed in the Ulus Square was 100. Yıl Bazaar (*100. Yıl Çarşısı*). The project of 100. Yıl Bazaar, developed by Semra Dikel, and Orhan Dikel, was also the winner of an architectural competition. It also consisted of a low-rise block and a high-rise block, similar to the other building complexes mentioned above. The bazaar was built on the site of City Bazaar and City Garden, which fell to the southeast of the Ulus Square. The construction of the bazaar took fifteen years, from 1967 to 1982 (Figure 27). The significance of Ulus Office Block and Bazaar, Anafartalar Bazaar, and 100. Yıl Bazaar stems from the fact that their design, materials, and construction techniques are considered to be an important interpretation of the international architectural styles seen in Türkiye in the 1960s (Ayhan Koçyiğit, 2019, pp. 55-56).

Figure 27: A view of the 100. Yıl Bazaar under construction.
Source: Retrieved from TRT Archive by Kızıl, 2023, p. 67.

[48] The winning Anafartalar Bazaar project was developed by Ferzan Baydar, Affan Kırımlı, and Tayfur Şahbaz. The bazaar is considered to be one of the architecturally important buildings both because it was known as the first building with escalators in Türkiye (Bayraktar N. , 2013, p. 33) and because it was a pioneer of today's shopping centers (Ayhan Koçyiğit, 2019, p. 55). It is also home to ceramic panels by ceramic artists, such as Füreya Koral, Attila Galatalı, Cevdet Altuğ, and Seniye Fenmen, and to wall paintings by painters, such as Adnan Turani, Arif Kaptan, and Nuri İyem (AsiKeçi, 2017, p. 9).

Although these three large commercial complexes built around Ulus Square temporarily strengthened the commercial center character of Ulus region, they could not prevent the city center from shifting to Kızılay. This is because the rapid shift of commercial, financial, administrative, and entertainment activities from Ulus Square and its close vicinity to Kızılay from the 1960s onwards. Indeed, most of the famous brands either move their stores from Ulus to Kızılay or opened new stores in Kızılay and detracted from the ones in Ulus (Ayhan Koçyiğit, 2019, pp. 57-58).

Consequently, the use of Ulus Square by bureaucrats, politicians, and high-income groups came to an end as administrative, political, commercial, and social activities shifted to Kızılay region. Since the roads leading to Ulus Square are mostly connected to squatter settlements, poor neighborhoods, and sometimes middle-class neighborhoods, it is not surprising that the square gradually transforms into a place that serves these classes (Akçura, 1971, p. 92). Ulus Square has gradually become the first stop where low-income groups residing in the immediate vicinity of Ulus Square can seek employment, spend their leisure time and/or shop. In parallel with this change, business and shop owners in Ulus Square have rapidly reorganized their businesses and shops in line with the status and income of the people who frequent the area (Ayhan Koçyiğit, 2019, pp. 58-59).

The 1960s, when Ankara underwent significant spatial transformations, also marked the beginning of efforts to protect the city's cultural assets. For the first time in 1964, Ankara’s cultural assets were identified, given inventory numbers, and recorded on maps. Between 1972 and 1979, the High Council for the Historic Real Estate and Monuments under the Ministry of National Education took decisions regarding the registration of natural sites and single buildings, opposing requests for de-registration and demolition. Despite this, surveys carried out in 1979 revealed that some of the historic structures included in the 1972 registration list had been vandalized during the in-between period not only by private individuals but also by public institutions. In subsequent registration lists, the demolished buildings were removed, which legalized the illegal demolition of registered buildings (Tunçer, 1990, p. 50).

To summarize, the period between 1950 and 1980 marks a period in which development practices in Ulus were not aimed at conservation or rehabilitation, but at

demolition and clearance (Chamber of City Planners Ankara Branch, 2019, p. 7). Besides, urban operations under the influence of market demands and the American urban model proved insufficient in Ulus Square, which was rapidly declining vis-a-vis Yenişehir. Bademli (1987, p. 156) attributes the decline of Ulus in this period to the following factors: (1) The proximity of the protocol area in the Jansen Plan to Ulus; (2) concentration of small-scale production and storage functions around Ulus; (3) relatively high urban density in Ulus compared to Kızılay; (4) increasing concentration of squatter settlements around Ulus; (5) increasing accessibility of the Kızılay region due to the connections, such as the Eskişehir Road and the beltway; and (6) creation of a dividing belt between Ulus and Kızılay by large public use areas (such as the railroad) located on the development directions of Ulus.

As a result of these factors, Ulus Square became a traffic intersection, transportation hub, and a region used by low-income groups for commercial and entertainment activities, while commercial, financial, political, administrative and entertainment activities, as well as residential functions, were taken over by Kızılay. Even though the resulting urban decline in Ulus has been identified by the state in this period, the initiatives to conserve the historic fabric of the city was insufficient. At this point, the role of public institutions in both the destruction of historic buildings and the legalization of the illegal demolition of registered buildings is striking.

6.4. Ulus Square at the intersection of development challenges and conservation efforts (1980-2000)

As a spatial outcome of Türkiye's neoliberal transformation in the 1980s, there has been a significant shift of financial functions and investments towards İstanbul, which serves as the driving force of the national economy. This transition has been accompanied by the movement of populations possessing economic and intellectual capital. The decentralization has not only been directed from Ankara to İstanbul but has also manifested within the internal structure of Ankara itself. Consequently, high-income groups, stores, and offices have migrated to the Kavaklıdere and Çankaya districts located south of Kızılay, while Kızılay, serving as the main business and service center, accommodates diverse socio-economic groups. Meanwhile, Ulus, with its traditional commercial functions, has persisted in catering to lower-income groups (Ayhan Koçyiğit, 2018, pp. 399-400; Gökçe, 2008, p. 126).

Therefore, in the post-1980 period, conducting comprehensive planning efforts has become crucial for the declining Ulus district within the scope of Law no. 1710 and later Law no. 2863, which replaced the former in 1983. To begin with, the historic Ankara houses and individual monumental buildings, which were identified in the 1970s as a result of the efforts carried out jointly by the General Directorate of Monuments and Museums and the Ankara Municipality, were registered in 1980 with the Decision no. A-2167 of the High Council (Tunçer, 1990, p. 51). As per this decision, the Ankara Old City Tissue Transitional Period Conservation and Development Plan was also approved to regulate all kinds of construction activities within the urban and archeological sites.

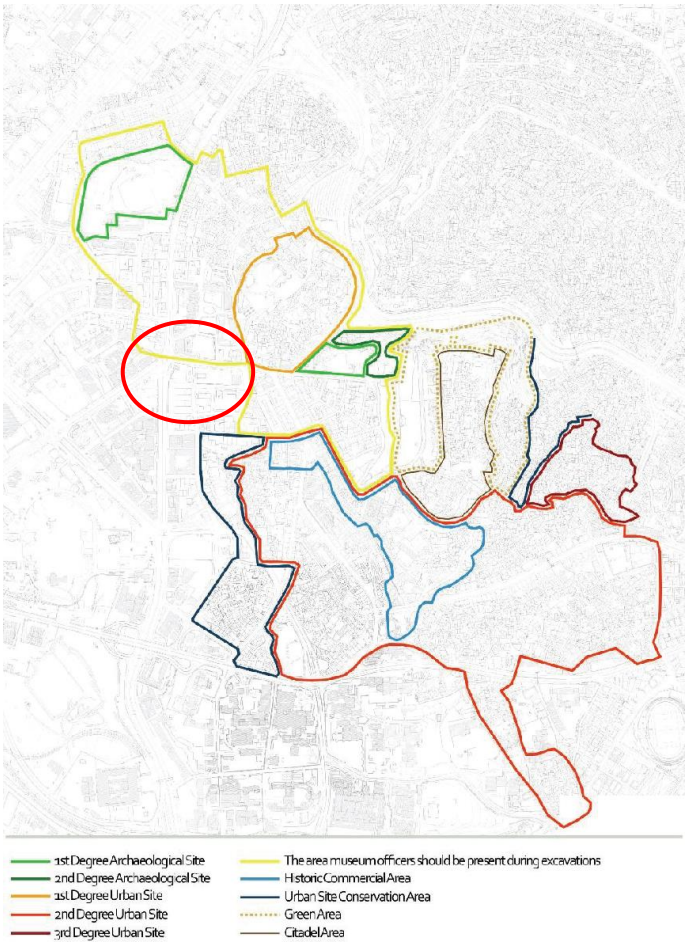

Figure 28: The boundaries of archeological and urban sites within historic Ankara in 1980 (Ulus Square and its surroundings are circled in red by the author).
Source: Ayhan Koçyiğit, 2018, p. 395.

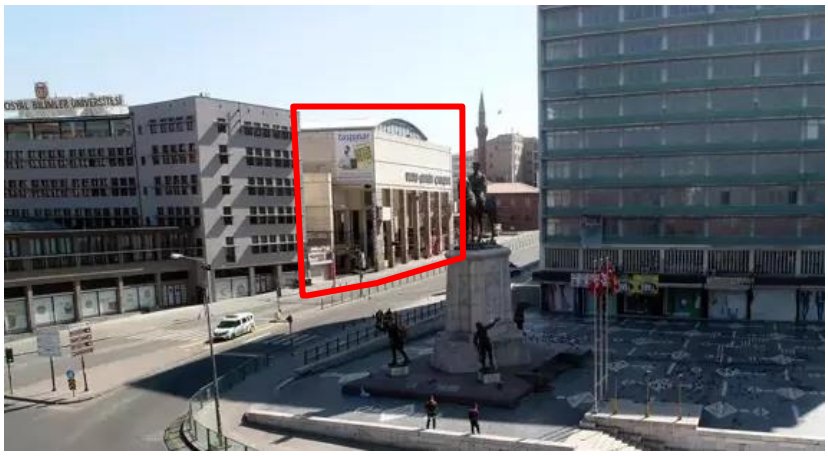

Figure 29: A view of Ulus City Bazaar (marked in red by the author) from 100. Yıl Bazaar.
Source: Hürriyet, 2020.

Accordingly, the plan defined the boundaries of urban and archeological sites in Ankara (Figure 28). This resulted in the halting of the implementation of development plans in a large area of approximately 150 hectares. Subsequently, the development of a municipal conservation plan to protect the historic urban fabric became a necessity for the Municipality of Ankara. However, the urban and archeological sites designated by the High Council did not include a significant part of the Ulus Square and its immediate surroundings (Ayhan Koçyiğit, 2019, p. 61).

The lack of a conservation plan also led to the removal or some parts from sites, de-registration, and the continuation of multi-story constructions on the street between 1985 and 1987. A case in point is Decision no. 3033 of the High Council for Immovable Cultural and Natural Property[49] in 1987 that permitted the construction of a dense five-story building (Ulus City Bazaar - *Ulus Şehir Çarşısı*) on the parcel to the east of the Sümerbank, which both defines Government Square and affects Ulus Square (Figure 29). Such decisions have often caused irreversible damage to Ankara's immovable cultural properties (Tunçer, 1990, pp. 51-52).

On the other hand, the Ankara Metropolitan Area Development Plan Bureau, established in 1969 under the Ministry of Construction and Settlement, prepared the

[49] As per Law no. 2863 on the Conservation of Cultural and Natural Property enacted in 1983, the High Council for the Historic Real Estate and Monuments was replaced by the High Council of Immovable Cultural and Natural Heritage under the Ministry of Culture and Tourism.

1990 Development Plan for Ankara in 1982 due to the inability of the Yücel-Uybadin Plan to foresee the future population and settlement zones of the city and to solve the complex problems created by the metropolitanization of Ankara. The 1990 Development Plan sought strategies for finding new housing development areas for the city center which has become dense and congested because of the District Height Regulation Plan and for the urban periphery which was surrounded by the sprawling squatter settlements (AMM Department of Development and Urbanization, 2006a, p. 65). Accordingly, the 1990 Development Plan proposed residential decentralization in the western corridor of the city (Gökçe, 2008, p. 124).

In addition, the research conducted by the bureau before the development of the plan provided important insights about the Ulus area. The first of these is that the Ulus region has more of a central character than the Kızılay region. This is because although the Kızılay central area is larger than the Ulus central area, Kızılay contains a much larger area of residential, military, and official uses than Ulus. Although there are more than twice as many workplaces in Ulus than in Kızılay, the average employment and average annual turnover per workplace in Kızılay is one and a half to two times that in Ulus (Bademli, 1987, p. 156). In parallel to these insights, Ayhan Koçyiğit (2019, p. 60) states that the 1990 Development Plan acknowledged that Ulus is the main core of the city center and that it is more likely to see spatial development services towards the northwest in the future.

Accordingly, the 1990 Development Plan proposed two main central business districts. The first was the Kazıkiçi Orchards (*Kazıkiçi Bostanları*), a former industrial area in the north, as a private sector-based manufacturing and office center. The second was the Eskişehir Road Public Services Corridor in the southwest of Ankara. While the first proposal was not put into practice until the early 1980s, the second proposal was implemented through ministries and other central government agencies. Hence, new alternatives for office locations were sought in the southern and southwestern areas of the city (Gökçe, 2008, p. 125).

Consequently, Ulus gradually lost its central business district character to Kızılay in the 1970s, Çankaya in the 1980s and Eskişehir Road in the 1990s. In addition, the northern parts of the Ulus have become surrounded by low-income residents and

transitional zone activities, while the southern parts have become surrounded by high-income groups, embassies, and public institutions (Gökçe, 2008, pp. 129-130). By the late 1990s, most of the buildings on the main axes leading to Ulus Square, such as Atatürk Boulevard and Çankırı Street, were replaced with new tall and massive blocks. The municipality's urban policies centered on motorized vehicles and construction also negatively affected the authenticity of and integrity of public open spaces in Ankara, particularly Ulus Square (Ayhan Koçyiğit, 2019, p. 60).

6.4.1. The Ulus Plan legacy: Balancing conservation and development in Ulus Square

Another important initiative of this period for the conservation of historical and cultural assets in Ankara, and the most important one in the context of this study, was the Landscaping Competition for the Ulus Historic City Center organized by the AMM Department of Development in 1986. A team from Middle East Technical University led by Raci Bademli won the competition with the Ulus Historic City Center Conservation and Rehabilitation Plan (*Ulus Tarihi Kent Merkezi Koruma Koruma Islah İmar Planı*), hereafter the Ulus Plan (Figure 30).

In the early stages, the negotiations between Bademli's team and the AMM had delayed the signing of the official contract. It was only after Murat Karayalçın, a center-left politician, was elected the AMM Mayor in 1989 that the contract was signed and the formal processes of implementing the plan could begin (Kayasu, 2018, p. 101). The plan was approved in 1989 by the Ankara Regional Council for the Conservation of Cultural and Natural Property, hereafter the Ankara Conservation Council (ACC), and adopted in 1990 by the AMM Council.

It is argued that the development of the Ulus Plan in affiliation with the academic community brought a more objective perspective to the plan. According to an architect who worked for Altındağ District Municipality at the time and played an active role in the implementation of the plan, the separation of powers among decision-makers was very positive for the plan. The academic perspective provided the plan with immunity from commercial and political pressures, whereas the involvement of municipality offered practicality, funding, and more workforce. Therefore, a balance was sought between the theoretical orientation of the academic team and the practical orientation

of the municipal administration. Furthermore, the academic team was able to apply planning and conservation principles more independently because they had no political, administrative, or financial interest in the plan and were not under time constraints as municipal officials (Kayasu, 2018, p. 100).

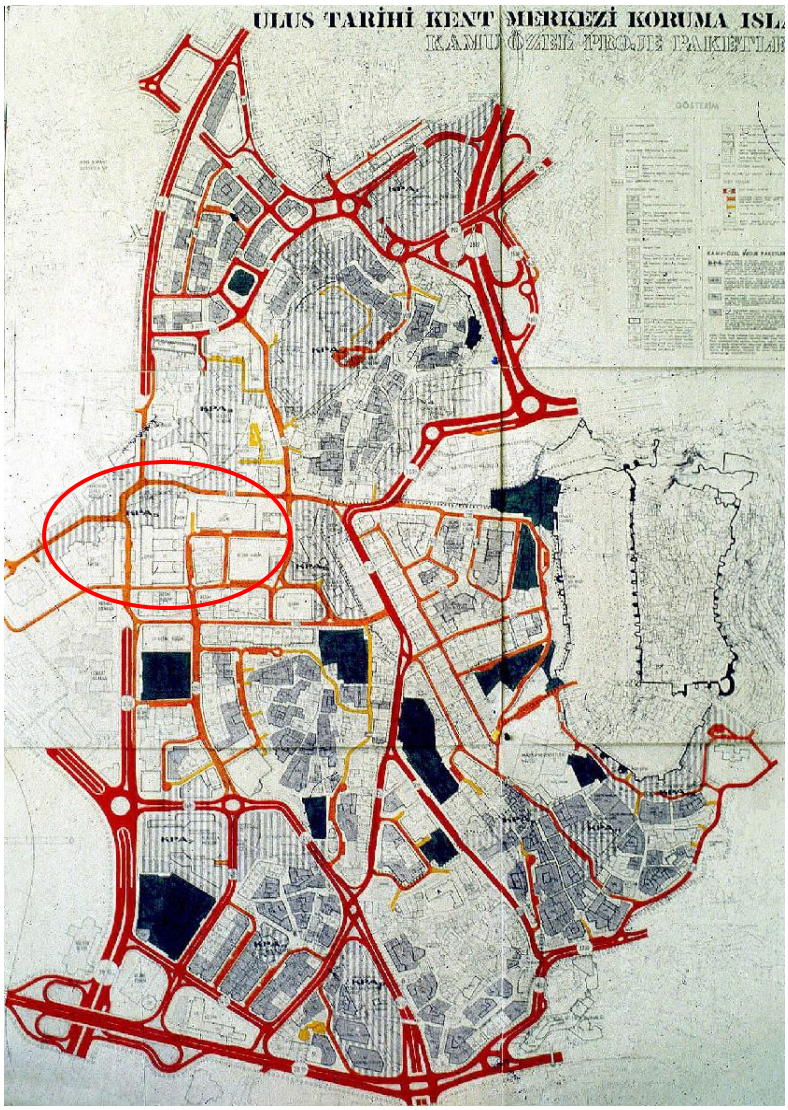

Figure 30: Ulus Historic City Center Conservation and Rehabilitation Plan (Ulus Square and its surroundings are circled in red by the author).
Source: Retrieved from Çağatay Keskinok Archives by Kayasu, 2018, p. 83.

The Ulus Plan covers an area of approximately 110 hectares in the traditional city center, which houses the historical and cultural properties of Ankara that need to be conserved. This area is the most complex part of the city, housing the city's central business district and located on historical, urban, and archaeological sites. Hence, the

plan aimed to mitigate the intense development pressures in this part of the city by directing them to new development areas and new centers of the city. In other words, the plan's approach to this area is to ensure conservation in the right place and development in the right place. Accordingly, the Ulus Historic City Center was planned to develop in the northwest direction, where the Kazıkiçi Orchards located, in parallel with the 1990 Development Plan (Erkal, Kıral, & Günay, 2005, p. 34).

Erkal, Kıral and Günay (2005, p. 36) list some of the distinctive features of the plan as follows: (1) freezing the existing development rights, (2) not introducing more construction and population density, and even reducing height in case of damage to the historical and cultural property, (3) considering the parts that need to be conserved together with another part that is suitable for transformation and construction, (4) reducing the costs to the public and protecting the rights by proposing consolidation and redistribution in larger parts rather than expropriation.

A participatory planning implementation model was developed during the implementations of Keklik Street and Its Environs Conservation Development Project and Hacıbayram Urban Design Project[50] within the scope of the Ulus Plan. Individual and collective meetings were held with the property owners, and persuasion/reconciliation and negotiation processes were practiced. It was explained to the property owners that if they gave up their property due to its location, their rights would not be lost, their development rights would be used in another suitable place for construction, and that the property they would acquire in this case would be even more valuable with investments nearby, such as landscaping and restoration (Erkal, Kıral, & Günay, 2005, p. 36).

In addition, a participation mechanism was introduced by the plan, which enables the negotiation of planning and project decisions between property owners, the AMM, district municipality, plan author, and ACC (Erkal, Kıral, & Günay, 2005, p. 37). Accordingly, Ankara Historical Areas Conservation Unit (Ankara Tarihi Alanlar

[50] Hacıbayram Mosque, the adjacent Temple of Augustus, and the surrounding square was one of the first targets of the plan because they were on public land, the structure was unalterable, and there were no ownership issues. The municipality and the planning team also believed that rehabilitating such popular places would move the project forward and increase the public support for the project (Kayasu, 2018, pp. 90-91).

Koruma Birimi-ATAK) was formed under the AMM Department of Development to direct the implementation of the Ulus Plan and provide technical coordination between the district municipality, plan author, and ACC (Osmançavuşoğlu, 2006, pp. 33-34).

In fact, Raci Bademli, the author of the Ulus Plan, was appointed as the head of the AMM Department of Development, making the implementation of the plan, as well as obtaining approval and funding for the plan, more feasible (Kayasu, 2018, p. 101). Gönül Tankut, a faculty member at the same university as Bademli, was also a highly influential ACC member at the time (Kayasu, 2018, p. 80). The resulting strong relations between the chief planner, politicians, and bureaucracy contributed to the effective functioning of these processes (Demiröz & Şahin Güçhan, 2021, p. 349). However, it is argued that correspondence between different official actors slowed down the implementation of the plan (Kayasu, 2018, p. 108).

The Ulus Plan classified properties in two separate categories, which are public areas (such as roads, parking areas, and green areas) and property areas. It also divided property areas into public property parcels and private property parcels. Projects in which public areas are predominant were defined as public project areas, whereas projects in which public property parcels are predominant were identified as public projects. On the other side, projects in which private property parcels are predominant are categorized as single parcels/projects and consolidated parcels/projects for development, rehabilitation, and conservation (Erkal, Kıral, & Günay, 2005, pp. 38).

Within this framework, the Ulus Plan proposed Public Project Area no. 5, which covers an area including Ulus Square, Government Square, and the streets between these two public open spaces. The plan envisaged an urban design project in the Public Project Area no.5 that converts the main roads intersecting Ulus Square into vehicular underpasses[51] (Figure 31) and integrates Ulus and Government Squares through pedestrian areas (Figure 32) reinforced by metro station and multi-story parking areas. The aim of this was to halt the decline of Ulus Square over the last two decades. However, this project could not be implemented for fifteen years, and its implementation became impossible with the annulment of the plan by the AMM

[51] When soil quality surveys began in the area, archaeological remains were discovered where the underpasses were to be built. The underpass project was thus abandoned (Kayasu, 2018, p. 98).

Council in 2005. Therefore, neither the plan nor the project had a significant impact on Ulus Square compared to the rest of the historic city center (Ayhan Koçyiğit, 2019, pp. 61-62).

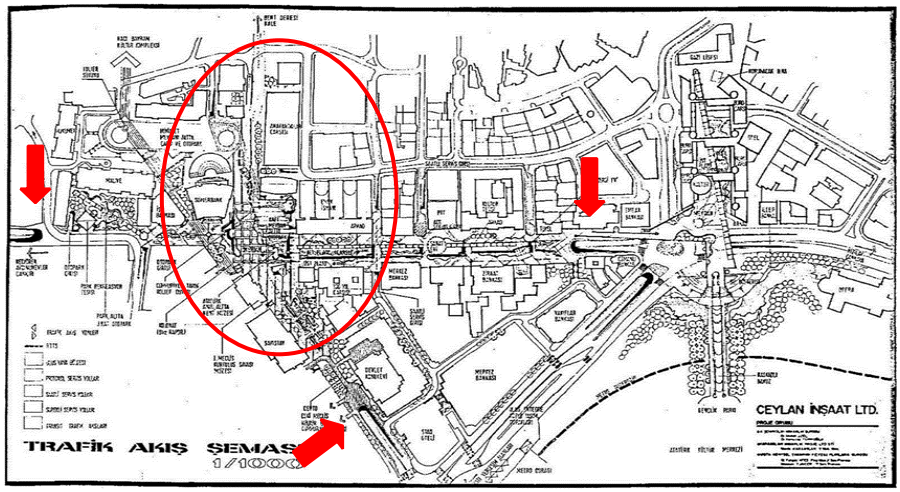

Figure 31: Traffic Flow Diagram of the Ulus Plan (Ulus Square and its surroundings are indicated by a red circle, while the entrances and exits of the vehicular underpasses are marked by red arrows).
Source: Retrieved from Baykan Günay Archives by Kayasu, 2018, p. 98.

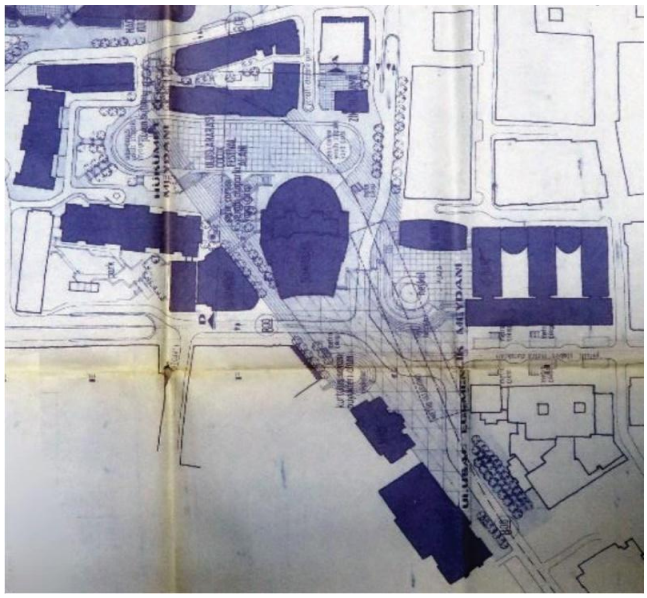

Figure 32: Integration of Ulus Square[52] and Hükümet Square by the Ulus Plan.
Source: Retrieved from Renewal Area Council Archive by Ayhan Koçyiğit, 2018, p. 415.

[52] In Ulus Plan, Ulus Square was renamed as *Ulusal Egemenlik* (National Sovereignty) Square.

The pedestrianization and integration of Ulus Square, Government Square, and the Hacıbayram area have been endeavors sought since the Jansen Plan. One of the envisaged projects within this scope, the Ulus Tunnel project, was rejected during this period due to historical layers underground. However, some city planners argue that it is feasible to route the mentioned tunnel beneath these historical layers (Chamber of Architects Ankara Branch, 2007, p. 34).

Moreover, the Ulus Plan classified the buildings in the planning area as (1) registered buildings (buildings with a registration decision from the ACC), (2) buildings conserved by the plan (buildings that should be rehabilitated or repaired without demolition), (3) saturated buildings (buildings that will not be given new development rights), (4) buildings whose existing development rights will be examined, (5) buildings whose existing development rights will be reduced, (6) buildings that will be given new development rights (Erkal, Kıral, & Günay, 2005, pp. 39-40).

According to Erkal, Kıral, and Günay (2005, p. 42), the fact that Ulus has been preserved to a great extent to date is due to the fact that the plan restricts the intervention to the buildings conserved by the plan provisions and to the saturated buildings that are not granted new development rights. On the other hand, some scholars and professional chamber administrators argued that the Ulus Plan has not been properly implemented since 1994, the year Gökçek was first elected the AMM Mayor, deliberately leaving the historic city center derelict and unsafe (Cengizkan, 2007; Cumhuriyet Ankara, 2006; Evrensel, 2007). This is evidenced by the fact that the AMM has not undertaken the restoration of a single traditional Ankara house, has not executed any conservation project in the historical fabric, and has abandoned even the historical structures under its ownership to demolition since the mid-1990s (Chamber of Architects Ankara Branch, 2007, p. 10).

However, Interviewee 21, who worked at the AMM Department of Development between 1997 and 2005 and was assigned to Altındağ District for most of his tenure, put forward a different perspective on the failure of the AMM to implement the Ulus Plan:

> *When I was working in the municipality at the time, I looked at the implementation rate of the plan. Unfortunately, the plan was implemented at*

around 5-6 percent. This is because the plan has largely defined public project areas and private project areas, and [the projects in] these two types of project areas should be realized by the public sector. At a time when there were huge property problems and resource problems, of course the public sector did not undertake this. When Melih Gökçek became mayor, he considered other options that will allow him to move faster instead of embarking on the projects in this plan, which he thinks will take a long time. […] Before 2004, Melih Gökçek had no interest in Ulus, he had other priorities. He was interested in projects that would yield short-term results. In his first term, he focused on fountains, small green areas, and social aids. In his second term, it was a period of political turmoil. So, there was not much action concerning Ulus.

Even though there has been no significant physical change in Ulus after the 1990s, change in the user profile and the use of the square negatively affected the meaning of Ulus Square. Due to the erosion of the meaning of the square, the Victory Monument lost its symbolic significance and turned into an everyday object for local residents. Moreover, the AMM's random decisions on planning, development, and transportation after 1990 led to the gradual decline of Ulus Square.

As a result of automobile-oriented development and transportation plans, Ulus Square has turned into a chaotic traffic intersection where most vehicles and pedestrians only pass through the area. Accordingly, due to the gradual exclusion of pedestrians from Ulus Square, the square's public open space character and socio-cultural identity have been largely lost (Ayhan Koçyiğit, 2019, pp. 62-63).

6.5. Concluding remarks

This chapter examines the historical development of Ulus Square's urban landscape, spanning four key stages. Initially, it explores the pre-Republican era, tracing the roots of Ulus Square back to the Phrygians and its evolution through various civilizations, emphasizing its role as both a commercial and administrative center during the late Ottoman period. The late 19th and early 20th centuries witnessed significant transformations with the introduction of the railway, establishment of a city garden, and improvement of infrastructure.

With the founding of the Republic of Türkiye, Ulus Square gained prominence as a hub for political, administrative, and financial institutions, aligning with Ankara's designation as the capital. However, the chapter notes a decline in Ulus Square's centrality due to the establishment of a new city to the south and the Republic's shift

of central functions towards the south in pursuit of a modern and planned capital. The third stage examines the impact of post-war economic development, the American-centered modernization movement, and efforts to position Ankara as a modern metropolis. During this period, Ulus Square underwent significant changes, with the construction of business centers symbolizing capitalism. The ideological and political significance of the square was undermined by emphasizing commercial functions. As prestigious activities moved to Kızılay, Ulus Square has become a focal point for low-income groups.

Lastly, the chapter focuses on planning and development initiatives concerning Ulus Square between 1980 and 2000. During this period, in contrast to the demolition of historic buildings in Istanbul in line with neoliberal policies, historic monuments were officially registered in Ankara. Through development and conservation plans, it was aimed to decentralize business areas, reduce development pressure, and conserve the historic fabric of Ulus. The Ulus Plan, enacted in 1990 under Law no. 2863 (1983), is significant for its pursuit of a balance between conservation and rehabilitation, as well as its inclusion of innovative and radical proposals for Ulus Square. However, an automobile-centered transport planning approach transformed Ulus Square into a traffic junction, diminishing its historical significance and socio-cultural identity. Additionally, emphasis was placed on the innovative and radical proposals concerning Ulus Square within the Ulus Plan, which came into effect in 1990, as it sought a balance between conservation and rehabilitation.

The physical decline, functional changes, and demographic shifts in Ulus Historic City Center led to discussions on renewal in the 2000s. The AMM considered Ulus Square and surrounding buildings for renewal due to their scale and central location. However, conservation legislation and the Ulus Plan posed legal and administrative challenges to AMM’s urban renewal objectives, prompting the AMM to seek legal and administrative tactics to overcome them. In this respect, the subsequent chapter will explore the AMM's urban renewal initiatives in Ulus Square, the challenges before these initiatives, and employed tactics to circumvent these challenges.

CHAPTER 7

THE AMM'S URBAN RENEWAL INITIATIVES IN ULUS SQUARE AFTER THE 2000s

The 2000s was a period when the AMM started to frequently voice its projects for the renewal of Ulus Square and relentlessly took many initiatives accordingly. The underlying reality behind the AMM's insistence is that, as mentioned in the previous chapters, investing in worn-out historic city centers with large rent gaps through urban renewal projects has become one of the most important means of revenue generation for entrepreneurial municipalities on the one hand and capital accumulation for investors on the other in the post-1980 period. This insistence was also backed by legal regulations enacted by the JDP-dominated GNAT in the 2000s, which sought to remove obstacles for both municipalities and the construction sector in the realization of urban renewal projects. Laws no. 5104, 5366, 5393, and 6306, which constitute the legal infrastructure for urban renewal, have already been discussed above as examples of this tendency. However, Law no. 5366 on Conservation by Renewal and Use by Revitalization of the Deteriorated Historical and Cultural Immovable Property, which regulates the renewal practices of public spaces and historical and cultural immovables in Ankara's historic city center, stands out in terms of the focus of this study.

According to Türkün and Sarıoğlu (2013, p. 269), the urban renewal process in the historic city center takes place in two different ways. First, in areas with high revenue generation potential, renewal is left to the functioning of the free market and supported by the state with some incentives to accelerate renewal. Second, depending on the characteristics of the building stock and the economic conditions of the local residents, the historic urban cores, which are unlikely to be renewed through the functioning of the free market, are declared as renewal areas through plan and project decisions based on the relevant laws. The urban renewal process of Ulus Square and its environs indicates the second way.

In the early 2000s, a debate on urban renewal had commenced in Türkiye. This debate was shaped by the neoliberal understanding of the political power of that period, emphasizing the necessity for the central government, particularly the Ministry of Public Works and Settlement, to enact appropriate legislation for the issue. Additionally, local governments were to engage in the required urban renewal practices pursuant to this legislation. Accordingly, the then Mayor of the AMM İbrahim Melih Gökçek stated that he had projects to turn Ankara into a tourism center and mentioned the Ulus Historic City Center project in this context. He also said that such projects would be contracted out to the private sector, that no money would come out of the AMM's budget, and that these projects would solve the employment problem, opening up jobs for hundreds of people (Milliyet, 2004). This indicates that the entrepreneurial and resource-creating AMM, under Gökçek's mayoralty, aimed to intervene in the Ulus Historic City Center in line with neoliberal urban policies to produce an urban space for tourism, thereby transferring public resources to the construction sector, but trying to create social consent with the promise of increasing employment.

7.1. Gökçek's first term as the AMM Mayor from the JDP (2004-2009)

İbrahim Melih Gökçek was first elected the AMM Mayor from the WP in the 1994 local elections and from the VP in the 1999 local elections after the WP was closed. Although Gökçek joined the JDP in 2003, this study considers the period between 2004 and 2009 as Gökçek's first term as the AMM Mayor from the JDP because the 2004 local elections were the first elections in which Gökçek was elected as the AMM Mayor from the JDP. This consideration is also more relevant in terms of the periodization of the case study.

When İbrahim Melih Gökçek was elected as AMM Mayor from the JDP in the 2004 local elections, the majority of the AMM Council members were from the JDP. As a result of individual correspondence with the AMM, it was determined that 105 out of 131 council members belonged to the JDP. Of the remaining 26 council members, 21 belonged to the RPP, 4 to the True Path Party and only 1 to the Nationalist Movement Party (NMP). In addition, the central government was also controlled by the JDP. With the effect of having come to power with all his strength in the post-2004 period, the AMM Mayor Gökçek pressed for an interventionist approach to the Ulus region

without being constrained by any legal framework and even with the possibilities offered by new legal frameworks that allow a very wide room for maneuver.

Following the promulgation of Law no. 5272 on Municipalities[53] on 24 December 2004, the AMM initiated urban renewal initiatives in the Ulus Historic City Center based on the authority granted by the law. With its Decision no. 210 dated 14 January 2005, the AMM Council determined that no fundamental change or transformation has been achieved in the Ulus Historic City Center since 1980, when the first archeological and urban site decision was taken; that the buildings in the existing fabric have been demolished and worn out; and that the area has taken on a "desolate" (*mezbelelik*) appearance. Additionally, Decision no. 210 stated that there is a need to create a new updated urban renewal and development project area that can be implemented quickly to turn the old urban fabric into a living historical center. With the same decision, the AMM Council annulled the Ulus Plan, Public Project Area no. 5 (including Ulus Square, Government Square, and the streets in between), and other plans and projects[54] concerning the Ulus area on 14 January 2005.

City planners among the interviewees stated that one of the most important breaking points for the renewal processes in the Ulus region was the cancellation of the Ulus Plan. For example, Interviewee 21 expressed the rationale behind the cancellation of the plan as follows:

> *[T]he important breaking point is the shelving of this plan. The idea of shelving the plan emerged at the end of the 1990s, when Melih Gökçek, the metropolitan mayor of the time, chose to directly intervene in Ulus through demolitions and aggressive interventions, instead of moving forward with a plan and negotiations with all segments of society. And I think this breaking point is still going on. As a result of this understanding, I think it was 2005, if I remember correctly, the municipal council canceled the plan with a decision…*

It is argued that the reason why the AMM Council canceled the Ulus Plan and declared the planning area first as a "renewal and development area" and then as a "renewal area" was the demolishment of the buildings protected by the plan and the

[53] At this point, it is worth reiterating that Law no. 5272 remained in effect for a short period of time before being annulled by the Constitutional Court and replaced with Law no. 5393 on 3 July 2005.

[54] The Ankara Citadel Conservation and Development Plan, Historic Urban Tissue Conservation Plan, and Public Project Area no. 6 were also annulled.

redevelopment of the empty spaces (Erkal, Kıral, & Günay, 2005, p. 42). It is also claimed that among the grounds for the cancellation of the Ulus Plan were the obligation to consult with the plan authors[55], who were faculty members in the Middle East Technical University, in all works and transactions within the scope of the plan, and the intention to detach Ulus from the Middle East Technical University for political reasons (Hürriyet, 2016a).

The cancellation triggered a debate on whether city plans can be canceled without a judicial decision. For instance, the ACC requested the Legal Counseling Office of the Ministry of Culture and Tourism to scrutinize the legal validity of the decision by the AMM Council to annul the Ulus Plan. The Legal Counseling Office assessed that there is no legal basis for the decision by the AMM Council to annul the Ulus Plan because a plan for the areas covered by Law no. 2863 cannot even be amended if it is not approved by the conservation council (Erkal, Kıral, & Günay, 2005, p. 47).

Interestingly, promulgated on 26 July 2005, the Regulation on the Procedures and Principles Regarding the Development, Demonstration, Implementation, Supervision and Authors of Conservation Plans and Landscaping Projects prohibits the cancellation of conservation plans by the relevant administration without the development and approval of a new conservation plan or revision of the conservation plan or without any judicial ruling. It was not until 2008 that the Ankara 9th Administrative Court ruled that the AMM Council's cancellation of the Ulus Plan was not in accordance with the law and other legislation, as there is no authority granted by law to municipalities to cancel existing plans in areas declared as urban renewal and development project areas.

Furthermore, based on Article 73 of this law, which gives municipalities discretionary power to identify worn-out parts of cities for reconstruction and restoration, the AMM Council declared the Ulus Historical and Cultural Renewal and Development Project Area[56] in Ulus Historic City Center, including Ulus Square and its surroundings.

[55] Kayasu (2018, p. 99) inferred from his interview with Baykan Günay, one of the authors of the Ulus Plan, that it was often "intimidating" for municipal officials to visit one of Türkiye's leading universities to obtain permission, rather than being "dominant, as [local] government usually is".

[56] The Modern Bazaar located in the Ulus Historic City Center, which was severely damaged in a fire on 24 December 2003, was also included in this project area. Following the fire, although government

Owing to this, the AMM have been empowered to arbitrarily declare urban renewal and development project areas within a multi-layered historical fabric of Ankara, largely independent of specific scientific criteria, such as the quality of urban environment, socioeconomic characteristics of local residents, building conditions, spatial uses and functions, and the capacity of service units, etc.

Consequently, the AMM was freed from the obstacles to urban renewal and development, such as Law no. 2863 on the Conservation of Cultural and Natural Property and Law no. 3194 on Development, on the one hand (Güzey, 2009, p. 30) and it was enabled to demolish buildings that are not registered by the ACC but protected under the Ulus Plan and reconstruct new ones in their place on the other (Erkal, Kıral, & Günay, 2005, p. 42).

To prevent this, the Chamber of Architects Ankara Branch applied to the ACC for the registration of many qualified buildings, such as Akbank/Lozan Palas, Etibank, Ankara Market (*Hâl*), Ulus Office Block and Bazaar, Anafartalar Bazaar, and 100. Yıl Bazaar. Nevertheless, the ACC only registered Akbank/Lozan Palas and Ulus Bazaar with its Decision no. 1111 dated 9 December 2005. The Chamber of Architects Ankara Branch requested the annulment and stay of execution of this decision on the grounds that the unregistered buildings should also be registered, but the Ankara 3rd Administrative Court rejected these requests. This exposed many historical and cultural property in Ulus Square and its immediate surroundings, that represent different eras of Ankara, to the threats posed first by Law no. 5272, then by Laws no. 5366 and 5393, which paved the way for unrestricted urban renewal projects.

officials and the AMM Mayor Gökçek promised that the bazaar building would be repaired and handed over to the shopkeepers if structural analyses permitted, and although these analyses found that there was nothing statically wrong with the building, the AMM demanded that the works initiated by the Ankara Governorship on the renovation of the bazaar be halted. The Provincial General Assembly - the decision-making body of the Special Provincial Administration - the overwhelming majority of whose members belong to the JDP, to which Gökçek belongs, decided to sell the building, owned by the Special Provincial Administration, to the municipality. According to a news report, one of the opposition members of the Provincial General Assembly argued that the sale of the building was illegal because the municipality paid for the building two months after receiving the title deed. Besides, the news report included the allegation that the subcontractors commissioned by the AMM for renovation will gain rent from this work. It was also alleged that Gökçek prevented the renovation of the Modern Bazaar in order to revitalize the dormant Ulus City Bazaar, in which Gökçek is supposedly an undisclosed shareholder (Evrensel, 2004).

7.1.1. Ankara Historic City Center Renewal Area

Following the enactment of Law no. 5366 on 5 July 2005, the AMM Council instantly designated entire sites in the Ulus region as Ankara Historic City Center Renewal Area on 15 July 2005. As can be observed, the AMM under Gökçek's mayoralty quickly mobilized on multiple fronts to launch a renewal project in the Ulus district, as if all previous obstacles had been removed. As both an urban entrepreneur and a policy entrepreneur[57], Gökçek's pragmatic and opportunistic approach to this process is described by Interviewee 21 as follows:

> *During my tenure at the Ministry of Culture and Tourism, I directly participated in the process of drafting Law no. 5366, referred to as the renewal law. The draft of this law was prepared by the mayors of Beyoğlu and Fatih, and then presented to the GNAT. Melih Gökçek closely monitored this process. In essence, the content of the law stated the following: To facilitate implementation in sites, a renewal area boundary would be determined. Within these boundaries, municipalities could directly implement concept projects without requiring a plan. Renewal conservation councils were also to be established for the evaluation of these projects since the existing conservation councils were allegedly slow. Melih Gökçek actively participated in the parliamentary commissions and saw an opportunity there, in my opinion. The opportunity he saw was that with this law, he could do the things in Ulus district that he could not do until then because of the [Ulus] plan. Since he could now use this law, I think he made a decision in 2005 to cancel the existing plan and move on with this law. This was the crux of the matter. If you look at the timing, the cancellation of the plan was immediately followed by the declaration of the renewal area boundary.*

The designated renewal area was declared by the Council of Ministers Decree[58] no. 2005/9289 dated 8 August 2005 (Figure 33). A lawsuit was filed at the Sixth Chamber of the Council of State by property owners whose properties within the renewal area were subjected to urgent expropriation, demanding the annulment and stay of execution of this Council of Ministers Decree no. 2005/9289. The Sixth Chamber of the Council of State rejected the request for stay of execution. Subsequently, the plaintiffs appealed the Sixth Chamber's decision. The Council of State Plenary Session

[57] Bayırbağ, Penpecioğlu, and Schindler (2023, p. 1687) point out that Law no. 5104, Law no. 5216, Article 73 of Law no. 5393 regarding urban renewal, and the amendment to Article 257 of the Penal Law – which protects mayors from charges of misconduct in office – are referred to as the "Melih Gökçek Law" by the media, politicians, and mayors due to his influence on Türkiye's urban legislation.

[58] Since the restructuring of Türkiye's central government system in 2018, renewal areas have been declared by the President of the Republic.

of the Chambers for Administrative Cases accepted the appeal and decided to annul the decision on the rejection of the request for stay of execution of the Council of Ministers decree, pending a new decision to be made according to the results of the on-site discovery and expert examination.

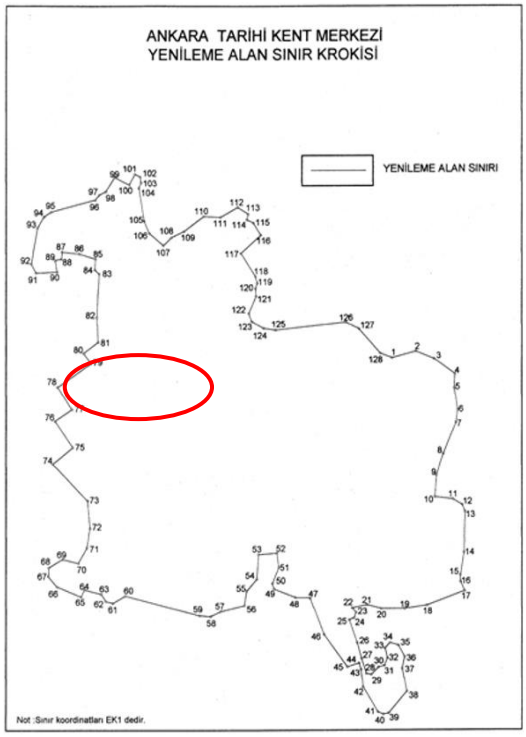

Figure 33: Ankara Historic City Center Renewal Area boundary sketch (Approximate location of Ulus Square and its surroundings is indicated by the author with a red circle).
Source: Council of Ministers, 2005.

Thereupon, the Sixth Chamber ordered an on-site discovery and expert examination and asked the experts to examine the following issues:

(1) It was requested to determine whether the Council of Minister's decree regarding the determination of the boundary of the renewal area is in compliance with Law no. 5366. This was because the decree only specified the boundaries as X and Y coordinates due to the size of the area, which caused indeterminacy as to whether the boundaries of the sites and conservation areas coincide with the boundaries of the renewal area within the scope of Ankara Historic City Center. Besides, no other document was found in the case file.

(2) It was also asked to reveal whether the renewal area meets the conditions of being obsolescent, and on the verge of losing its characteristics, as stipulated by Law no. 5366.

In their report, the experts firstly concluded that the Council of Ministers decree regarding the determination of the boundaries of the renewal area failed to adhere to Law no. 5366. This was primarily because the boundaries of the Ankara Historic City Center Renewal Area, provided by the AMM to the Council of Ministers as X and Y coordinates, was not depicted on current maps. Moreover, the decree did not demarcate the boundaries of the areas designated as sites and conservation areas within the scope of Ankara Historic City Center. Consequently, it remained ambiguous whether the boundaries of these sites and conservation areas aligned with those of the renewal area.

Secondly, the experts also observed that the Council of Ministers decree failed to align with Law no. 5366, as the declaration of the renewal area by the Council of Ministers lacked a basis in research, assessment, and criteria regarding whether the region was obsolescent and on the verge of losing its characteristics. They attributed this deficiency in the decree to a legal indeterminacy within the law concerning the designation of renewal areas. According to them, it remained unclear how areas slated for renewal would be identified as obsolescent and on the verge of losing its characteristics, as stipulated in the law. While sites and conservation areas designated by the Ministry of Culture and Tourism were based on specific criteria, these areas were incorporated into renewal areas by municipal councils and the Council of Ministers without such criteria. In that regard, the experts found Law no. 5366 to be in contradiction with Law no. 2863 and to be contrary to the understanding of conservation.

The experts highlighted that essential surveys (such as comprehensive research, documentation, and mapping of the historical evolution of the area, its current physical, economic, and social characteristics) were largely conducted after the designation of the renewal area. These surveys were supposed to be conducted before the declaration of the renewal area. Consequently, it remained unclear what basis the AMM Council and the Council of Ministers relied on when determining and declaring the boundaries of the Ankara Historic City Center Renewal Area.

The experts also highlighted that the inclusion of archaeological sites within the renewal area is contrary to the purpose of Law No. 5366, since archaeological sites cannot be defined as areas that are obsolescent and are on the verge of losing their characteristics, and they cannot be conserved by renewal and used by revitalization. Finally, referring to the implementing regulation of Law no. 5366, the experts argue that the renewal area should be determined within the areas registered and declared as sites and conservation areas. However, the Council of Ministers declared a more extensive area as a renewal area than the area designated as sites and conservation areas by the ACC, which was contrary to Law no. 5366. To remedy this legal infringement, the AMM requested ARACC to update the site and conservation area boundaries and the ARACC have updated the boundaries to include Ulus, Hamamönü, and the Citadel sites with its Decision no. 244 dated 19 November 2008.

As a result, the Sixth Chamber of the Council of State examined the information and documents in the case file together with the expert report and concluded that the Council of Ministers Decree no. 2005/9289 on the Ankara Historic City Center Renewal Area was not in compliance with the Law no. 5366 and the implementing regulation of this law. Therefore, the execution of the decree was suspended on 8 June 2009 and annulled on 7 June 2010 with Verdict no. 2010/5644.

7.1.2. Ankara Historic City Center Renewal Area Conservation Plan - The Hassa Plan

On 23 March 2006, the AMM commissioned İstanbul-based Hassa Architecture Firm and Doruk Planning Firm for the development of the conservation plan for the Ankara Historic City Center Renewal Area, which are referred to as the Hassa Plan hereafter. In addition, the Ankara Renewal Area Regional Council for the Conservation of Cultural and Natural Property, hereafter the Ankara Renewal Area Conservation Council (ARACC) was established by the Council of Ministers Decree no. 2006/10688 dated 19 July 2006 to approve renewal projects pursuant to Law no. 5366.

The Hassa Plan (Figure 34) envisaged an urban design project for Ulus Square and its surroundings. Acknowledging the importance of the square for the history of the Republic, the plan identified the need to reinterpret the relationship of early Republican buildings with their immediate surroundings through contemporary design

methods. It also views the square as the area defined by the buildings of the first GNAT, İş Bank, Sümerbank, Ulus Office Block and Bazaar, Central Bank, Ankara Palas, the second GNAT, and the Council of State (Hassa Architecture, 2006).

Figure 34: A detailed view of Ulus Square in the Hassa Plan.
Source: Retrieved from Çağatay Keskinok Archive by Kayasu, 2018, p. 117.

The plan deemed appropriate that the registered buildings and the buildings that need to be conserved around Ulus Square should be functionalized as touristic facilities, taking into account their architectural and urban characteristics. It determined that these buildings, which are mainly used by banks and financial institutions, are not being utilized efficiently and effectively and that their transformation of use within the planning period will be inevitable. Accordingly, the plan aimed to utilize these buildings through urban design projects within the scope of "the Special Project Area for Ulus Square and Its Surroundings " and to increase their contribution to the city (Hassa Architecture, 2006).

The Hassa Plan also stated that the high-rise buildings built around Ulus Square after the 1950s have a negative impact on the square, which gained its identity with the buildings of the early Republican period. This was because these buildings block the visual relationship between the Citadel, Ulus, and the train station that had been established before the 1950s. The plan envisaged that the high-rise public buildings with limited contribution to the Square and the Anafartalar Bazaar in the middle of

them was to be demolished and that these areas was to be organized in a way to integrate with the Square within the open space system. The AMM Mayor Gökçek also added the newly built Ulus City Bazaar to the list of buildings to be demolished (Cumhuriyet Ankara, 2007a). Thus, it was aimed to re-establish both the visual relationship of Ulus Square with Ankara Citadel and its physical relationship with Government Square (Hassa Architecture, 2006).

According to the Hassa Plan, the front and side gardens of the second GNAT building and the front garden of Ankara Palas were to be reintegrated as they were in the 1920s and 1930 and designed in accordance with the historical image of the city entrance. Likewise, 100. Yıl Bazaar, which supposedly had a negative impact on Ulus Square, was to be demolished and the historical relationship between the first building of the GNAT and the Nation's Garden, which were integrated with the Ulus Square, was to be re-established. Accordingly, the construction of a Nation's Garden and Nation's Bazaar (*Millet Çarşısı*) was proposed to replace the 100. Yıl Bazaar (Hassa Architecture, 2006). The idea of demolishing the high-rise and massive buildings surrounding Ulus Square and establishing a visual relationship between the Ulus region and the Citadel was also explicitly supported by the then Minister of Culture and Tourism[59] (CNN Türk, 2007).

In addition, the plan calls for several new interventions to consolidate the strategic position of Ulus Square at the intersection of different uses. The first of these was to transform the Ulus Bazaar into a congress hotel[60] with cultural activities (congresses, exhibitions, etc.), which was expected to offer a new opportunity for the Square. The second is the construction of the Taşhan Covered Bazaar (*Taşhan Kapalı Çarşısı*) in the area to be created by the demolition of today's buildings. It was assumed that the construction of this bazaar, integrated with the Ulus Bazaar Hotel would revitalize the

[59] A media analysis concerning Ulus Square indicates that the then Minister of Culture and Tourism began to exhibit an increasing level of engagement with the square as of October 2007. To provide an illustrative example, the Minister noted the importance of the Roman, Seljukian, and Ottoman remains around Ulus Square for the capital Ankara to become a center of attraction. He also underscored that the Ulus City Bazaar was an illegal structure and expressed his intention to identify the details of how the structure was built for subsequent disclosure to the public (Haberler.com, 2007). However, no statement by the minister was found in the press review.

[60] The AMM Mayor Gökçek also stated that the Ulus Bazaar building will be preserved and will serve as a hotel (Hürriyet, 2006a).

square in terms of serving the shopping needs of the city's different income groups and providing a place for tourism-oriented commercial functions (Hassa Architecture, 2006).

The Hassa Plan also took some significant decisions on urban transportation that affects Ulus Square. Similar to the Ulus Plan, it proposed that the main roads passing through Ulus Square and its immediate surroundings be converted into underpasses, eliminating the image of the square as a busy traffic node and making the square pedestrian oriented. To provide comfortable pedestrian mobility, the plan suggested a rail system from the east of the square to the square. Besides, it is envisaged that bus stops, the Ulus metro station connection exit, and an underground parking area will be located under the area organized as the Nation's Garden and the Nation's Bazaar (Hassa Architecture, 2006).

Thus, in line with the targets of the AMM Mayor Gökçek, Ulus Square was to be transformed into a pedestrianized historical city center attractive to local and foreign tourists (CNN Türk, 2008). Gökçek was expecting that it may take four or five years to realize the projects envisaged in the conservation plan. He stated that the completion of the tunnel through Ulus Square may take longer due to the archaeological remains. He also stated that the historical artifacts unearthed during the tunnel work will be moved to the museum (Haberler.com, 2006).

Nevertheless, the Ministry of Finance's cuts in the AMM's revenues to cover its debts dashed Gökçek's expectations. In Gökçek's words, "We gave up on the Ulus [Project] because our money was cut. We were already worried about the historical artifacts under Ulus [Square] and the sliding danger of the buildings on Çankırı Street" (Hürriyet, 2007). The mayor's words indicate that the obstacle for the AMM in the "Ulus Project" was budgetary constraints rather than archaeological remains or the risk of buildings collapsing. In fact, as will be discussed below, the judicial review of the plan later eliminated the chance of its implementation. Interviewee 12, a retired journalist who is closely interested in the Ulus district, also reveals other budgetary reasons for Gökçek's abandonment of the Ulus Project as follows:

> *There was a drought in Ankara during that period. A water conveyance line from the Kesikköprü Dam to Ankara was installed. The construction of the*

airport road, the implementation of the North Ankara [Urban Renewal] Project, and the construction of Eskişehir Road came into play. Additionally, ASKI[61] had significant projects during that period. These were substantial financial burdens.

7.1.2.1. Objections to the Hassa Plan

Shortly after the Hassa Plan was prepared, Ankara branches of certain professional chambers[62] and some scholars[63] objected to the plan proposals on the grounds that the plan and its projects posed a threat to Ankara's historical and cultural property above and below ground (Ayhan Koçyiğit, Etyemez Çıplak, & Acar, 2020, p. 17). The professional chambers first objected to the assignment of the development of the conservation plan to Hassa Architecture Firm on the grounds that the firm had no project approved by the Chamber of Architects İstanbul Branch since 1994, had worked on a maximum area of 500 square meters, and had mostly restored mosques (Cumhuriyet, 2006).

Interviewee 16, an architect who was involved in the development of the Hassa Plan and its projects, interprets the underlying reason for such reactions as follows:

Normally, a need is identified for such situations. National or international competitions are organized. Participants attend with their concept projects. The jury chooses one of them. This approach is accepted in the architecture community. Therefore, we were a bit like an imposed group. There was a reaction inevitably.

Hence, there were doubts regarding the preference of Hassa Architecture primarily due to its political affiliation with the central government (Kayasu, 2018, p. 115). The following statements of Interviewee 16 reveal that these suspicions and reactions were not unfounded:

We do not have a contact with Melih Gökçek, but with his party, his political circle… After proving ourselves abroad, we gained respect at home. We work in the traditional style. It is said that Mr. Şenalp is a friend of Mr. Erdoğan. However, what is friendship? Mr. Şenalp is an architect. Mr. Erdoğan is from

[61] Ankara Water and Sewerage Administration.

[62] the Chamber of Architects, the Chamber of City Planners, and the Chamber of Landscape Architects.

[63] The faculty members of Middle East Technical University Faculty of Architecture and Gazi University Faculty of Engineering and Architecture Department of City and Regional Planning.

imam hatip high school[64]*. They are from different educational backgrounds. But they are close in age. There was the National Union of Turkish Students (Milli Türk Talebe Birliği)*[65] *movement of the 1970s, politically. Apart from being in that environment, they didn't have much friendship. Then, because he liked our style, we worked on a few projects when he was the mayor of the [İstanbul] metropolitan municipality. But this was the first work we did with Mr. Gökçek. Then, we built the Melike Hatun Mosque.*

At this stage, it is worth arguing the opinion statement submitted to the AMM by the Middle East Technical University Faculty of Architecture (METU FA), whose members were invited to the consultation meeting on the Hassa Plan organized by the AMM, as this statement provides comprehensive criticisms to the legal basis, development processes, and decisions of the plan. First of all, a contradiction between the invitation letter and the documents submitted by the AMM to the faculty was determined by the METU FA. On the one hand, the invitation letter referred to "Ankara Historic City Renewal Area Project" to be implemented under Law no. 5366. On the other hand, the documents addressed "Ankara Historic City Center Renewal Area Conservation Implementation Plan" developed within the framework of Law no. 2863. The METU FA is therefore of the view that the legal framework on which the project/conservation plan is based is ambiguous (METU FA, 2006). In fact, this also implies uncertainty as to whether the AMM was to develop a renewal project or a conservation plan in the Ulus Historic City Center.

The METU FA's opinion statement also identified that while the plan report refers to the new tools provided by Law no. 5366, it is ambiguous how these tools will be used and how the process will be carried out. It also argued that the authors of Hassa Plan, whose expertise and qualifications were not disclosed, presented a ready-made plan to the participants of the first consultation meeting, which is an indication that a participatory process was not envisaged in the development of the plan. In the second meeting, it is observed that the views and criticisms presented by the participants in the first meeting were ignored by the plan authors. According to the METU FA, these

[64] According to the Regulation on the Ministry of National Education Secondary Education Institutions, an *imam hatip* high school is a religious vocational school that aims to provide students with the knowledge and skills necessary to fulfill religious services such as imamate, khatip and Qur'an course instructor.

[65] In the 1970s, the National Union of Turkish Students was a right-wing religious conservative union (Dinçşahin, 2015, p. 28).

meetings were held only as a formality to fulfill a legal requirement stipulated by the implementing regulation of Law no. 5366 (METU FA, 2006).

Similarly, the then Chair of the Chamber of Architects Ankara Branch claimed that the plan's development process, which concerns the whole of Ankara, was being carried out in secret. The Chair of the Chamber of City Planners Ankara Branch at the time also claimed that the plan was developed behind closed doors and in disregard of the participation envisaged in the conservation legislation, based on the fact that a plan developed in such detail that it could almost be implemented was presented at the consultation meeting (Cumhuriyet Ankara, 2006).

Interviews with shopkeepers also revealed that the participation of shopkeepers was not ensured in the plan and project development processes. In fact, the project was never explained to the shopkeepers and the shopkeepers were only aware of the projects planned for Ulus Square through hearsay.

> *The era of Melih Gökçek was the most aggressive period. They attempted to do something, but they didn't disclose what they were doing. Most likely, we were not part of Gökçek's project. They were going to create a project, generate a certain amount of rent, but we were not going to benefit from it. That's why nothing was ever communicated to us. During Gökçek's era, sooner or later, we would be displaced from our places.* (Interviewee 3, a shopkeeper in Ulus Office Block for more than two decades)

> *The word on the street is that the square will be closed to traffic and traffic will be redirected underground… During Melih Gökçek' tenure, the participation process was not properly managed. There was a unilateral approach of "we will do this, we will send you to that place, and you must accept this.* (Interviewee 4, a shopkeeper in Ulus Bazaar for more than three decades)

> *It was not possible to reach Melih Gökçek, of course. There was a man known to him who had jewelry or watch shops in the malls. People would constantly contact him.* (Interviewee 6, a shopkeeper in Anafartalar Bazaar for more than two decades)

> *The municipality's biggest problem in the process was that it did not act together with the shopkeepers. There was such a problem in the first period… If we had been consulted, if we had been negotiated with, we could have stepped back. The bazaar could have been demolished.* (Interviewee 9, a shopkeeper in Ulus Bazaar for three generations)

In addition, shopkeepers were reluctant to participate in decision-making and/or objection processes for fear of losing their earnings by confronting Gökçek in the

planning and project processes (Chamber of Architects Ankara Branch, 2007, p. 101). The following narrative by a local politician who worked with Gökçek for five years shows that shopkeepers' fears are not unfounded (Chamber of Architects Ankara Branch, 2007):

> Especially if [Gökçek] is obsessed with someone, no matter what kind of building it is, he will find a flaw and change its development [status]. Even if the building is halfway completed, he may declare it a green area or have it canceled, ultimately causing distress to that man, acquiring that place afterwards, and resuming construction. (p. 87)

Participation in planning and project processes, as well as access to information related to these processes, was not solely a concern for the shopkeepers. According to Interviewee 15, who worked as a conservation specialist at the AMM for nearly twenty years, Gökçek was a hard-to-reach and unlistening character. In fact, s/he mentioned that out of fear, hardly anyone dared to speak to him.

At this point, the most striking statement comes from Interviewee 19, the former Mayor of Altındağ District Municipality[66], who said,

> *Around 2005, the project was first mentioned. I only heard about it from the media. [...] There was no institutional structure and no reliable information. This was, in fact, our most significant problem. You can hardly find anyone who can provide accurate information on this matter.*

Similar to Gökçek's attitude, the authors of the Hassa Plan was reluctant to utilize past experiences and participatory mechanisms in the development process as they

[66] Understanding the underlying reason for the statement of the former Mayor of Altındağ District Municipality is possible in the light of the explanations provided by Interviewee 21, as follows:

> *"There was particularly a tension between Altındağ District Municipality and the AMM, although it was not very publicized. This was because Altındağ District Municipality initiated a restoration and renewal project in the Hamamönü and Hamamarkası areas based on a conservation plan commissioned by the Ministry of Culture and Tourism. The commencement of this project was hindered by the AMM for a long time. I believe that Melih Gökçek saw the then Mayor of Altındağ District Municipality as a political rival. Gökçek did not want him to appear as if he was achieving what Gökçek couldn't in Ulus. In fact, there were critical AMM Council decisions rejecting Altındağ District Municipality's practices on this matter. But until 2008 or 2009… Then, somehow, the Ministry of Culture and Tourism intervened or somehow [Gökçek] granted permission, and the Hamamönü project began. At the end of the day, the built environment that emerged in the Hamamönü project was more qualified than the environment that emerged in Hacıbayram. It has become an environment that the society has embraced and used more. It is even a success story for [the Mayor of Altındağ District Municipality].*

criticized the revoked Ulus Plan, emphasized their firm's international recognition and experience, and showing indifference towards obtaining the plan through a competition (Cumhuriyet, 2006). Accordingly, Interviewee 16 said,

> *The [Ulus] Plan was highly praised by the local [academics], but I could not understand why they praised it so much, because it was a plan that had contradictions within itself, and I think it did not analyze even that period very well. […] There were some guys especially from the Middle East Technical University.*

An author of the Ulus Plan, who was a faculty member at the METU FA, also stated that they were not informed about the processes related to the new conservation plan and argued that the aim of the new plan is to open new business centers and create new investment areas for developers. According to him, the AMM views the planning area as a plot of land from which they can extract rent rather than an urban site (Cumhuriyet, 2006). Shopkeepers and experts agree that a coalition of rent-seekers was behind the urban renewal activities in Ulus Square.

> *The then Chairman of the Ankara Chamber of Commerce also came before. He said something like this: "Let's say there are covered bazaars and small shops in İskitler. What would you say if we moved you there?"[…] We said, we want to carry on our business here as far as we can. If you are the Chairman of the Chamber of Commerce, find a solution for us. He became upset. He probably came with the intention of finding tenants from here for the business centers he will build there. I don't know, but that's the only thing that comes to mind. […] A great rent was available here. There would have been an increase in value, but we were not wanted to benefit from that increase in value.* (Interviewee 3, a shopkeeper in Ulus Office Block for more than two decades)

> *When Melih Gökçek said that he was going to build a square here, renew the area, and came up with the claim that "we will not victimize the shopkeepers", then we realized that these places will be demolished, and someone will benefit from it. This is my own opinion. […] I think he is trying to do something for personal interests, not for the municipality. […] Melih Gökçek saw Ulus as a source of rent. A square would be built here, small shops would be erected, new rents would be set, and local shopkeepers would be prioritized [in renting]. That's all good, but if you ask me for 30 thousand TL rent in a new shop while I am paying 10 thousand TL here, most shopkeepers will not be able to afford it.* (Interviewee 4, a shopkeeper in Ulus Bazaar for more than three decades)

> *The Ulus Project seems to be blocked today because some people cannot get what they want. But if the powerful agree and pave the way, Ulus will be turned upside down in a year.* (Interviewee 5, a shopkeeper in Anafartalar Bazaar for more than three decades)

> *We need to investigate with whom Melih Gökçek wants to renew these places. Who are the owners of Ulus City Bazaar? Why did the owners buy it? Why did they want to turn it into a shopping mall?* (He mentioned three powerful businesmen here) *These three are always everywhere. […] After Gökçek joined the JDP, he always pursued interests. He was only seeking rent.* (Interviewee 6, a shopkeeper in Anafartalar Bazaar for more than two decades)
>
> *The main issue here was rent. Both demolishing and building these places is about creating and seizing rent. It would be their own partisans who would demolish and build.* (Interviewee 7, a shopkeeper in Ulus Bazaar for more than four decades)
>
> *[Ulus Square] is a commercial zone. There was a search for a different layout by increasing the population density. When you increase the density, you automatically increase the rent. The goal there was already to renew the bazaars. There were plans to build new shopping centers. In the end, of course, there was a plan to revitalize the area consisting of the bazaars that had fallen into disrepair and decay. The proposed plan had such a problem and intention.* (Interviewee 20, a conservation architect and a faculty member)
>
> *It was a renewal approach that was excessively investment-oriented. […] The aim of the renewal was clearly to somehow bring urban space under the control of certain groups. […] The most influential decision-making actor was the Mayor Melih Gökçek. Besides him, I think that some circles close to Melih Gökçek formed a network of interests in order to benefit from the return of the [produced] space that might emerge during the renewal process. These may include pro-JDP bureaucrats, deputies, maybe even members of the judiciary.* (Interviewee 21, a city planner and a faculty member)

On the other side, a former Altındağ District Mayor predicted that the shops in the proposed new shopping centers would be rented to powerful shopkeepers catering to the demands of the affluent, thereby, excluding the existing customers from making purchases. However, he also anticipated that prosperous residents of Ankara would not shop at these shopping centers, which would lead to the expected revival of commercial activity around Ulus Square not materializing. Consequently, the new shopping centers would gradually become vacant, giving rise to a dead urban area in and around Ulus Square (Chamber of Architects Ankara Branch, 2007, p. 92).

Additionally, the opinion statement from METU FA underscored that the archaeological, historical, and architectural values of the area were not adequately considered in the new regulations introduced with the plan. The proposed spatial arrangements, such as undergrounding the main roads passing through Ulus Square, were flagged for potentially risking the destruction of archaeological layers (METU FA, 2006).

The Chair of the Chamber of City Planners Ankara Branch at the time also criticized the plan for lacking solutions on how to accommodate underground transportation lines passing through Ulus Square, where archaeological remains are abundant (Hürriyet, 2006b). Moreover, METU FA's opinion statement pointed out that the plan disregarded and aimed to erase the architectural values of the Republican era in Ulus Square, which were achieved through national architectural competitions and represent examples of twentieth-century modern architecture. It argued that Ulus Square would become a vast and undefined void, with the Victory Monument losing its spatial context within this void.

Interviewee 16 confirms the tension they experienced with the scientific/advisory committee, which he claims was established under the auspices of the AMM, with the following words:

> *The places we emphasized more centrally, such as Hacıbayram, the Citadel, and the vicinity of the Citadel, were involving traditional structures, while buildings with less relevance to those areas were politically associated with the Republic. They called buildings lacking quality 'Republic heritage.' In our opinion, it wasn't quite like that. There was a somewhat political aspect to the matter. […] We had no intention of interfering with the [Victory] Monument, first GNAT building, the Ziraat Bank, or the Ethnography Museum building in Ulus. They are really valuable, very important monuments not only for Ankara but also for the architectural history of this country. We were standing over the E-shaped bazaar [Ulus Bazaar] that we think is inappropriate and they have been reflexively protecting it. In fact, we were proposing not to completely remove the Ulus Bazaar, but to modify it a bit and make it more usable. Mr. Gökçek wanted to remove it completely.*

As this narrative suggests, the AMM Mayor Gökçek and Hassa Architecture did not agree on all issues during the development of the plan. This disagreement, which was further complicated by the conflict with the scientific/advisory committee, is described by Interviewee 16 as follows:

> *It was becoming very confrontational. To a certain extent this conflict was between us and the municipality, but mostly between us and other architects and city planners, who claim to know the area better. These were some people from the universities, people appointed by the municipality as consultants. Professional chambers were always against it… Mr. Gökçek was distressed, reproached us, and tell us to do what they say. Then he should have them do it… [W]e can't think like a politician there. He wanted to show people what he did in five years. That's wrong, we can't think like that. If we think like that, there is no point for us to be there. We cannot design for anyone's political*

ambitions; we must do the right thing. This is a big handicap, that it needs to be completed in such a short time. Rather these things must be gradually processed.

The METU FA's opinion statement reminded that the AMM had cancelled the Ulus Plan on the grounds of its cost to the public and asserted that the demolition of many buildings that have not completed their economic life and the construction of new buildings in their place will undermine the country's economy (METU FA, 2006). In parallel, the then Chair of the Chamber of City Planners Ankara Branch emphasized the demolition-oriented approach of the Hassa Plan and predicted that the decline in tourism and trade revenues and the jobs lost during the construction period will cause a significant waste of national resources. He also emphasized that the Hassa Plan, which was commissioned by the AMM for 3 trillion TL ($ 1.91 million) [67], while there was a very important body of knowledge and approved advanced plans, has already caused a great waste of public resources. Additionally, the chairs of professional chambers stated that the Ulus Plan has been deliberately not implemented for years under thin excuses, leaving the Ulus region in derelict and insecurity (Cumhuriyet, 2006; Cumhuriyet Ankara, 2006).

In parallel with these discussions, a report prepared by Gazi University Faculty of Engineering and Architecture, Department of Urban and Regional Planning in November 2006 argued that the Hassa Plan envisages a comprehensive urban renewal that prioritizes only the removal and physical renewal of unauthorized or obsolescent buildings the in the city center. Besides, the report underscored that the AMM disregarded the existing conservation plan and overruled the plan with its own discretionary power (Hürriyet, 2006b). The report also contained a warning, especially for local decision-makers, that a healthy urban renewal should be realized as a local development project, focusing on the public interest, without a rent-driven approach, and adopting an interdisciplinary perspective that takes into account social and economic needs in planning decisions (Cumhuriyet Ankara, 2008).

In a similar vein, the opinion statement of the METU FA makes the following conclusions about the Hassa Plan: (1) Although the Hassa Plan is a conservation plan,

[67] $ 1 = 1.57 TL in June 2006 exchange rate (Central Bank of Türkiye, 2006).

it prioritizes renewal over conservation. (2) It has a limited and shallow vision that sees urban renewal as a rent-generating activity. (3) It aims to realize the renewal of the historic district by creating new commercial areas that are expected to generate huge rent (METU FA, 2006).

7.1.2.2. Contested approval of the Hassa Plan by the ARACC

Despite these criticisms, the Hassa Plan were approved by Decision no. 25 of the ARACC[68] dated 17 May 2007. As discussed earlier, the reason for the establishment of renewal area conservation councils under Law no. 5366 was to bypass the conservation councils established under Law no. 2863. The establishment of the ARACC exclusively for the renewal area announced in the Ulus region has also been a subject of controversy. In this respect, Interviewee 19, a former Mayor of Altındağ District Municipality, claimed that the Gökçek administration determined the members of the conservation council established only for the Ulus renewal area.

Interviewee 21, who worked at the Ministry of Culture and Tourism during the approval process of the Hassa Plan and held a position of responsibility at the Chamber of City Planners Ankara Branch, supported this claim by stating that the members of the Ankara Renewal Area Conservation Council were composed of people who could facilitate Gökçek's work. Additionally, Interviewee 25 argues that Gökçek's personal attendance at council meetings, especially after 2004, is a very clear indication of his efforts to exert pressure on the council.

Interviewee 20, who was a conservation architect and one of the two members appointed as the representative of the Council of Higher Education in ARACC at the time affirms that he was present in all ARACC meetings. Most importantly, s/he confirms the allegations of pressure first-hand with the following words:

> *As a Higher Education Council representative, I had independence. There was [another city planner member] who was Higher Education Council representative besides me. We had a relative autonomy. However, it was quite evident that the other five members were brought together under a certain composition… Alongside me, there was another architect member. S/he was*

[68] The files prepared by the ACC for the Ankara Historic City Center Renewal Area were submitted to the ARACC and applications for this area started to be submitted to the ARACC as of 27 March 2007, when ARACC started its activities.

said to be specialized in the field of conservation, but we never saw the situation in the same way. We always stood against each other. […]

It was only me and [the other Higher Education Council representative] who opposed the plan. Afterwards, s/he got sick and could not attend the meetings. I had to fight against the windmills for a long time. Although there were very serious problems and irregularities, no one informed the chambers. I was informing the Chamber of Architects. […] There was a serious pressure on me at that time. I resisted until the very end. […]

Apart from me and [the other Higher Education Council representative], all five members were in favor of the plan. They were not people who approached the issue in terms of objectivity and professional ethics. There was a problem of merit. Maybe I can say that only the lawyer member had a good grasp of legal issues. But I can say that the planner member was a bagger planner[69] *(çantacı plancı), that is, a person who did as he was told, who did not speak out, and who only signed. This was clear.*

There was also an allegation that non-city planner members were appointed to the positions allocated for city planners in ARACC, eviscerating the council and bypassing its duty of conservation. In fact, this allegation was even brought to the agenda of the GNAT by an opposition deputy, who claimed that this practice put political pressure on the ARACC. The then Chair of the Chamber of City Planners Ankara Branch emphasized that the appointment criteria of the ARACC members appointed by the Ministry of Culture and Tourism were not clear and that the opinion of the chamber was not sought (Cumhuriyet Ankara, 2007b).

Under the shadow of these debates, the ARACC decision approving the Hassa Plan was taken despite the opposition of an ARACC member, who was the Higher Education Council representative. A review of ARACC's official letter and dissenting report against the decision reveals that two members resigned from their positions in the meeting that the plan was approved, and that their objections to the plan parallels with the aforementioned criticisms raised by the METU FA (ARACC, 2007a).

First, the resigned members emphasized that the proposal had previously appeared on the meeting agendas as the "Ankara Historic City Center Renewal Area Project". However, due to objections stating that "there is no definition of a plan under this name

[69] The English equivalent of the term "bagger planner" can be compliant planner or docile planner to describe a planner who follows instructions and works in an obedient manner.

and scale in the development legislation", the name of the proposal was changed to the "Ankara Historic City Center Conservation Plan" in the subsequent meeting. They objected to the approval of this plan, despite the name change, as it did not fulfill the requirements of a conservation plan in terms of content and scope (ARACC, 2007b). The ARACC Director responded that the name of the proposal was mistakenly written by the AMM and was later corrected (ARACC, 2007a).

Second, the resigned members also highlighted that the plan proposal approved by the ARACC does not specify detailed building and parcel densities, which poses a threat to the historic urban fabric. In addition, they considered the proposal inadequate as it lacked a cultural layer survey and does not take the necessary measures for urban archeological conservation. For them, the plan proposal was internally inconsistent and lacked a macro-scale study for underground roads based on a city-scale transportation plan (ARACC, 2007b). In response to these criticisms, the ARACC Director emphasized the newly registered buildings in the plan and reiterated the plan notes on archaeological remains and the plan's proposal to demolish high-rise buildings (ARACC, 2007a).

Third, according to the resigned members, the ARACC's approval of the Hassa Plan is not in compliance with the provisions of the relevant legislation, as its authority under the Law no. 5366 is to approve renewal projects only at the single building scale. For them, in other words, the authority to approve the conservation plan belonged to the ACC established under Law no. 2863. However, the ARACC Director, citing the implementing regulation, argued that the renewal area regional conservation councils and other regional conservation councils have exactly the same duties and powers, with the additional authority to approve renewal projects (ARACC, 2007a).

Lastly, the resigned members criticized the ARACC for not considering the scientifically based criticism of the representatives of the main disciplinary fields. In response, the ARACC Director stated that the committee was formed in accordance with the law, it took decisions by majority, the issue was discussed in a democratic environment in accordance with the law and regulations, all criticisms were listened to, an archaeologist, an art historian who had worked in the renewal area were also present at the meeting, and the plan was approved with (ARACC, 2007a).

Considering the proposals of the Hassa Plan and the criticisms of METU FA and the resigned members of the ARACC, it is possible to draw some conclusions. Firstly, with the authority granted by Laws no. 5272 and 5366, the AMM aimed to carry out an urban renewal project in the Ulus Square within the framework of its future vision for the Ulus Historic City Center.

The following statement by Interviewee 20 provides clues about how and for what purpose the plans and projects for the Ulus region were prepared:

> *Interestingly, Melih Gökçek had an incredible knowledge of the plan. I wish all mayors were like that, in a good way. He would say, "Oh, I did not sketch this area like that". He had that level of control. But of course, these are only the places he wanted to transform according to his ideas. He obviously had the plan drawn. Melih Gökçek had some higher scale approaches and wanted to integrate them into the conservation plan. These higher scale decisions were in favor of transforming the area into a Hacıbayram-centered worship-based tourism area. It was intended to dramatically increase the population density. It was a perspective in which the physical, social, and cultural values of the historical texture were ignored.*
>
> *Melih Gökçek was trying to make the Ulus district attractive in a different way at that time: By pushing back the Republican identity of Ulus. Of course, Hacıbayram has a very important value, along with the Temple of Augustus. But for us, Ulus has a unique identity and value in the Republican period. There is no need to have these in competition with each other. Together they add very serious value to us, they all have their own value.*

Some of the shopkeeper interviewees also believe that the motivation behind the renewal activities to be carried out in and around Ulus Square was to confront the legacy of the Republic and to build an Islamist legacy in its place:

> *The main case is to remove Atatürk's statue (Victory Monument) from there. […] Historic buildings of the Governor's Office, Ministry of Finance, and Sümerbank… The goal is to eliminate the monuments constructed during Atatürk's period. […] Even though it appears to be a technical matter, this issue is based on politics.* (Interviewee 1)
>
> *No one is truly doing anything to preserve something. There is a significant amount of rent involved in these areas. Let me go a step further, the real objective is the removal of the statue from here.* (Interviewee 4)
>
> *Perhaps they couldn't remove the statue, but they would relocate it, render it inactive. The goal could be to declare "we demolished Ulus, we destroyed the place where the Republic was founded" while seeking to erase the Republic.* (Interviewee 6)

> *There are problems here related to the government. After 2000, they made Ulus look dilapidated. Why? Because they couldn't stand the word 'Ulus', they couldn't stand history, they couldn't stand the Republic. They are trying to erase the traces of the Republic and Atatürk and leave behind what they have done for the future.* (Interviewee 7)

However, this plan was to threaten not only physical and social characteristics of the area, but also historical and cultural values of the city, including the archeological remains of the Roman period and the architectural heritage of the Republican period. Therefore, this spatial intervention also had an ideological content.

Two obstacles or veto points existed before the AMM: The Ulus Plan and Law no. 2863. The former was cancelled by a controversial AMM Council decision, later deemed illegal by a judicial ruling. The latter was sought to be bypassed using the provisions of Law no. 5366. Consequently, Ulus Historic City Center, housing Ulus Square, was designated a renewal area under Law no. 5366. According to Interviewee 20, the primary issue with Law No. 5366 is its perception and utilization as a means to sidestep Law No. 2863 and redefine urban renewal as demolition of the old to make way for the new. By the same token, the Hassa Plan left unclear how the new tools provided by Law no. 5366 would be employed, how the renewal-dominated conservation processes would operate, and the density of buildings and parcels. It also introduced new commercial and touristic functions in Ulus Square. The plan proposed these changes to be executed through urban renewal or design projects in the square. Hence, the AMM's labeling of its spatial intervention ambitions for the Ulus area as a renewal project was not an inadvertent error but rather an effort to exploit the legal ambiguities created by Law no. 5366, enacted alongside Law no. 2863 in the area.

Another legal indeterminacy that marked this process was the disagreement over the institution that would approve the Hassa Plan. On the one hand, the resigned ARACC member argued that Law no. 5366 authorizes ARACC only to approve renewal projects, while on the other hand, the ARACC Director claimed that ARACC can approve both conservation plans and renewal projects with reference to the implementing regulation of Law no. 5366. To conclude, the AMM, and the ARACC took advantage of the gray areas between renewal and conservation legislation to circumvent conservation legislation, which will later be the subject of judicial proceedings.

7.1.2.3. Legal challenges to the Hassa Plan

The AMM Council ratified the Hassa Plan on 15 June 2007, through Decision no. 1619. However, concurrent with the mentioned objections to both the plan and the ARACC, several professional chambers initiated legal proceedings to halt the execution and nullify the ARACC's decision endorsing the Hassa Plan. Case no. 2007/885, discussed herein, was brought forth by the Chamber of Landscape Architects before the Ankara 10th Administrative Court against the Ministry of Culture and Tourism, the body to which the ARACC is affiliated. Additionally, the Chamber of City Planners Ankara Branch filed a similar lawsuit, heard by the Ankara 10th Administrative Court under Case no. 2007/1397.

One of the prominent issues addressed by the attorney of the Chamber of Landscape Architects in the lawsuit petition was legal indeterminacy concerning the declaration of renewal area by the Council of Ministers. According to the party plaintiff, the fact that the renewal area declared by the Council of Ministers do not show sites and conservation areas in the renewal area created legal indeterminacy. For the party plaintiff, due to the ambiguity in the definition of the renewal area, the AMM could have resorted to arbitrary practices, such that it could have designated any part of the site as a renewal area.

Moreover, the indeterminacy in terms of whether the ACC or the ARACC has the duty to approve the conservation plan was one of the issues in this petition. Similar to the arguments of the resigned ARACC member, the plaintiff's attorney argued that the ARACC does not have the authority to approve a conservation plan covering the sites as per Law no. 5366 and thus, it acted in clear violation of the law by approving a plan outside its authority.

The Legal Counseling Office of the defendant Ministry of Culture and Tourism responded that the renewal area is determined as a whole in accordance with the law because there is no provision in the Law no. 5366 and its regulation stating that the sites and conservation areas should be shown separately when determining the renewal area and that. On the other hand, with regards to the plaintiff's allegations concerning the approval authority for the conservation plans, the legal counseling office gave almost the same response as the aforementioned response of the ARACC Director for

the resigned ARACC member. To reiterate, this response included that the ARACC is no different from the conservation councils established under Law no. 2863, that it has all the authorities and duties that other conservation councils have, and that it has also has the authority to approve renovation projects under Law no. 5366.

Ankara 10th Administrative Court ruled to re-evaluate the request for stay of execution after the on-site discovery and expert examination. In the expert report, initially, it was argued that the AMM's attempt to develop a conservation plan within the renewal area resulted in a conflation of decisions related to renewal areas and sites, which are subject to different legislation, leading to the blurring of the plan's purpose and objectives. The report also confirms the plaintiff's claim of legal indeterminacy in relation to the declaration of the renewal area by the Council of Ministers. According to the report, the sites within the renewal area must have been indicated in accordance with Law no. 2863, and renewal areas must be determined and announced by determining the conservation areas of the sites. Lastly, the experts argued that the Hassa Plan introduces a flexibility and ambiguity in altering land use and construction decisions, previously formulated with a conservation perspective in the Ulus Plan. For them, this approach poses a threat to the site and may create a setting conducive to speculation and irreversible demolitions in the future. For these reasons, the experts asserted that the Hassa Plan is inconsistent with Law no. 2863.

Accordingly, Ankara 10th Administrative Court ruled for the suspension of execution of the ARACC Decision no. 25. Then, the court annulled the decision with its Verdict no. 2008/2233 on 18 November 2008. Following the annulment of the decision, the court also ruled that the AMM Council's Decision no. 1619 no longer had any legal basis with its Verdict no. 2009/333 on 4 March 2009. Later, Verdict no. 2008/2233 was upheld by the Council of State with its Verdict no. 2009/6789 on 8 June 2009. Although the Hassa Plan was canceled before being implemented, its impact on projects developed by the AMM after 2008 is evident (Ayhan Koçyiğit, 2019, p. 66). Subsequently, at the request of the AMM, the ARACC decided to update the boundaries of the Ulus Historic City Center Urban Site in its Decision no. 244 dated 19 November 2008. In this decision, the boundaries of urban site were extended to the planned areas based on the boundaries of the Ulus Plan and the Hassa Plan (Öztürk E., 2019, p. 84).

7.1.3. Transition period conservation principles and terms of use (2008)

As previously mentioned, according to Law no. 2863 amended by Law no. 5226, in case of a conservation plan's annulment, conservation councils must designate TPCPTU within three months. Following the court's annulment of the Hassa Plan on 18 November 2008, the ARACC established the TPCPTU for urban and archeological sites encompassing Ulus, Hamamönü, and the Citadel regions with Decision no. 263 on 18 December 2008. The TPCPTU outlined construction-oriented activities and conservation-rehabilitation processes, the details of which were not clearly articulated, thereby enabling the AMM to rapidly execute various urban conservation and development endeavors within the boundaries of historic Ankara (Ayhan Koçyiğit, Etyemez Çıplak, & Acar, 2020, p. 17).

To challenge this, the Chamber of City Planners Ankara Branch initiated a lawsuit against the Ministry of Culture and Tourism to annul and suspend the execution of ARACC's Decision no. 263. The case was brought before the Ankara 4th Administrative Court under Case no. 2009/354. The plaintiff contended that the process of designating the TPCPTU lacked transparency, as attempts to communicate with the ARACC regarding the TPCPTU went unanswered, and the TPCPTU was not publicly announced after its determination. Additionally, the plaintiff argued that the TPCPTU significantly impacted a vast area within the Ankara Historic City Center and clearly constituted a regulatory act.

The plaintiff's other claims are summarized as follows: (1) The three-year period stipulated by Law no. 2863 for the determination of TPCPTU from the declaration of the area in question as a site have long passed (about 19 years). Therefore, the TPCPTU is unlawful as it was not made within the time limit. (2) The Ulus Historic City Center Conservation and Rehabilitation Plan, namely the Ulus Plan, approved on 15 January 1990 by the AMM Council Decision no. 33 is still in force. (3) Permitting new construction, the TPCPTU puts the Ulus site at risk of losing its historic character and suffering irreversible damages.

In response to the plaintiff's initial allegations, the Legal Counsel of the defendant Ministry of Culture and Tourism stated that the Chamber of City Planners Ankara Branch had requested the decision on the TPCPTU from ARACC but had not

submitted any criticism or request for correction of the TPCPTU. The defendant also emphasized that the TPCPTU did not introduce new development practices and regulations as claimed by the plaintiff but only regulated the conditions for the conservation of the existing fabric until a new conservation plan is developed.

The defendant's responses to the plaintiff's other arguments are as below: (1) Following the annulment of the conservation plan by a judicial decision, the site subject to the lawsuit became unplanned. (2) According to the precedents of the Council of State, the annulment of a plan does not result in the automatic entry into force of the previous plan. (3) TPCPTU was determined by taking into consideration the continuity of activities and the superior public interest.

The Ankara 4th Administrative Court, in Verdict no. 2009/1645 dated 30 October 2009, dismissed the lawsuit echoing arguments similar to those presented by the defendant'. Subsequently, the Chamber of City Planners Ankara Branch appealed this verdict. In the appeal case (Case no. 2010/361, Verdict no. 2010/7730) brought before the Sixth Chamber of the Council of State, the verdict of the Ankara 4th Administrative Court was overturned. The reversal was based on the failure to comply with the law in determining the TPCPTU in a manner exceeding the three-year period stipulated in Law no. 2863, considering that a new conservation plan should have been developed following the cancellation of the original plan. The Ministry of Culture and Tourism's request for revision of the verdict was rejected by the Sixth Chamber in Verdict no. 2013/155 on 24 January 2013. Consequently, the annulment of the TPCPTU has become legally binding.

To summarize, the urban renewal initiatives targeted by the AMM for Ulus Square and its surroundings during Gökçek's first term (2004-2009) are shaped by a multitude of actors and rules. Therefore, these initiatives failed to materialize for various and intertwined reasons: (1) Archaeological remains in the area and the risk of collapse of buildings, (2) increasing disagreements between the AMM and Hassa Architecture, (3) judicial annulment of renewal areas and conservation plans, (4) prioritization of other projects, (5) the Ministry of Finance cuts in AMM's revenues, (6) the problem of legitimacy brought about by the ideological dimension of renewal, and (7) the problem of sharing the rent generated by urban renewal (reluctance to share rent with

local residents, disagreements between powerful capitalist groups over rent sharing, and/or minimization of rent by distributing it among multiple actors).

7.2. Gökçek's second term as the AMM Mayor from the JDP (2009-2014)

Prior to the 2009 local elections, the future of the Ulus district featured prominently in the agendas of the candidates for the AMM Mayor. Mansur Yavaş, the mayoral candidate of the NMP at the time, pledged to transform Ulus Square into a pedestrian zone by undergrounding the roads passing through Ulus Square within two years and to develop the Ulus region as tourism center (Gürel, 2009). On the other hand, Murat Karayalçın, the mayoral candidate of the RPP, and former AMM Mayor between 1989 and 1993, emphasized the importance of revitalizing the Ulus region, transforming it into a new urban center, and relocating businesses to Kazıkiçi Orchards to leverage Ankara's tourism potential (Cumhuriyet, 2009a).

However, Gökçek, the incumbent mayor and candidate of the JDP, secured victory in the 2009 local elections, securing his fourth consecutive term as AMM Mayor, and his second term representing the JDP. Furthermore, the JDP maintained its majority in the AMM Council, winning 60 out of 104 seats[70]. Consequently, between 2009 and 2014, Gökçek continued to explore strategies for reshaping Ulus Square in accordance with his vision for the Ulus Historic City Center. This vision posited that Ankara lacked significant historical heritage apart from the Citadel, suggesting that the key to attracting tourists, particularly from the Middle East, lay in the construction of shopping malls[71] rather than the preservation of historical sites (Cumhuriyet, 2009b).

As of 2010, more than twenty-five shopping malls in Ankara offering modern shopping and entertainment facilities have had a negative impact on the Ulus Bazaar, Anafartalar Bazaar, 100. Yıl Bazaar, and Ulus City Bazaar around Ulus Square. This

[70] As a result of individual correspondences with the AMM, it was revealed that among the remaining 44 council members, 26 were affiliated with the Republican People's Party and 18 with the Nationalist Movement Party.

[71] Gökçek praised the fact that Ankara has more shopping centers per capita than Istanbul (Cumhuriyet, 2009b).

resulted in the closure and evacuation of shops in these bazaars one by one. In this respect, Interviewee 9 comments,

> *[C]hain stores offer the products made by the artisans at a more affordable price. Therefore, when the artisans cannot sell their products, they close down their shops and leave. To solve this problem, we need to move the shopping malls out of the city and leave the city centers to the skilled artisans.*

As shops were closed and vacated, the physical conditions of the bazaars deteriorated (e.g., abandoned shops, desolation, non-functioning escalators, and run-down walls), making customers hesitant to visit the bazaars. A shopkeeper from the 100. Yıl Bazaar, who pointed out that the same physical problems are experienced around the outside of the bazaars as well as the inside, claimed that the AMM was digging holes around the bazaars as if to prevent customers from visiting the bazaars. The most significant problem in the 100. Yıl Bazaar was the ten-fold rent increase in two years by the property owner, the Special Provincial Administration, which led to more shopkeepers closing their shops (Karabacak, 2010). The resulting physical decline in Ulus Square created a great opportunity and legitimacy for the AMM to implement an urban renewal project in the square.

In a meeting with young entrepreneurs, Gökçek also reiterated his desire for the demolition of significant buildings in Ulus Square and the nearby Anafartalar Bazaar, Anafartalar Office Block, Ulus Office Block, and 100. Yıl Bazaar, to make way for a square and a large business center. He suggested to those entrepreneurs that they form a large-scale partnership and construct a business center on the land to be vacated after the demolitions in exchange for floor space (AMM, 2010a).

In addition, a famous *boza*[72] and pastry parlor, which had been serving in the vicinity of Ulus Square since the late 1920s and in Ulus Bazaar since 1960, closed in 2011. The owner of the parlor, who indicated that most of the offices and shops in the bazaar are vacant, expressed that if the physical and business conditions of the Ulus region were the same as they were twenty years ago, the parlor would not have had to be closed. Furthermore, he noted that in the coming years, with the relocation of the

[72] "Boza is a traditional Turkish beverage made by yeast and lactic acid bacteria fermentation of millet, cooked maize, wheat, or rice semolina/flour" (Arici & Daglioglu, 2002, p. 39).

Central Bank and publicly owned Ziraat Bank to İstanbul, approximately two to three thousand people would depart from the Ulus region, exacerbating the region's issues (Başpınar, 2011). According to Interviewee 12, the negative impact of the closure of such symbolic shops on Ulus Square is the loss of the shopkeepers who sell the best products and the visitors who visit Ulus to buy them. Some of the interviewees also commented on the negative effects of public institutions leaving Ulus Square and its immediate surroundings as follows:

> *The relocation of public institutions can serve as a catalyst for urban renewal. Shortly thereafter, rumors of renewal began to circulate. Therefore, it can be viewed as a well-planned and programmed activity for the renewal of this area. […] With the departure of the public institutions, the civil servants stopped coming. The aim was to leave the Ulus region inert and pave the way for the demolition of the Anafartalar Bazaar.* (Interviewee 6, a shopkeeper in Anafartalar Bazaar for more than two decades)

> *I started selling street goods*[73]*. You won't find these goods in my other store. The quality there is different, the customers are different, and the store is different. I can't invest here. I don't have a tomorrow. The high-profile customers have already left. The Central Bank left, the Court of Accounts left, the Court of Cassation left, the Ministry of Finance left, Telekom left, PTT*[74] *left, most of Ziraat Bank left. What am I going to do here? Ulus is finished.* (Interviewee 7, a shopkeeper in Ulus Bazaar for four decades)

> *In the past, public institutions, such as the Central Bank, Ziraat Bank, the Undersecretariat of Customs, the General Directorate of Sports were here. It was possible to see all the athletes from the national teams here. It was a prestige for us to have them here. State officials would come [here].* (Interviewee 9, a shopkeeper in Ulus Bazaar for more than two decades)

Interviewee 12 has the following views on the impact of the removal of public buildings from Ulus Square on the demography of the region:

> *One of the important milestones is the relocation of public buildings from Ulus and the decrease in the population using Ulus. In fact, the population in Ulus has not decreased. There is still a significant population transiting through Ulus, but the population using Ulus in a qualified way has decreased.*

Considering these, it is possible to argue that Gökçek's filling Ankara with shopping malls, the neglect of the bazaars and their surroundings by the AMM and Special

[73] With "street goods", the shopkeeper means low-quality products.

[74] The Post and Telegraph Organization.

Provincial Administration, and the departure of major public institutions from the Ulus district are among the factors that led to the decline of the Ulus Square. That is to say, the deliberate or non-deliberate decisions and actions of public institutions and officials that directly or indirectly concerning Ulus Square worked against the square. The irony here is the intention to counteract the decline of the square, partly due to the proliferation of shopping malls, by renewal initiatives envisaging the construction of new shopping mall within the square.

7.2.1. Ulus Historic City Center Renewal Area

After the Council of State suspended the execution of the Council of Ministers Decree no. 2005/9289 declaring the Ankara Historic City Center Renewal Area on 8 June 2009, the AMM, in line with Gökçek's vision, immediately initiated efforts to identify a new renewal area without waiting for the annulment decision.

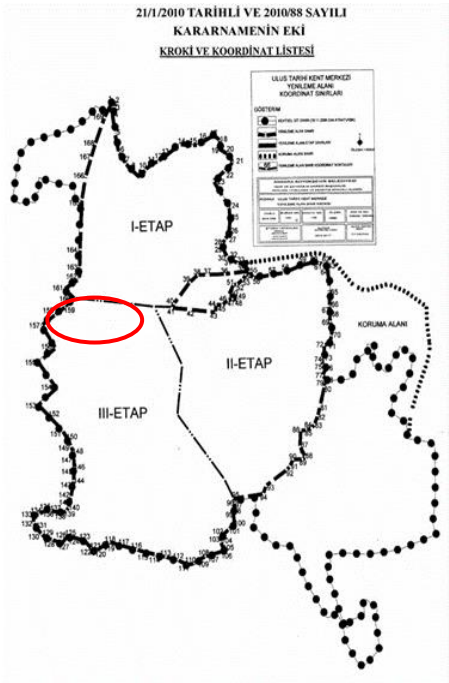

Figure 35: Ulus Historic City Center Renewal Area boundary sketch (Approximate location of Ulus Square and its surroundings is indicated by the author with a red circle).
Source: Council of Ministers, 2010.

The AMM Council convened in an extraordinary session on 26 October 2009 and designated an area of 130 hectares divided into three phases as the Ulus Historic City

Center Renewal Area with its Decision no. 2446. The said renewal area was announced by the Council of Minister Decree no. 2010/88 dated 21 January 2010 (Figure 35).

7.2.1.1. Legal challenges to the Ulus Historic City Center Renewal Area

The Chamber of City Planners Ankara Branch, the Chamber of Landscape Architects, and the Chamber of Architects Ankara Branch filed a lawsuit (Case no. 2012/903) against this decree, which was heard at the Fourteenth Chamber of the Council of State. The plaintiffs argued that (1) the designated area does not meet the qualifications required by Law no. 5366 for a renewal area, (2) this area covers a very large area and is not homogeneous, (3) the entire area cannot be considered obsolescent and on the verge of losing its characteristics, (4) this area cannot be declared as a renewal area without the preparation of a conservation plan for the buildings that should be conserved, and (5) all immovable properties within the renewal area face restrictive measures and designs in accordance with Law no. 5366. On these grounds, they requested the annulment and stay of execution of the Council of Ministers Decree no. 2010/88.

In response, the Prime Ministry, one of the defendants, stated that (1) considering the previous court decisions, the renewal area was determined by excluding the areas registered as archeological sites; (2) the area in question was designated as an urban site by the ARAC Decision no. 244 dated 19 November 2008; (3) the TPCPTU were introduced; (4) it was documented by the technical staff of the AMM Conservation, Implementation, and Supervision Bureau that the area was obsolescent and on the verge of losing its characteristics[75]; (5)the grounds determined by the Verdict no. 2008/2283 of the Sixth Chamber of the Council of State was taken into account; (6) the 130-hectare area was determined and declared as a renewal area within the borders of the urban site and not covering the borders of the archaeological site; (7) the buildings in good condition are generally registered public buildings that are in active use; (8) the area designated as renewal area was evaluated by taking into account its homogeneous characteristics and divided into three stages; (9) efforts to obtain a conservation plan for the entire site were continued upon the introduction of the

[75] It has been determined that 71 percent of the buildings within the renovation area are dilapidated buildings in need of major repair, 13 percent are of medium quality, and 16 percent are sound buildings.

TPCPTU; and (10) the renewal area was designated to operate a healthy restoration and project process, not a demolition process.

Hence, the Prime Ministry defended that the transaction is in accordance with the law and that the lawsuit and the requests for stay of execution should be rejected. On the other hand, another defendant AMM emphasized similar points, stressed that the qualifications of the existing buildings were determined at the scale of a single building, and argued that the lawsuit and the requests for stay of execution should be rejected.

The Fourteenth Chamber of the Council of State decided to order an on-site discovery and expert examination to resolve the legal dispute. The experts were first asked to determine whether the Council of Ministers Decree no. 2010/88 was established by taking into account the grounds given in the verdict of the Sixth Chamber of the Council of State in the Case no. 2008/2283 regarding the annulment of the Council of Ministers Decree no. 2005/9289 and the findings in the former expert report, which was the basis of the annulment. Secondly, the experts were asked to reveal whether the area is obsolescent and is about to lose its characteristics by examining the region as a whole.

The experts first confirmed that the Council of Ministers Decree no. 2010/88 was established by taking into consideration the grounds given in the verdict of the Sixth Chamber of the Council of State in the Case no. 2008/2283 and the findings in the expert report, which was the basis of this verdict. In terms of the second request of the Fourteenth Chamber of the Council of State, the experts judged that the research and determinations in the report of the AMM Conservation, Implementation and Supervision Bureau on the Ulus Historic City Center Renewal Area, which was the basis for the decree, were not made with scientific methods, and that the whole area was not obsolescent and on the verge of losing its characteristics.

The Fourteenth Chamber of the Council of State thus confirmed that the Council of Ministers Decree no. 2010/88 corrected the deficiencies and inaccuracies in the previously annulled decree. However, the court found that that the experts' opinions and conclusions on the second subject of review were based on assumptions rather than evidence and therefore this part of the expert report could not be relied upon.

Under these circumstances, the court found no illegality in the decision of the Council of Ministers and rejected the request for stay of execution by majority vote. A member of the Fourteenth Chamber of the Council of State, who disagreed with the majority decision, referred to the opinions and conclusions of the expert committee and argued that the request for stay of execution should be accepted.

The plaintiffs objected to the decision of the Fourteenth Chamber of the Council of State and requested a stay of execution. In response, the Council of State Plenary Session of the Chambers for Administrative Cases (Appeal no. 2012/703) stated that the Fourteenth Chamber had made a verdict based on the defendant administration's defense without any scientific and technical examination, concluding that the expert report was based on assumptions. Hence, it was unclear whether the area was obsolescent and on the verge of losing its characteristics.

As a result, in the plenary session, it has been evaluated that it was necessary to determine whether the dominant character of the area; that is, whether the dominant majority of the buildings were obsolescent and about to lose their characteristics, by visiting the whole area with the existing experts or with a newly formed expert committee to complete and explain the deficient and ambiguous aspects of the expert report and to resolve the conflict about whether the area was obsolescent and on the verge of losing its characteristics. The verdict of the Fourteenth Chamber given without such an examination and determination was found to be legally inaccurate.

Thus, it was ruled by majority of votes in the plenary session on 25 April 2013 to accept the objection of the plaintiffs and to annul the verdict of the Fourteenth Chamber of the Council of State in the Case no. 2012/903. Four of the fifteen members in the plenary session disagreed with the verdict, holding that the objection of the plaintiffs should be rejected; whereas one of them voted for the annulment with a dissenting comment that the expert report should have been respected since there was no scientific study refuting it.

While the lawsuit was pending, a new renewal area within the scope of Ulus Historic City Center was declared in accordance with Law no. 5366 by the Council of Ministers Decree no. 2015/7872 dated 22 June 2015 and the former Council of Ministers decree subject to the lawsuit was repealed. Under these circumstances, it was no longer

possible to make a verdict on the repealed Council of Ministers Decision. For this reason, the Fourteenth Chamber of the Council of State has ruled on 1 July 2015 with its Verdict no. 2015/6049 that there is no need to decide on the case.

7.2.2. Transition period conservation principles and terms of use (2010)

The declaration of a new renewal area in the Ulus Historic City Center with the Council of Ministers Decree no. 2010/88 dated 21 January 2010 necessitated the declaration of different TPCPTU within and outside the boundaries of the renewal area. This is because the renewal area declared in 2010, unlike the renewal area declared in 2005, covers a part of the urban site. Therefore, with Decision no. 468 dated 31 March 2010, the ARACC determined the TPCPTU for the Ulus, Citadel, and Samanpazarı Sites located within the renewal area (Öztürk E., 2019, p. 135).

Amidst these developments, the Chamber of City Planners Ankara Branch initiated a lawsuit (Case no. 2011/1310) seeking the annulment of Decision no. 468, which was heard at the Ankara 15th Administrative Court. Their argument centered on the contention that TPCPTU cannot be determined if there is still no conservation plan after the expiration of the two-plus-one-year period specified in Law no. 2863. They advocated for the necessity of a conservation plan instead. The plaintiff also argued that the TPCPTU are contrary to the planning legislation and urban planning principles, as it replaces the development plan by granting new construction rights and usage decisions in the area. For these reasons, the plaintiff requests the annulment of the decision subject to the lawsuit.

On the other hand, the Legal Counsel Office of the respondent Ministry of Culture and Tourism countered these claims by highlighting the amendment to Law no. 2863 introduced by Decree Law no. 648. This amendment extended the maximum time allotted to municipalities for the development of a conservation plan from two plus one years to three plus indefinite years. Therefore, according to the respondent’s perspective, the subject matter of the lawsuit lost its relevance post-amendment. Therefore, they sought the dismissal of the plaintiff's requests for the stay of execution and the annulment of the administrative act. Ankara 15th Administrative Court, in Verdict no. 2012/36 on 13 January 2012, dismissed the plaintiff's claims on the grounds that there was no violation of law and legislation in the TPCPTU subject to

the lawsuit and that it was clearly stated that ARACC would redetermine the TPCPTU in line with the amendment made to Law no. 2863 with the Decree Law no. 648.Thereupon, the plaintiff Chamber of City Planners Ankara Branch filed an appeal against this verdict.

The plaintiff's appeal was subsequently reviewed by the Fourteenth Chamber of the Council of State, Case no. 2013/6855. In its deliberation, the chamber emphasized the importance of ensuring that TPCPTU, in the event of a stay of execution or annulment of conservation plans by a judicial decree, does not replicate the circumstances leading to such decisions. Moreover, it stressed the necessity of preventing the acquisition of vested rights and the creation of a de facto situation congruent with the annulled plan. Furthermore, the chamber underscored that TPCPTU must not permit constructions violating conservation legislation within the area, advocating for clear limitations on the duration and scope of TPCPTU during the transition period to a conservation plan, devoid of any ambiguity that may exacerbate urban development challenges.

In parallel to this, Interviewee 15, an architect with extensive experience as a conservation specialist in the AMM Department of Development spanning nearly two decades, contends that the designation of the TPCPTU, vested with the authority to grant development rights, prolongs the conservation plan development process, thereby escalating the risk of unplanned development in urban sites and exerting pressure on such areas to undergo unplanned development.

The Fourteenth Chamber of the Council of State determined that the verdict issued by the Ankara 15th Administrative Court, which dismissed the lawsuit, was legally flawed. It highlighted the necessty to examine and investigate (1) whether the TPCPTU effectively safeguards cultural and natural heritage during the transition period, (2) whether it leads to inappropriate uses within the designated renewal area, and (3) whether it violates the conservation legislation and urban planning principles. Based on these considerations, the Fourteenth Chamber unanimously decided to overturn the verdict issued by the Ankara 15th Administrative Court, as outlined in Verdict no. 2015/1742 dated 5 March 2015.

Amidst the ongoing court proceedings, a significant development occurred with the declaration of a new renewal area in the Ulus Historic City Center through the Council

of Ministers Decree no. 2015/7872 dated 22 June 2015. This decree effectively nullified the Council of Ministers Decree no. 2010/88, which had served as the legal basis for the TPCPTU under dispute. Consequently, the case lost its relevance in light of this legislative change. Consequently, on 12 July 2017, the Ankara 15th Administrative Court rendered a decision (Case no. 2017/1842, Verdict no. 2017/1779), deeming it unnecessary to reach a verdict on the case.

This episode underscores the myriad challenges faced by the AMM in realizing its renewal objectives in Ulus Square. Firstly, the AMM encountered difficulty in attracting robust investors willing to spearhead renewal initiatives in Ulus Square and its environs, invest in the region, and assume associated risks. In response to this challenge, Gökçek acted akin to real estate brokers, pitching entrepreneurial and investor groups with projects in and around Ulus Square, aiming to entice investment in the area and thereby attempting to market the region to such entities.

Secondly, professional chambers, which included faculty members, emerged as another challenge. Gökçek criticized these chambers for allegedly prioritizing ideology over their responsibilities, prompting him to advocate for structural changes within these chambers. Notably, Gökçek's endeavors coincided with a decision by the Higher Education Council requiring faculty members to obtain approval from faculty deans and university presidents for their involvement in professional chambers (Cumhuriyet, 2009b).

Moreover, it's pertinent to note that during this period, another legal amendment was introduced targeting the exclusion of faculty members from conservation councils. Decree Law no. 648 nullified the provision of Law no. 2863 that mandated the appointment of two faculty members from disciplines, such as archaeology, art history, architecture, and urban planning within institutions of the Council of Higher Education to conservation councils. This convergence of events underscored the complex interplay between institutional dynamics and urban renewal efforts in Ulus Square.

The other obstacle before Gökçek was the lawsuits filed in administrative courts. Gökçek complained that many of his projects had been suspended by administrative courts due to expert reports, and asked MPs to amend the Administrative Procedure Law in order for municipalities to work more freely. Gökçek shared some figures with

the public regarding the role of experts appointed from different universities in administrative cases to which the AMM is a party. According to Gökçek, 95 percent of the cases in which experts from the Middle East Technical University were appointed resulted against the municipality, while 50 percent of the cases in which experts from Gazi University were appointed resulted against the municipality. For this reason, he considered the appointment of experts from the Middle East Technical University in the majority of these cases as a significant obstacle to the projects (Haberler.com, 2009).

Regarding urban renewal efforts on Kevgirli Street, northeast of Ulus Square, Gökçek expressed his surprise at the constant lawsuits filed by local residents against the demolitions and complained that these lawsuits tied the municipality's hands. He stated that the AMM eventually completed the demolitions “arranging a court ruling”. Based on this case, he believes that the administrative court rulings should help the development of the city (AMM, 2010b). Referring to the renewal activities around Hacıbayram Mosque, Gökçek stated that the AMM was blocked by lawsuits filed by various professional chambers, but finished the restoration works “taking advantage of a loophole in the legislation” with permits issued by the conservation council and by getting the courts’ stay of execution orders lifted through struggle (AMM, 2011). The loophole in the legislation mentioned by Gökçek is that in the absence of a conservation plan, the conservation council can make changes to individual parcels with the TPCPTU upon the request of the AMM.

Thus, projects for large tracts of land in the Hacıbayram area were implemented as a whole after being passed through the conservation council, parcel by parcel. This was AMM's preferred method of development rather than developing another conservation plan. Although the authors of the UTTA Plan informed the Chamber of City Planners that the TPCPTU engendered the conservation plan as well as the integrity of historic city center, however the chamber did not take action to prevent AMM’s such interventions in Ulus (Kayasu, 2018, p. 128). This method could have paved the way for a parcel-by-parcel renewal of Ulus Square, but Gökçek attempted to develop another conservation plan. Despite the drafting of this conservation began in Gökçek’s second term, it will be discussed under the next heading since its final form was approved during his third term and its judicial processes took place during this term.

7.3. Gökçek's third term as the AMM Mayor from the JDP (2014-2017)

Gökçek's third term as the AMM Mayor from the JDP began with the 2014 local elections. The JDP also won 97 seats in the 139-seat AMM Council[76], maintaining its majority in the council. In this period, the urban renewal initiatives concerning Ulus Square have been characterized by the adoption and approval of a new conservation plan, the declaration of a new renewal area, and the determination of new transitional period construction conditions.

Prior to the adoption of the new conservation plan by the AMM Council and its approval by the conservation council, the AMM Mayor Gökçek reiterated in his public statements that the recommendations of the revoked Hassa Plan, including the demolition of the Ulus Office Block, Anafartalar Bazaar, Anafartalar Office Block, 100. Yıl Bazaar, and Ulus City Bazaar. He also added the demolition of the registered Ulus Bazaar, the construction of a giant underground parking lot, and the construction of two-story traditional Ankara houses that will serve as restaurants, cafes, and shops in the area to his plans for Ulus Square, which would be Ankara's largest square (AMM, 2012; Hürriyet, 2014b; Milliyet, 2012).

7.3.1. Ulus Historic City Center Urban Site Conservation Plan – The UTTA Plan

Following the judicial annulment of the Hassa Plan, the AMM commissioned the partnership of Makbule İlçan and UTTA Planning Firm in 2009 to prepare a research report on the Ulus Historic City Center site, which was submitted to the AMM in 2010. In 2011, the AMM re-commissioned the partnership of Makbule İlçan and UTTA Planning Firm for the development of a new conservation plan for the Ulus Historic City Center, including Ulus Square, at a cost of 105,000 TL (approximately $65,000)[77]. Since UTTA Planning was known to be politically neutral, its planning work was insulated from the suspicions that Hassa Architecture was subjected to (Kayasu, 2018, p. 124). In fact, the following statements by Interviewee 25 indicate that, contrary to the secrecy surrounding the preparation of the Hassa Plan, there was

[76] As a result of individual correspondences with the AMM, it was revealed that among the remaining 42 council members, 26 were affiliated with the Republican People's Party, 15 with the Nationalist Movement Party, and 1 with the Grand Unity Party.

[77] $ 1 = 1.62 TL in June 2011 exchange rate (Central Bank of Türkiye, 2011)

contact between the professional chambers and UTTA Planning before the UTTA Plan was approved:

> *Not Hassa Architecture, but UTTA Planning contacted us because they are members of our chamber. Upon our request, they presented their projects to us at that time, and we discussed them. We voiced our criticisms at that time.*

The plan was first adopted by the AMM Council's Decision no. 490 dated March 15, 2013. Then, it was approved on 18 December 2013 with Decision no. 716 of the Ankara Regional Council for the Conservation of Cultural Property No. II[78] (the Ankara Conservation Council No. II), hereinafter referred to as the ACC No. II. The objections made during the public display process were partially accepted and partially rejected with Decision no. 317 of the AMM Council on 14 February 2014.

The revised plan was approved on 22 September 2014 with Decision no. 1044 of the ACC No. II. Subsequently, the 1/5000 scale Ulus Historic City Center Urban Site Conservation Plan, hereafter the UTTA Plan, was unanimously adopted by the AMM Council on 14 October 2014 with Decision no. 1871. Twenty-three different objections made during the public display period between 24 October 2014 and 23 November 2014 were also rejected on 12 December 2014 by the AMM Council Decision no. 2312. (Hürriyet, 2015a; 2017).

In the explanatory report of the UTTA Plan, three titles have been identified that are directly related to the Ulus Square and its surroundings. The first of these is the title of "Commercial Areas", which are composed entirely of commercial buildings whose structural and textural characteristics date back to different periods and whose function is envisaged to be conserved together with the register buildings. According to the report, the Ulus Square and its surroundings are located within the second commercial subregion of the urban site, which has the highest intensity of use due to its many different uses. The report identified that there are buildings dating back to the early Republican period as well as more recent buildings in the subregion. It also envisaged

[78] According to the Council of Ministers Decree no. 2012/3330 dated 25 June 2012, the name of the Ankara Renewal Area Regional Council for the Conservation of Cultural and Natural Property (ARACC) was changed to "Ankara Regional Council for the Conservation of Cultural Property No. II". In addition, the name of the Ankara Regional Council for the Conservation of Cultural and Natural Property (ACC) was changed to "Ankara Regional Council for the Conservation of Cultural Property No. I".

that the implementation plans will allow for renewal and new construction opportunities based on the principle of preserving the buildings registered as cultural property in this subregion, where the structure layout was expected to be conserved (UTTA Planning, 2014, p. 34).

The second one is the title of “Archeological Sites”. The plan report stated that an area to the northeast of Ulus Square, adjacent to the Ulus City Bazaar, was named "Roman Road" and marked as an archaeological area in the plan. The report also indicated that the area was designated as an archaeological area by the conservation council, not an archeological site. Besides, it foresaw that in case the excavations and detailed examinations in this area lead to findings that require revisions in the plan, the necessary revisions will be made in accordance with these findings. Emphasizing the difficulty of developing decisions specific to archaeological sites that are presumed to be underground and that it is not known when they will be unearthed, the report envisages that only archaeological remains whose existence is known will be conserved by the plan (UTTA Planning, 2014, p. 40).

The last one is the title of “Urban Design Project Areas”, which are defined in the report as areas to be conserved, revitalized, and kept alive through sub-scale projects. The report underlined that the areas designated as urban design project areas in the plan have distinctive physical and functional characteristics and for this reason, the urban design projects to be prepared for these areas should not result in a built environment that is contrary to the location, functions, and texture of the areas (UTTA Planning, 2014, p. 42).

Accordingly, the Urban Design Project Area-3 is named “Ulus Monument Square and its Surroundings”. The report stated that this area covers the 100. Yıl Bazaar opposite the first building of the GNAT, “the Monument Square”, the buildings surrounding the square, the building row facing Anafartalar Road (such as, the five-story shopping block of Anafartalar Bazaar and Ulus City Bazaar) and ends at the building of the Undersecretariat of Customs (high-rise office block of Anafartalar Bazaar), and the buildings and areas where the Governor’s Office is located (Figure 36). The report underlined that the structural qualities and masses of the buildings in this area have been publicly discussed as having a negative visual impact on the integrity of the Citadel and the Monument (UTTA Planning, 2014, p. 42).

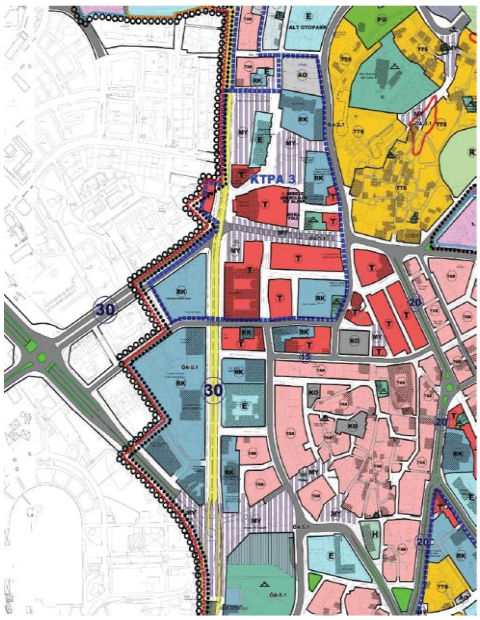

Figure 36: A detailed view of Ulus Square in the UTTA Plan.
Source: Ayhan Koçyiğit, 2018, p. 437.

To eliminate this negative visual impact, the plan proposed to reduce the number of stories; to create a large square for the city, which is regarded as an important deficiency; and to redefine the functions of the existing buildings. The report evaluated that very detailed research and assessments in the fields of construction economics, public opinion formation, design, urban aesthetics, transportation are required to put these proposals into practice. According to the report, it is imperative that these studies be carried out by a project/study group composed of various experts. In this way, the report concluded that it will be possible to address the cultural property and the existing and potential archeological finds to be conserved within the urban design project area in a holistic manner and to reconfigure "the Ulus City Square" (UTTA Planning, 2014, p. 42).

7.3.1.1. Legal challenges to the UTTA Plan

Despite the contact between the professional chambers and UTTA Planning prior to the approval of the plan as mentioned above, the UTTA Plan faced a judicial challenge by the professional chambers. According to Interviewee 25, since their criticisms were not taken into consideration, professional chambers took the plan to the judiciary, and the judiciary decided to cancel the plan. In the lawsuit filed by the Chamber of City Planners and Chamber of Architects against the AMM and the Ministry of Culture and

Tourism, the annulment and stay of execution of the AMM Council Decision no. 490 regarding the approval of the UTTA Plan is requested.

The plaintiff professional chambers' challenges to the plan's proposals, especially for Ulus Square, are related to conflicting changes of use. For example, while the area where the 100. Yıl Bazaar is located was converted from commercial area to public institution use, the areas where the high-rise blocks of Ulus Bazaar and Anafartalar Bazaar used by public institutions were converted to commercial use. The plaintiffs also argued that the plan lacks an original conservation planning approach for these buildings, which should be preserved due to their architectural value and importance. According to the professional chambers, the plan's decisions are thus inconsistent, unprincipled, destructive, and completely detached from conservation principles.

In the Case no. 2014/659, which was heard by the Ankara 7th Administrative Court, it was decided on 10 March 2015 to suspend the execution of the AMM Council Decision no. 490. [79] This indicates that the UTTA Plan was in force for only three months. While the lawsuit was pending, the court ordered on-site discovery and expert examination on 9 December 2015. The most prominent criticisms of the overall UTTA Plan in the expert report can be summarized as follows: (1) The plan fails to grasp the specificity of Ulus region and its importance for Ankara. (2) There are significant discrepancies and contradictions between the plan and its research report. (3) There are expressions that are difficult to understand and create confusion on the one hand and many malleable and vague sentences on the other. (4) Some of the determinations of the plan are shallow, general, not site-specific, and sometimes erroneous. (5) Since most of the decisions are left to the implementation plans, almost no decisions are made in the plan, especially concerning the buildings of the Republican period. (6) The plan generally refers to transformation and functional change rather than

[79] The Chamber of City Planners Ankara Branch has also taken to court the AMM Council Decision no. 1871 dated 14 October 2014 regarding the adoption of the final version of the UTTA Plan. In the lawsuit filed at the Ankara 7th Administrative Court with the Case no. 2015/677, it was unanimously decided to suspend the execution of the AMM Council Decision no. 1871 on 9 April 2015 and to annul it on 29 July 2016. The Chamber of Architects Ankara Branch also filed a lawsuit for the annulment of the final version of the UTTA Plan, which was approved by the ACC No. 2 Decision no. 1044 dated 22 September 2014 and adopted by the AMM Council Decision no. 1871 dated 14 October 2014. In the lawsuit filed at Ankara 7th Administrative Court with the Case no: 2015/1830, the UTTA Plan was annulled on 5 September 2016 with the Verdict no: 2016/3035. This decision was also upheld by the Sixth Chamber of the Council of State on 30 June 2020 (Chamber of Architects Ankara Branch, 2020).

conservation, posing a risk of gentrification. (7) The plan neglected the social dimension of conservation by significantly excluding residential uses and emphasizing mixed uses such as tourism, commerce, and entertainment. (8) The plan does not make any decisions about archaeological remains that may be uncovered in the future. (9) The plan's approaches to transportation are based on bus systems instead of modern public transportation systems and no pedestrianization plan ideas are developed. (10) The plan does not define how urban design project areas will be implemented in terms of organization and financing.

Additionally, in the case of Ulus Square and its surroundings, which is designated as an urban design project area, the experts pointed out that the provision of the plan proposing a reduction in story height indicates that the modernist buildings constructed in the mid-1900s surrounding the square were not accurately evaluated. According to the expert committee, it is also unclear how these buildings, which were the winning projects of well-known architects in national architectural competitions, will be conserved and transferred to the future or how they will be utilized.

The experts underlined that Ulus Bazaar, as one of the landmark buildings representing the modern architectural style of the 1950s[80], was built to meet the growing need for new commercial offices and shopping spaces. Similarly, they argue that the Anafartalar Bazaar is a cultural asset deserving to be well conserved as it represents the modern architectural approach of this period. Taking these into consideration, the experts criticized the plan's lack of decisions regarding such significant buildings and building groups.

Last but not least, the experts consider the fact that the plan still proposes a bus system for the future on the north-south axis passing through the Victory Monument and the Ulus Square, which is the center of Ulus region, as a faulty public transportation approach. For them, the Ulus Tunnel Project should pass under the archeological layers (minus six meters) and establish a north-south connection with the rail public

[80] The expert committee states that the absence of a provision in Law no. 2863 on the conservation of modern architectural examples and buildings obtained through competitions is due to the fact that these are already protected by copyrights. Nevertheless, due to the destruction of buildings, such as gasworks, the Red Crescent, and the Bank of Provinces over time, the experts argued that a legal regulation should be made for the conservation of such buildings with architectural and memorial value.

transportation system in Ulus Square. Hence, in the light of the other criticisms mentioned above, the expert committee concluded that the UTTA Plan should be suspended and annulled, arguing that the plan does not comply with the principles of scientific urbanism, conservation planning techniques, and conservation legislation.

Ankara 7th Administrative Court found the expert report to be of sufficient quality to be taken as a basis for the judgment. The conclusions of the experts on the UTTA Plan were included in the judgment of the court verbatim. Thus, the concluding section of the report formed the basis of the court verdict on the AMM Council Decision no. 490, which adopted the UTTA Plan. As a result, Ankara 7th Administrative Court annulled the challenged AMM Council Decision no. 490 on 30 May 2016 with Verdict no. 2016/1746. According to one of the authors of the UTTA Plan, after the failure of the two conservation plan attempts, the AMM, under Gökçek's mayoralty, was not keen on developing another conservation plan, as projects in the historic city center can be implemented unhindered by transitional period construction regulations (Kayasu, 2018, p. 130).

Despite the judicial annulment of all conservation plans for the Ulus Historic City Center commissioned by the AMM during Gökçek's tenure, he has publicly stated at every opportunity that he would implement the spatial arrangements proposed by these plans for Ulus Square, such as the creation of a huge square by demolishing several buildings around the square; construction of traditional Ankara houses with cafes, restaurant, and shops; and tunnel project passing under the square, in order to turn the Ulus region into a touristic destination (Hürriyet, 2016b). Interviewee 6, who is aware of the project that envisages the construction of Ankara houses that will serve as shops in the square, states the following about the allocation of these shops to certain circles:

> *In the projects presented to us, it was mentioned that they would demolish Anafartalar Bazaar and the General Directorate of Sports (Ulus Office Block) building to create a square. They envisioned restructuring this area to allow a view of the Citadel from below. So, they plan to include single-story Ankara houses within the square and open a few businesses. It's already clear who they will assign these to. But they didn't consider creating a shopping mall large enough to accommodate many shopkeepers.*

One of the obstacles to this intention of Gökçek, the ownership question of the buildings around Ulus Square, was resolved during his third mayoral term. Pursuant

to Law no. 6360, the 100. Yıl Bazaar, which had belonged to the Special Provincial Administration, became the property of the AMM after the 2014 local elections. Subsequently, almost all shopkeepers in the 100. Yıl Bazaar, whose contracts were about to expire, were sent eviction notices by the AMM. However, the shopkeepers who received eviction notices stated that there were shopkeepers who had signed ten-year contracts, demanded to have the same rights as them if they were to stay in their shops, and indicated that they would take legal action otherwise (Barış, 2014).

At the end of the 2014, it was reported in the press that the Ulus Bazaar, Ulus Office Block, the land where the Victory Monument is located, Anafartalar Bazaar, Anafartalar Office Block, and Ankara Market, which were owned by the Social Security Institution, would be exchanged with the AMM for eighty-nine acres of land worth 171 million TL (Boyacığlu, 2014). The Chair of the Chamber of Architects Ankara Branch argued that this exchange would be a demolition for the Ulus district and noted that the AMM cannot demolish the registered Ulus Bazaar and Ankara Market buildings (Hürriyet, 2014a).

It took until mid-2016 to reach an agreement between the Social Security Institution and the AMM. Under the new expanded protocol, the AMM will transfer five separate properties worth approximately 203 million TL, while the Social Security Institution will transfer properties in Ulus and Atatürk Forest Farm worth almost the same amount (Gören, 2016; Yılmaz, 2016). The transfer of ownership of the bazaars around Ulus Square to the AMM has given the AMM significant leverage in the evacuation of these bazaars for renewal. Interviewee 10, an official from the building management of Anafartalar Bazaar and Ulus Bazaar expresses the consequences of the transfer of ownership of these bazaars to the AMM with the following words:

> *The decision to demolish these areas could only be made after the ownership of these bazaars was transferred to the AMM. Projects initiated before 2016 cannot be related to these bazaars. The mayor might have announced these projects, but there was no implementation. Intimidation policies began when the AMM took over the ownership. They enclosed the entire bazaar, evicting people, taking them to court, and providing no services.*

Almost all of the shopkeepers interviewed stated that AMM, after taking ownership of the bazaars, has been trying to evict them through eviction notices or exorbitant rent increases. It is possible to understand how the AMM, which took over the ownership

of the bazaars, intimidated the shopkeepers from the below narrative of Interviewee 2, who has been a shopkeeper in Anafartalar Bazaar for more than two decades:

> *Problems started when the ownership of the bazaar was transferred to the municipality. In order to mobilize urban renewal, the transfer rights of the shopkeepers were removed. Just to evict us, the municipality provoked and harassed us, applying a policy of intimidation by increasing our rents 150 percent when they should have increased by 20 percent. Previously, rents were increased by the inflation rate. We tried to resist by filing rent determination lawsuits* (kira tespit davası). *But these rent increases discouraged most people. Most of the veteran shopkeepers in our row liquidated their shops and left the bazaar. Therefore, the transfer of this building from the Social Security Institution to the municipality was a breaking point… At that time, I had my own preparations to close the shop.*

The following narrative of Interviewee 5, who has been working as a shopkeeper in Anafartalar Bazaar for more than thirty years, is important in terms of revealing the threat of eviction and uncertainty that the AMM posed to those who have been tenants in the bazaar for more than ten years:

> *When Melih Gökçek was re-elected in 2014 and the ownership was transferred to the municipality, this place was heading towards demolition. After this bazaar was transferred to the municipality, we became tenants of the municipality. They told us that they would not extend our contracts anymore. It was said that according to the Code of Obligations, tenants who have completed ten years have no rights. They said they would evacuate the building. We accepted. Judges were issuing eviction orders for shopkeepers who had completed ten years. We had nothing to do against the court decision. Then, elections came. They suspended the eviction cases and evictions were left until after the elections. […] My rent was suddenly increased by over 300 percent. I filed a rent determination lawsuit. The court ruled for a 150 percent increase. I did not appeal it, I accepted it.*

As is seen, for tenants who have completed ten years, the rental contract no longer serves as an assurance that allows shopkeepers to remain in their shops. The AMM has taken advantage of the lack of security for most of the tenants as their contracts exceeds a decade. The consequences of AMM evicting tenants whose contracts exceed ten years and not renting vacated shops can be traced in the following statements of the interviewees:

> *[T]hey turned [Anafartalar Bazaar] into a ghost bazaar, just like in 100. Yıl Bazaar across the street. Only three or five shopkeepers remained and some of them thought "we are just standing idle" and decided to close and leave.* (Interviewee 2)

> *Ulus Bazaar is a registered building, but it has also become entirely vacant. Some tenants from the upper floors relocated to lower levels, but primarily due to the cessation of their businesses, they shut down.* (Interviewee 3)
>
> *The municipality evicted numerous tenants and did not re-rent the evicted shops. The [Ulus] Bazaar has almost turned into a dead zone.* (Interviewee 4)

The long-standing plans to demolish the buildings and the threat of eviction faced by the shopkeepers in the 100. Yıl Bazaar were unsettling for those in Ulus Bazaar, Ulus Office Block, and Anafartalar Bazaar.

In response to such concerns, the AMM Mayor Gökçek stated that they would not take any steps in Ulus without solving the problems of the shopkeepers and reconciling with them, that they would not evict the shopkeepers and leave them on the streets, and that their intention was to demolish the four buildings in the area and provide new workplaces for the shopkeepers (Milliyet, 2015b). Gökçek's proposal was to move the shopkeepers to the Ankara Intercity Bus Terminal building, which is planned to function like a large shopping center after the terminal was relocated to Mamak district (Milliyet, 2016).

Stating that the same right will be granted to the shopkeepers in Ankara Market, Gökçek referred to a project that will be implemented by merging the parcels of the Ankara Market and burnt Modern Bazaar, while he mentioned in the same statement that the market building can be preserved and rebuilt as a two-story building (İlksayfa, 2016). Hence, it is not possible to argue for a consistency in Gökçek's projects and discourses concerning the Ulus Square and its close vicinity. This confirms the concerns that intervention in one of Ankara's most important urban spaces is based on random and arbitrary decisions that go beyond the law, rather than decisions based on scientific data, reason, and planning.

At this point, it is worth noting the demolition process of the registered building of the Bank of Provinces, located in Hergelen Square, south of Ulus Square. The proposal for the demolition of the Bank of Provinces building was first inserted in the UTTA Plan by the AMM, without informing its author and before being submitted to the AMM Council and the ACC No. II (Kayasu, 2018, p. 129). Then, the registration of the Bank of Provinces building was removed by ACC No. II on 28 October 2014 to enable the implementation of the Hergelen Square Landscaping and Mosque Project

of the Presidency of Religious Affairs (Koç, 2014). The Chamber of Architects Ankara Branch filed a lawsuit for the annulment of ACC No. II's decision to remove the registration. However, the building was demolished by the AMM in 2017 while the lawsuit was pending. In 2019, the ACC No. II's decision was annulled by the Ankara 12th Administrative Court (Gazete Duvar, 2019).

7.3.2. Ankara Ulus Historic City Center Renewal Area

The AMM Council held an extraordinary meeting on 21 June 2015. With the Decision no. 1265 taken in this meeting, the AMM Council decided to annul the AMM Council Decision no. 2446 dated 26 October 2009, which was the basis for the Council of Ministers Decree no. 2010/88 declaring the Ulus Historic City Center Renewal Area, and to adopt a new renewal area under the name of "Ankara Ulus Historic City Center Renewal Area". Thus, a decision that would allow the Council of Ministers to issue a new decree on the renewal area was quickly put into effect.

According to the AMM Council Decision no. 1265, the Ulus area is in general obsolescent, dilapidated, unprotected, and neglected due to the high cost of restoration, poverty, the nature of the functions in the buildings, and fragmented ownership. In order to restore the historic city center of the capital, the AMM Council deemed appropriate to designate Ulus and Citadel areas as a renewal area, considering that the new opportunities brought by Law no. 5366 increase the possibility of implementing conservation and development decisions in the historic city center.

Only one day[81] after the AMM Council took this decision, on 22 June 2015, the Council of Ministers approved the Ankara Ulus Historic City Center Renewal Area (Figure 37) with Decree no. 2015/7872 and repeal the Council of Ministers Decision no. 2010/88 approving the former renewal area. In this way, the ruling of the Fourteenth Chamber of the Council of State, which stayed the execution of the Council of Ministers Decree no. 2010/88 approving the previous Ulus Historic City Center Renewal Area, was bypassed with the cooperation of the AMM and the Council of

[81] From the first defense filed by the Legal Counseling Office of the Ministry of Environment and Urbanization in the lawsuit to be discussed below, it is understood that the AMM first sent the proposal for the renewal area to the ministry on 22 June 2015, and that the ministry reviewed the proposal and submitted it to the Council of Ministers on the same day. It is striking that the procedures for the declaration of a renewal area were carried out so swiftly by the public administration.

Ministers. In fact, a member of the AMM Council from the JDP, who is also the Deputy Chairman of the AMM Council, admitted that the AMM has developed an administrative strategy of overruling court decisions through new Council of Ministers decrees, stating that they are trying to forestall lawsuits through a Council of Ministers decree (Koç, 2015).

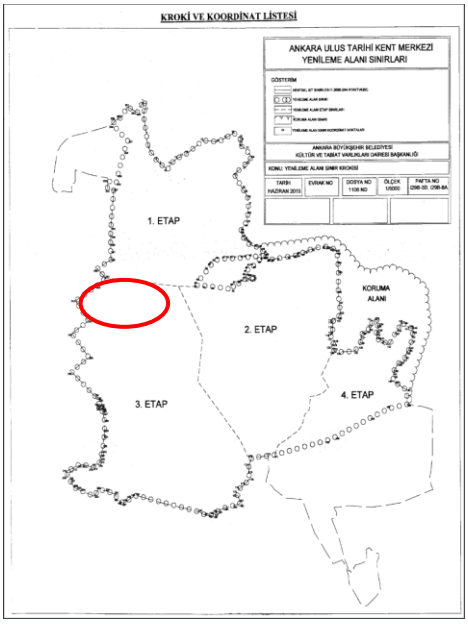

Figure 37: Ankara Ulus Historic City Center Renewal Area boundary sketch (Approximate location of Ulus Square and its surroundings is indicated by the author with a red circle).
Source: Council of Ministers, 2015.

7.3.2.1. Legal challenges to the Ankara Ulus Historic City Center Renewal Area

Despite the methods developed by the AMM, hand in hand with the central government, to circumvent judicial decisions, the professional chambers insisted on judicial oversight of both the AMM's and the government's operations and procedures. Accordingly, the Chamber of City Planners Ankara Branch and the Chamber of Landscape Architects filed a lawsuit against the Prime Ministry, the Ministry of Environment and Urbanization, and the AMM for the stay of execution and annulment of the Council of Ministers Decree no. 2015/7872, which was heard at the Fourteenth Chamber of the Council of State with Case no. 2015/6864. On 20 January 2016, the Fourteenth Chamber ordered on-site discovery and expert examination in relation to the dispute.

Based on the verdict of the Council of State Plenary Session of the Chambers for Administrative Cases in the abovementioned Appeal no. 2012/703, the Fourteenth Chamber instructed experts to prepare a scientific, detailed, reasoned, and unambiguous report addressing two key issues. The first request was to determine if the boundaries of the renewal area subject to the dispute has been determined in comply with Law no. 5366 and whether they align with the boundaries of the sites and conservation areas. The second was to examine the entire renewal area to determine whether the predominant character of the area, i.e., the predominant majority of the buildings in the area, is obsolescent and on the verge of losing its character.

Firstly, the expert committee determined that the renewal area boundaries align with the boundaries of sites, while archaeological sites and areas designated as conservation areas fall outside the renewal area boundaries. They concluded that there are no issues with the renewal area's boundaries in terms of alignment with site and conservation area boundaries. Additionally, they underscored the importance of adhering to international guidelines, such as the Granada Convention, ratified by Türkiye, as well as principles outlined by UNESCO and ICOMOS when designating renewal areas.

On the second request as to whether the predominant character of the renewal area; that is, the predominant majority of the buildings in the area, is obsolescent and on the verge of losing its character, the experts first sought to disambiguate the expression “on the verge of losing its characteristics” in Law no. 5366. According to them, this expression should be considered as “loss of authentic value”. Within this framework, the structural situation, spatial texture features, and textural character were taken into consideration to determine the dominant character of the area. At the building scale, all the information and assessments obtained from the urban site research included in the conservation plan research report, Ankara Ulus Historic City Center Renewal Area Survey Report, and relevant legislation were evaluated together. As a result of this comprehensive examination, the expert committee first assessed that 63 percent of the buildings in the entire site are examples of civil architecture, and that they are in good to moderate structural condition (with no structural problems). Secondly, the committee found that approximately 76 percent of the buildings in the subject renewal area (excluding outbuildings and annexes) are of good and moderate quality in terms of structural condition (with no structural problems). Accordingly, the committee

concluded that the predominant character of the existing buildings in the declared renewal area is not obsolete and on the verge of losing its characteristics and thereby, it is not appropriate to declare the entire area subject to the lawsuit as a renewal area.

Moreover, the experts have identified two textural characters consisting of a total of seventeen sub-regions on the basis of the dominant character features in the renewal area. According to them, the building groups composed of registered civil architecture examples in good and moderate condition are concentrated in Texture 1, which consists of nine sub-regions. The experts also determined that the two sub-regions in Texture 2 are the places where there is no direct negative impact on the tissues with registered civil architecture examples and where the building groups in good condition form the dominant character. For this reason, they did not deem it appropriate to consider these areas as areas that are obsolescent and on the verge of losing their characteristics in terms of dominant character.

In the light of the findings of the experts, Ulus Square and its surroundings cannot be considered as obsolescent and on the verge of losing its characteristics since it is an area where registered and unregistered civil architecture examples in good condition and registered monumental architecture examples in good condition are concentrated. The remaining six sub-regions in Texture 2, on the other hand, are incompatible with the traditional textures where registered civil architecture and monumental buildings are concentrated, disrupting the integrity of the texture and having negative effects on the original values and characteristics of the traditional texture.

Considering the expert report, the Fourteenth Chamber of the Council of State did not endorse the report's conclusion that it was inappropriate to declare the entire area subject to the lawsuit as a renewal area based solely on the structural condition criterion. However, the court took into account the experts' assessments on the textural character of the area. The court argued that the expert report has some concerns and sensitivities based on the possibility of the destruction of the historical and original texture of the Ulus region, and therefore tries to exclude the areas with a high density of registered buildings from the boundaries of the renewal area.

According to the Fourteenth Chamber, the Council of Ministers Decree no. 2015/7872 is a transaction to determine the boundaries and coordinates of the renewal area, and

the sensitivities and concerns of the expert committee are directly related to the implementation phase pursuant to Law no. 5366. The court pointed out that the concept design made or commissioned by the municipalities enters into force with the approval of the conservation councils, the decision of the relevant municipal councils, and with the approval of the mayor, all of which are subject to judicial supervision as part of the implementation phase. Therefore, the court considered that it could not be concluded that the decision of the Council of Ministers to designate the renewal area was unlawful based on concerns regarding the implementation phase.

On the other hand, the Fourteenth Chamber stated that there is no obstacle to the inclusion of regions with a high density of registered buildings within the boundaries of the renewal area. On the contrary, the inclusion of these areas within the boundaries of the renewal area is more in line with the main purpose of Law no. 5366, which is to conserve and revitalize the regions registered and declared as site by the conservation councils and the immovable cultural and natural assets in these regions.

For these reasons, the Fourteenth Chamber of the Council of State unanimously ruled on 16 February 2017 to reject the request of plaintiff professional chambers for stay of execution of the Council of Ministers Decree no. 2015/7872. According to the then Chairman of the Chamber of City Planners Ankara Branch, the Council of State ignored the expert report and issued a verdict contrary to it previous verdict to suspend the execution of the Council of Ministers Decree on the designation of the former renewal area. This is important as it shows that judges are capable of ruling differently on similar issues due to the indeterminacy inherent in the law.

7.3.3. Transition period conservation principles and terms of use (2015)

Following the declaration of the Ankara Ulus Historic City Center Renewal Area by the Council of Ministers Decree no. 2015/7872 on 22 June 2015, the need to determine a new TPCPTU to be valid within the boundaries of the renewal area arose (Öztürk E., 2019, p. 137). In response, the TPCPTU for Ulus, Samanpazarı, Kale, Eski Kayabaşı Neighborhood, and its vicinity was determined by ACC No. II Decision no. 1483 on 27 July 2015. Since the judicial annulment of the UTTA Plan, a new conservation plan has not been developed by the AMM, and the spatial interventions in Ulus Square and its surroundings are implemented through the TPCPTU.

Interviewee 26, who has hold positions of responsibility in the Chamber of City Planners Ankara Branch, expresses the consequences as follows:

> *From 2005 and onwards, we can observe that in Ulus, historical and cultural values have not been preserved, and despite the weakening of social and sectoral aspects, only demolition, construction, and facade renewal projects have been carried out. Although [Ulus] is subject to Law no. 2863, it has not had a conservation plan for years. Therefore, since 2015, decisions have been made to determine the transitional period conditions and extend the duration of the conditions, resulting in fragmentary regulations and practices.*

In 2018, this TPCPTU was extended again at the request of AMM and was legally challenged by the Chamber of City Planners Ankara Branch, which will be discussed below to follow the chronological order. As Interviewee 21 argues, TPCPTU, which are introduced out of necessity in the absence of conservation plan, have become the norm. While the transition period regulations were in force, AMM Mayor Gökçek continued to reiterate his plans concerning the renewal of the Ulus Square and its surroundings.

At the same time, numerous crimes, such as prostitution, drug trafficking, fraud, and pickpocketing in and around Ulus Square began to appear more frequently in the media (Cenikli, 2017; Tekeci, 2014; 2017). Stating that he had received "very strange complaints" about the pavilions (*pavyon*) on Çankırı Street, which connects to Ulus Square from the north, Gökçek claimed that Çankırı Street would be expropriated with funds provided by the government, the Ulus Tunnel Project would be implemented, and the pavilions would automatically disappear (Cumhuriyet, 2017).

Shopkeepers raised their voices when Gökçek repeated his plan to demolish Ulus Office Block, Ulus Bazaar, Anafartalar Office Block, Anafartalar Bazaar, and 100. Yıl Bazaar, as part of the Ulus Square Urban Design Project. The shopkeepers complained that they cannot receive the necessary services from the AMM due to the planned demolition of the bazaar. The building manager of the bazaar cited issues like malfunctioning heating systems during winter. Despite repeated complaints from both the dental hospital, municipal units, and shopkeepers, the municipality refused to address these concerns citing its demolition plans (Alca, 2019; İlksayfa, 2017). The building manager further claimed that officials from the AMM deliberately sought to give the bazaar an obsolete look by removing shop windows from vacant shops.

This strategy proved successful, with shopkeepers reporting a decline in business as customers avoided the neglected-looking bazaar. Already burdened with debt, these shopkeepers found themselves trapped, unable to invest in their businesses or even leave to mitigate further losses (Alca, 2019; İlksayfa, 2017). Interviewee 4 describes the difficult situation that shopkeepers fell into due to demolition rumors and the fear of eviction with the following words:

> *As the idea of the demolition of these areas spread from year to year, it became increasingly challenging for the local shopkeepers. Wholesale suppliers had second thoughts before providing goods. Shopkeepers, when buying merchandise, became apprehensive about the possibility of being evicted the next day. Inevitably, Ulus suffered harm.*

The narrative of Interviewee 9 below is also significant in illustrating the magnitude of the consequences of demolition rumors and eviction ambiguity:

> *There are 900 shopkeepers here, including offices. [...] Some were liquidated and left, while others, hearing that this place would be demolished, decided to leave and set up their businesses elsewhere. The premises were vacated due to the rumors of demolition, and around 100 shopkeepers remained.*

Moreover, the building manager alleged that municipal officials told him their intention to evacuate shopkeepers, even by force if necessary. Furthermore, he noted that municipal inspectors, health officials, and police officers revoked the shopkeepers' business licenses on trivial grounds, but in the lawsuits filed against these actions, the administrative court ruled in favor of the shopkeepers. Additionally, he pointed out that the AMM even sent eviction notices to those with contracts until the end of 2019, but the shopkeepers successfully won legal battles against these measures, thus preventing their eviction (Alca, 2019). He also emphasized that there are only twenty shopkeepers left that have contracts until 2019 and that the vacant shops are occupied by drug addicts. Therefore, the shopkeepers demanded that the AMM maintain the building and comply with their contracts until the end of their contract in 2019 (İlksayfa, 2017). On the other hand, eviction notices were sent to twenty-eight sports federations in the Ulus Office Block. As the federations did not evacuate the building, the electricity and water were cut off (Hürriyet, 2017a). Therefore, it can be argued that the AMM put into practice the strategy of evicting tenants from buildings through neglect and deprivation of basic needs, such as electricity and water.

In 2017, sports federations vacated the Ulus Office Block, but the shopkeepers underneath the building continued their commercial activities as their lease agreements were still in force. Interviewee 3's narrative below also reinforces the claim that the AMM used dilapidation and disrepair as an eviction strategy:

> *The interior of the building had recently undergone renovations. This building was vacated, and everything inside, including doors, was dismantled, and taken away. It was a complete plunder. There were air conditioners. All those equipment was looted during that period. At one point, they even attempted to remove the windows. When we opposed this, they stopped. We explained that we were working here, and if they removed the windows, rain and everything else would down on us. The lady in charge at that time stopped when she saw us opposing it. Sometimes our rental contracts and sometimes elections protect us. People don't want to leave behind many victims when they are going to run in the elections.*

Alongside the shopkeepers, certain artists also raised their voices against Gökçek's plans to demolish the buildings in Ulus Square. Artists' concern focuses more on the artworks in Anafartalar Bazaar. The artists coming together under the umbrella of Ankara Art Initiative (AsiKeçi), with the support of the tradesmen of Ulus Bazaar and Anafartalar Bazaar, organized an interdisciplinary and international public art event called PersonaNonGrata (Figure 38) to raise awareness about the cultural heritage in Ulus Square (Hürriyet, 2017b).

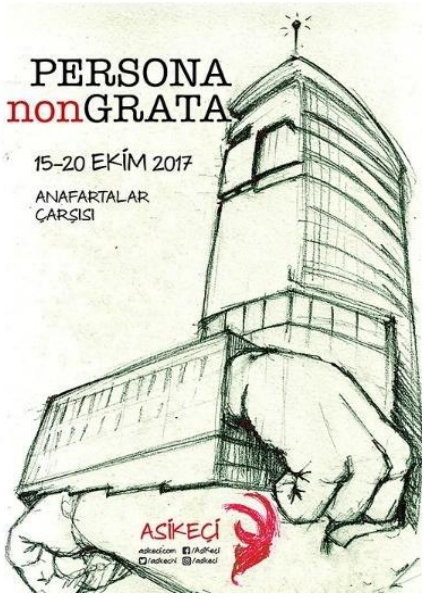

Figure 38: Poster for the PersonaNonGrata art event.
Source: AsiKeçi, 2017.

Interviewee 23, a member of AsiKeçi initiative, explains the contribution of this event to raising awareness about Anafartalar Bazaar and its cultural heritage as follows:

> *The artists had organized forums related to individual freedoms and the struggle of individuals to find their place within society. However, participating in such an event led the artists to establish a strong connection with the organization, the city, and that particular area of the city. In fact, the bazaar has become the 'Persona Non Grata'. A remarkable art event was organized in this location, and [the shopkeepers] truly achieved their goals. Prior to the event, news articles about the event were published. Following the event, journalists came to the bazaar to conduct several interviews and detailed reports in order to prevent the demolition of the bazaar. […] I can say that our event was a breaking point in the renewal works in Ulus.[…] People have come to realize that there is a cultural content waiting to be consumed in Ulus. I firmly believe that this event has definitely contributed to this awareness. Following this, many young individuals have started to create their own initiatives and paths, such as city tours, visits to Republic-era architecture in Ulus, and events at Suluhan. This, in turn, drew more significant attention to Ulus, with coverage in newspapers. It sparked discussions in both civil society and academic circles.*

The impact of the event in achieving the shopkeepers' goals was highly appreciated by the shopkeepers, as Interviewee 5 claims that

> *AsiKeçi initiative showed much more effort [to prevent the demolition of Anafartalar Bazaar] compared to professional associations, such as the Chamber of Architects and the Chamber of City Planner Planners.*

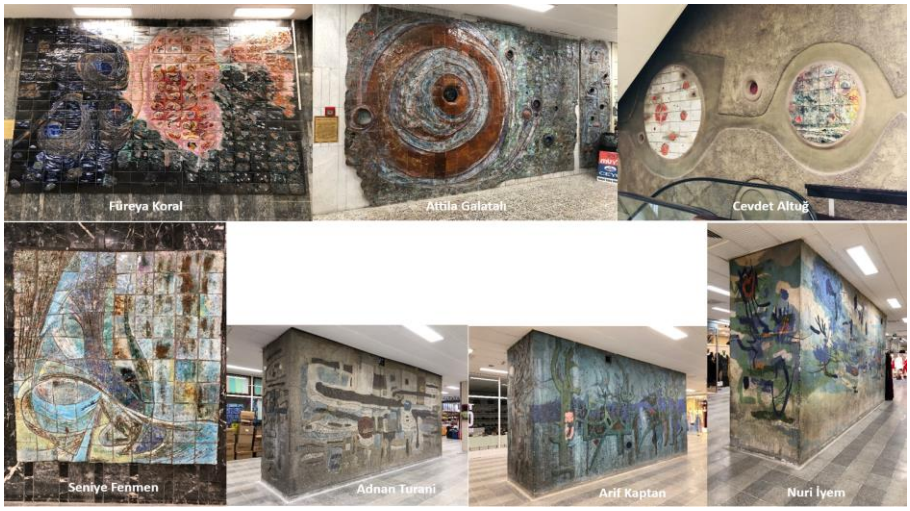

Figure 39: Photographs of some of the artworks in Anafartalar Bazaar (The names of the artists are written on the photographs by the author).
Source: Olgar, 2023.

The initiative demanded that the bazaar should definitely not be demolished so that the ceramic panels of artists, such as Füreya Koral, Attila Galatalı, Cevdet Altuğ, and Seniye Fenmen, and the wall paintings of painters, such as Adnan Turani, Arif Kaptan, and Nuri İyem, can be preserved where they are located without being detached from their spatial context (Figure 39). The artists warned that even if the bazaar is to be demolished, the artworks should be collected in accordance with conservation and restoration criteria.

As Interviewee 23 indicated, the heirs of the artists whose works are in the Anafartalar Bazaar were also mobilized by the initiative to protect the rights to the artworks through legal means in the event of demolition. Thanks to the interest of artists, it was realized that the artworks in Anafartalar Bazaar were not registered, and an application was made to the ACC No. II for registration (Hürriyet, 2017c).

Nevertheless, the ACC No. II rejected the registration request with its Decision no. 227/2962 dated 26 December 2017, on the grounds that the artworks do not qualify as cultural property requiring protection under Law no. 2863. Interviewee 23 has expressed that this decision became legally problematic due to its political nature, stating:

> *I believe that with a political zeal, what we call laws and legal basis are stretched and adapted. And sometimes, non-legal practices are implemented and tolerated. For example, the artworks in Anafartalar Bazaar were not registered although an application was made to the conservation council for registration. How could Füreya Koral's artworks not be registered as art pieces! It was not scientific, not in accordance with reality, and therefore, we could not expect it to be legally sound. This was a political decision.*

The building management of Anafartalar Bazaar and Ulus Bazaar filed a lawsuit for the stay of execution and annulment of this decision. In the lawsuit filed at Ankara 2nd Administrative Court (Case no. 2018/492), it was decided to have an on-site discovery and expert examination to determine whether the works of art are cultural assets requiring protection. The experts concluded that the ceramic panels made by pioneering and original artists in the art of ceramics and the wall paintings made by prominent Turkish painters are cultural assets that need to be protected. With reference to the expert report, the court stayed the execution of the decision of ACC No. II on 23 January 2019 and annulled it on 28 June 2019 (ODATV, 2019a; ODATV, 2019b).

Ironically, before any demolition or renewal activity in Ulus Square took place, AMM Mayor İbrahim Melih Gökçek followed President Recep Tayyip Erdoğan's call and resigned from his office on 28 October 2017. In the same period, the mayors of İstanbul, Bursa, and Balıkesir Metropolitan Municipalities, as well as the mayors of Düzce and Niğde Municipalities, who were elected as mayors from the JDP, also resigned upon the President's call. Following the resignations, rumors about the reasons behind the resignations appeared in the media. Chief among these rumors was the President's belief that the mayors was suffering from "metal fatigue", which implies that the mayors underperformed in the 2017 constitutional referendum, left Erdoğan alone in his fight against the Gülenist movement blamed for the coup attempt on 15 July 2016, were implicated in corruption rumors, and underperformed in service delivery (İşbilen, 2017). However, in his statement announcing his resignation, Gökçek emphasized that he resigned not because he was tired or unsuccessful, but in compliance with his leader's request (Cumhuriyet, 2017).

It is possible to understand from the following words of Interviewee 21 that the period when Gökçek was forced to resign was the most suitable period for intervention in Ulus Square:

> *There was no intervention in Ulus Square, in fact there couldn't be. A few issues tied [Gökçek's] hands. First, he could not be sure that his actions in Ulus would gain legitimacy and support in the eyes of the public. If he felt that he had legitimacy, I think he could have demolished any building in Ulus overnight. Let's remember, he demolished the Bank of Provinces building overnight. Secondly, the pressure from the shopkeepers in the area is serious. After all, the shopkeepers in the region are a serious pressure group. He had to face this pressure group everywhere. Another important issue was the ownership of Ulus Square and the buildings in its vicinity. Since resolving ownership issues took time, he could not intervene. When he finally reached a point where he could intervene, he had to resign. In fact, we have now reached a point where intervention is possible.*

Despite having the support of the central government, the fact that certain spatial arrangements in Ulus Square, which Gökçek couldn't implement for about 12 years, were partly realized by subsequent AMM mayors evidences this situation.

In Gökçek's third term, the renewal area declared by the Council of Ministers decree was not annulled by the judiciary. In terms of the spatial intervention tool for Ulus Square and its surroundings, there has been a shift from a comprehensive conservation

plan to a piecemeal TPCPTU. Therefore, the administrative judiciary has been sidelined to a significant extent. Furthermore, the ownership of the bazaars surrounding Ulus Square has been transferred to the AMM. Tenants in the bazaars were evicted to a significant extent through administrative tactics involving harassment and intimidation strategies. In other words, one by one, the obstacles that have been delaying AMM's renewal initiatives in and around Ulus Square since 2004 have been removed. However, there were still major obstacles to urban renewal processes in and around Ulus Square. One of them was the multi-actor and multi-rule structure of the region. The fact that many actors have a say in the area and that it is regulated by many regulatory frameworks, especially the conflicting renewal and conservation legislation, creates a huge opportunity cost and a risky business climate for urban entrepreneurs to invest in the area.

Furthermore, the scale of the project envisioned for Ulus Square and its surroundings is ambiguous. The urban renewal project that took shape around a large-scale shopping center in the second half of the 2000s transformed into small traditional Ankara houses in the second half of the 2010s. In addition to the opportunity cost and scale ambiguity, the lack of interest alignment between local residents, large interest groups, and small interest groups, as previously mentioned, pose significant risks for urban entrepreneurs. Hence, the neoliberal urban renewal process has been paralyzed for a long time in and around Ulus Square.

7.4. Tuna's term as the AMM Mayor from the JDP

Following Gökçek's resignation, Mustafa Tuna, the Mayor of Sincan District Municipality, was nominated by the JDP and elected by the AMM Council as the AMM Mayor on 6 November 2017. In elucidating his stance on the demolition of buildings surrounding Ulus Square upon taking office, Tuna emphasized that the efforts in the Ulus Historic City Center Renewal Area aimed to enhance the region's tourism potential (Habertürk, 2017).

The change in AMM leadership raised hopes among shopkeepers for building restoration rather than demolition. Through media channels, they voiced their expectation that the long-awaited renewal activities, spanning over a decade, would be carried out without adversely affecting their presence in the Ulus district. The building

manager of the 100. Yıl Bazaar highlighted the detrimental impact of rumors about Ulus's impending demolition, originating from the previous administration's term. Despite reassurances from AMM officials regarding minimal disruption to businesses and promises of alternative shops in Ulus Bazaar, purportedly exempt from demolition, shopkeepers remained reluctant to vacate the 100. Yıl Bazaar, where they had established longstanding operations and loyal customer bases (Duyan, 2017).

It is possible to understand from the following narrative that the expectations of the shopkeepers were not met by the new mayor:

> *Our bazaar delegation met with Mustafa Tuna. They explained the ongoing legal cases and the situation of our market and requested support. Mustafa Tuna's response to the delegation was, "I temporarily hold this position, this project is beyond me, and I will follow the procedures as required". Our friends were disappointed.* (Interviewee 5)

Interviewee 9, who was reportedly a member of the bazaar delegation, claims that the meeting was heated and that he understood that communication channels with Mustafa Tuna were closed and that he was determined to demolish the bazaars.

These accounts stand in stark contrast to other interviewees' depictions of the Mustafa Tuna period as characterized by terms such as "trustee," "slowdown," "interim," and "temporary," suggesting a lack of particular interest in Ulus Square. Additionally, Interviewee 17, an AMM Department of Culture and Natural Heritage bureaucrat, indicated that the change in metropolitan municipality mayoralty in 2017 led to a halt in works in Ulus Square.

However, as of the end of 2017 and the beginning of 2018, the shopkeepers of Ulus Office Block and Anafartalar Bazaar have received eviction notices on the grounds that the buildings would be demolished. Shopkeepers, despite having paid their rents in full to the AMM, claimed that they were in an occupier status due to these notices. They alleged that deliberate rumors of "Ulus will be demolished" pushed Ulus Office Block, Ulus Market, and Anafartalar Market to the brink of collapse. Expressing emotional attachment to their workplaces, shopkeepers highlighted the employment of over three thousand individuals in these buildings (İlksayfa, 2018). A shopkeeper from Ulus City Bazaar noted a decline in sales despite their building being relatively new, attributing it to rumors of impending demolition (Duyan, 2018a).

Furthermore, some shopkeepers noted that the demolitions would cause them a great loss due to the high sums they paid under the name of "key money (*hava parası*)" while renting the shops in the past (Özcan, 2018). The Deputy Chairman of the Union of Ankara Tradesmen and Craftsmen Chambers objected to the eviction of shopkeepers, especially during the winter, and demanded that the AMM review and re-evaluate the Ulus Project (İlksayfa, 2018). After a shopkeeper from the Ulus Office Block challenged the eviction order, the Ankara 8th Administrative Court stayed the execution of the eviction order (Hürriyet, 2018a).

While some shopkeepers continue to operate their stores by resisting through legal means, others have opted to close their shops due to the wear and tear caused by these processes. The closure of İstanbul Pharmacy, one of the symbolic shops serving in Ulus since 1919 and in Ulus Bazaar since the early 1960s, is closely related to the renewal processes of the Ulus Square. The owner of the pharmacy, who think that the shop had no future because of the recent events in the bazaar, explained the reasons for its closure as follows (Haberler.com, 2018a):

> I had to close it for economic reasons. There has already been anxiety in Ulus Bazaar for ten years. It is rumored that it will be demolished. The metropolitan municipality sends notices to businesses whose contracts expire. Our contract expires in June 2018. We also received the same notice. For this reason, the shopkeepers here could not trade with confidence.

He also underlined that these notices prevented him from investing and strengthening financially as he could not foresee the future, and that he also lost customers as the other shops in the bazaar were vacated. Stating that the other reason for closing the shop was that the property owner AMM demanded exorbitant rents (up to four-fold rent increase) for the shops, the shopkeeper claims that this was one of AMM's strategies of deterrence to vacate the bazaar (Duyan & Özcan, 2018). However, the AMM's commitment to demolish these buildings can be inferred from Mustafa Tuna's following remarks about his willingness to transform the Ulus Historic City Center into a tourism center (Gören, 2018):

> The Ulus Project has been going on for about 10-12 years. It was on the agenda in 2005. Within the scope of the project, there was work to underground the main roads and to create a tourism-oriented region by building a square. A certain distance has been taken on this project... I cannot say to the shopkeepers who have received eviction notices, 'the project has stopped'... From the day

> this project started until today, some of the shopkeepers have found other places for themselves. Some of shopkeepers tried to cope with the situation. If these evictions are made today, demolition will take place tomorrow and the project will be realized as soon as possible. As a result, I cannot say to these shopkeepers, 'you stay there'... We will demolish the vacated places.

According to Tuna, the Ulus district must be transformed into a tourist destination as there is no other place in Ankara for tourists to visit. Even though Tuna said that he sympathizes with the shopkeepers, he insisted that an improvement in tourism in Ulus would lead to an increase in trade, and that the short-term distress for the shopkeepers would turn into long term rewards (Gören, 2018). The Chairman of the Independent Industrialists' and Businessmen's Association Ankara Branch also supported Tuna, saying that urban renewal should be accelerated for abandoned buildings that are associated with drugs and unpleasant incidents (Hürriyet, 2018b).

Accordingly, the AMM Council, by a majority vote, approved the request from the AMM Mayor to demolish the Ulus Office Block and Anafartalar Office Block within the scope of "the Ulus Historic City Center Renewal Area Project". The request letter included an ACC No. II decision, dated 2016, which permitted the demolition of the registered Ulus Bazaar and Anafartalar Bazaar in addition to the Ulus Office Block and the Anafartalar Office Block (AMM, 2018). However, the opposition in the council cast their dissenting vote, citing the lack of clear information regarding the project to be implemented after the demolitions, as well as the absence of guidance for the local businesses in the area on where they would relocate. In response, a JDP-affiliated AMM council member indicated that the planning for the Ulus district would precede the project development, and demolition would commence thereafter. Arguing that the buildings were currently vacant and held no historical significance, he stated that the five or six shopkeepers under the Ulus Office Block could move to Anafartalar Bazaar, which has many vacant shops, until the bazaar is demolished (AMM, 2018).

The new AMM administration's determination to demolish the buildings surrounding the Ulus Square and the objections of the shopkeepers to the demolitions intensified the political parties' interest of in the area. For instance, the head of the NMP Ankara provincial organization stated that the lack of dialogue with the shopkeepers victimizes them; and that the lack of dialogue, uncertainty, and lack of planning should be

eliminated to overcome this. He also underlined that the renewal activities in the Ulus district should not be carried out by a single person or institution, but by a common sense involving the governor's office, municipalities, political parties, NGOs, and professional chambers. According to him, this will ensure that no one will block renewal activities by objections and lawsuits and that a model project can be implemented that does not facilitate rent-seeking, illegal practices, or other negative influences (Hürriyet, 2018c).

A deputy from the NMP also criticized the AMM's decisions on the buildings around Ulus Square from a similar perspective, suggesting that historical values and cultural assets should be preserved, and that the renewal of the Ulus district should start from more blighted areas (Akdoğan, 2018). However, despite such views, the AMM commenced the demolition of the high-rise block in Anafartalar Bazaar in May 2018 (Figure 40) with the aim of implementing an urban renewal project in Ulus Square and its surroundings.

Figure 40: An image from the demolition of the office block of Anafartalar Bazaar. Source: Kaplan, 2022.

On the other side, a deputy from the RPP also visited the Ulus district and received information from both shopkeepers and the AMM Mayor (Haberler.com, 2018b). Another deputy from the RPP demanded a parliamentary inquiry on the Ulus region. Within the scope of this request, the deputy revealed the following important

observations (Öztürk M., 2018): (1) While the Social Security Institution had a rental income of 2 million TL (approximately $ 746,000)[82] when it was under the ownership of the Social Security Institution, this income decreased to 600 thousand TL (approximately $ 170,500)[83] when it was under the ownership of the AMM. (2) After the ownership of the bazaars was transferred to the AMM, 500 out of approximately 900 shopkeepers were evicted under various pretexts. (3) In addition, after the sports federations evicted the Ulus Office Block, the cost of the building to AMM is approximately 160 thousand TL (approximately $ 45,500)[84] per month. Therefore, the urban renewal initiatives in Ulus Square not only posed a threat to the historical fabric, commercial life, and thousands of jobs in Ulus, but have also cost the AMM – and consequently, the people of Ankara – millions of TL every month (Öztürk M., 2018).

As of 2018, the historical buildings surrounding Government Square and the Sümerbank building, which was the symbol of the industrialization drive of the early Republican Era, were controversially allocated to the Social Sciences University of Ankara (SSUA, n.d.). Interviewee 25, an architect, who has held positions of responsibility in the Chamber of Architects Ankara Branch, argues the ideological background of SSUA's relocation to the buildings around Ulus Square and Government Square as follows:

> *We somewhat find this approach ideological, trying to eliminate Ulus and create a new Ulus. There's a spatial dimension to this, but it is also about the idea of recreating a new Ulus in a place we have referred to as the location of the foundation and liberation. Melih Gökçek used to have an approach of destroying and reconstructing Ulus, which included demolishing the buildings constructed during the Republican era, or more precisely, the ones acquired through competitions, even establishing conservative neighborhoods behind them. These were all ambitious and somewhat ideological projects. Nowadays, in Ulus, we are witnessing a different version of this approach, which is also ideological. All the spaces are being transferred to the SSUA. İş Bank managed to save itself there by turning its building into a museum. [The SSUA] took the buildings of Governorship and Sümerbank. They want the buildings of the Ministry of Culture now. So, there is such an expansion operation. […]*

[82] $ 1 = 2.68 TL in June 2015 exchange rate (Central Bank of Türkiye, 2015).

[83] $ 1 = 3.52 TL in June 2017 exchange rate (Central Bank of Türkiye, 2017).

[84] See footnote no. 109.

> *Therefore, the arrival of SSUA there, causing those spaces to lose their remembered functions, is an indication of an identity battle in Ulus. This is about eliminating both Ulus's multiculturalism and founding spaces of the Republican era."*

By leaving Government Square, which has been home to administrative functions since the late Ottoman period, to educational facilities, it is argued that these functional and physical transformations will lead to the erosion of the heritage value that the area has accumulated over the centuries (Ayhan Koçyiğit, 2019, pp. 68-69).

7.4.1. Transition period conservation principles and terms of use (2018)

Since a conservation plan has not yet been developed for the Ulus regions, the validity period of the TPCPTU, which served as the legal basis for the above-mentioned spatial interventions, was extended for an additional year in 2018 with the ACC No. II decision, upon the request of the AMM in accordance with Law no. 2863. Subsequently, the Chamber of City Planners Ankara Branch initiated legal action against the extension of the validity period of the TPCPTU by one year on 12 July 2018 with ACC No. II Decision no. 3349.

In the lawsuit brought before the Ankara 7th Administrative Court with the Case no. 2018/2631, the plaintiff chamber claimed that the ACC No. II's decision was unjust and unlawful. Besides, it asserted that the decision is contrary to the planning legislation, urbanism principles, and planning fundamentals as it replaces the development plan, introducing a new construction and use decision in the area. For these reasons, the Chamber of City Planners Ankara Branch demanded the annulment and stay of execution of the ACC No. II Decision no. 3349.

The Ministry of Culture and Tourism, which is in the defense position in this case, stated that upon the cancellation of the conservation plan, an important area covering Ulus, Samanpazarı, Kale, and Kayabaşı could not be left unplanned and without TPCPTU. The defense stated that, pursuant to Law no. 2863, the transaction subject to the lawsuit was established with the decision of the conservation council and that the TPCPTU will be abrogated if the conservation plans for the region are approved. Therefore, the defense asserted that the lawsuit and the request for suspension of execution should be dismissed, as there was no violation of law in the established transaction.

The court focused on the dispute between the plaintiff and the defendant as to whether the validity period of the TPCPTU could be extended for another year after the three-year period. As mentioned earlier, Law no. 2863 regulates that if a conservation plan cannot be developed within the three-year period due to compelling reasons, this period may be extended with justification by the conservation council.Referring to this provision of the law, the court considered the pendency of the proceedings in the lawsuit filed against the conservation plan before the Council of State as a compelling reason and found no illegality in extending the validity period of the TPCPTU for one year by the ACC No.2 Decision no. 3349 on 12 July 2018. Therefore, the court dismissed the lawsuit filed by the Chamber of City Planners Ankara Branch on 8 January 2021 with Verdict no. 2021/15.

Figure 41: The aerial view of the "Ulus Square Project" shared with the public during Tuna period.
Source: Şensoy Boztepe & Boztepe, 2018.

In mid-September 2018, there was a new development regarding the long-standing Ulus Historic City Center Renewal Area Project. A protocol had been signed on 17 August 2018 between the Ministry of Transport and Infrastructure, the Ministry of Environment and Urbanization and AMM for the project that would underground the traffic in Ulus Square and pedestrianize the square (Figure 41 and Figure 42). Under the protocol, the Ministry of Transport and Infrastructure would tender and implement the tunnel project. The Ministry of Environment and Urbanization would finance the project (Hürriyet, 2018e). Based on this, it can be inferred that the AMM has struggled

to mobilize investors to undertake the renewal and tunnel project in and around Ulus Square, and therefore, collaborated with the central government in the belief that the project could be unlocked through its resources and contractor circles.

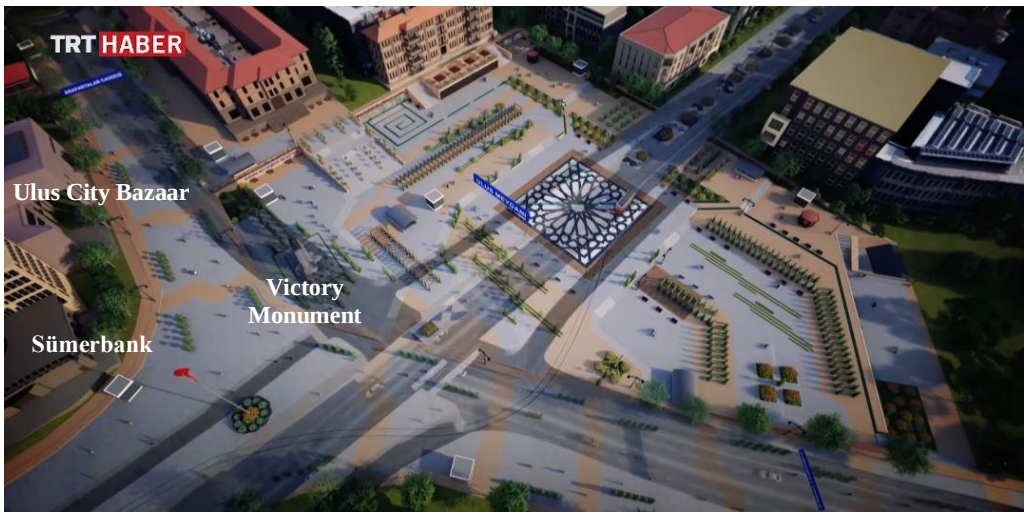

Figure 42: A detailed aerial view of the "Ulus Square Project" showing the roads passing under the square.
Source: TRT Haber, 2018.

The AMM, on the other hand, would carry out expropriation, planning, determination of alternative road routes, and landscaping works through Ankara Water and Sewerage Administration; Ankara Electricity, Gas and Bus Operations Organization (EGO); and its related departments. Although the opposition in the AMM Council complained about not being informed about the details of the project, the protocol was unanimously approved by the council on 15 September 2018 (Hürriyet, 2018e; Koç, 2018). The AMM Mayor Tuna noted that they aim to complete the Ulus Square Project next year.

Professional chambers immediately reacted to the Ulus Tunnel Project, which was persistently proposed by the former mayor İbrahim Melih Gökçek for the Ulus Square. According to the Chair of the Chamber of Architects Ankara Branch, this project, which was not included in the upper scale plans and the transportation master plan, would both make transportation unmanageable and destroy the Roman ruins. A transportation expert who is a member of the Chamber of Architects Ankara Branch City Monitoring Center Advisory Board argues that the AMM should focus on public

transportation projects, such as the rail system, bus system, and special bus routes instead of such automobile-oriented projects (Chamber of Architects Ankara Branch, 2018).

The Turkish Association of Archaeologists, on the other hand, warned the AMM, the Ministry of Culture and Tourism, the Ministry of Transport and Infrastructure, and the Ministry of Environment and Urbanization to carry out the necessary archaeological research, drilling and rescue excavations in advance, drawing attention to the possibility of archaeological remains being unearthed during implementation (Turkish Association of Archeologists, 2018).

In addition, Ankara Chamber of Commerce highlighted that the historical importance of the Anafartalar Bazaar, the first shopping center in the Middle East and the Balkans, should be taken into consideration when implementing the Ulus Historic City Center Renewal Area Project. Pointing out that the project will affect approximately a hundred thousand people, including employees, employers, and suppliers, the chamber noted that while the project aims to attract tourists to the Ulus region, it should not lead to the loss of shopkeepers' rights (Milliyet, 2018).

Figure 43: An image of the "Ulus Again Project" animation that Yavaş shared with the public before the 2019 local elections (a virtual view of Ulus Square from the south).
Source: Özbey, 2019.

As the 2019 local elections approached, promises related to the Ulus district by the mayoral candidates for the AMM began to emerge. For instance, the RPP's candidate, Mansur Yavaş, visited the shopkeepers in the Ulus Square three times before the elections, reiterating his commitment to undergrounding traffic and transform Ulus Square into a pedestrian-friendly space (Figure 43), as he had done in 2009 local elections. His aim was to create an urban space where tourists and citizens can stroll, while local businesses can thrive.

Furthermore, Yavaş criticized the approaches of previous municipal administrations, pointing out that over the years some parts of Ulus region that should have remained intact have been interfered with, while others have been allowed to become ruins. According to him, for years, the AMM has developed extensive plans covering vast areas for the sake of developing projects. He noted that objections were inevitably raised against such plans through legal means and that the AMM often used court verdicts as an excuse for not implementing the plans and projects. Yavaş emphasized the necessity of conducting urban renewal projects in the Ulus district on a regional basis, rather than covering extensive areas (Özbey, 2019).

On the other hand, JDP's mayoral candidate, Mehmet Özhaseki, met with the shopkeepers in the Ulus district two months before the 2019 local elections and presented his projects. According to these projects, traffic in Ulus would be moved underground, and the square would be pedestrianized. New business centers would be constructed after consultations with representatives of the shopkeepers. Additionally, the new shops to be built in the square would be transferred to the existing shopkeepers, enabling them to continue their businesses, thus revitalizing the square (JDP, 2019). However, some of the interviewees who are shopkeepers in the bazaar stated that Özhaseki's promises are nothing but a continuation of Gökçek's projects that aim to displace shopkeepers.

These projects were also shared with the public by President Erdoğan during an election rally in Ankara a week before the 2019 local elections. Erdoğan also added that transportation in the pedestrianized area would be provided by tram and declared that Ulus Square would become a center for events, such as movies, concerts, international festivals, national holiday ceremonies, and theater plays (Milliyet, 2019).

7.5. Yavaş's term as the AMM Mayor from the RPP

Mansur Yavaş, the RPP's candidate for the AMM Mayor, has won the 2019 local elections. However, out of the 147 members in the AMM Council, 107 belonged to the JDP-NMP alliance, while the remaining 40 were from the RPP-Good Party alliance.[85] This composition posed a potential challenge for Mansur Yavaş within the council. Following the local elections, shopkeepers in the bazaars around Ulus Square started to express their expectations for the new period. The building manager of the 100. Yıl Bazaar demanded from the new AMM Mayor Mansur Yavaş that the decision to demolish the bazaar be canceled and that the bazaar be restored (Alca, 2019).

Similarly, the shopkeepers of Anafartalar Bazaar and Ulus Bazaar made a call to the new municipal administration with the slogan "Let's revive the shopkeepers, not annihilate them". In line with this call, the shopkeepers' demands are as follows: (1) The restoration of Ulus Square and its surroundings, taking into account its historical significance in Ankara's history and the Republican era; (2) renting vacant workplaces by giving priority to the bazaar shopkeepers; (3) permitting the transfer of workplaces; (4) avoiding rent increase; (5) halting legal proceedings; (6) restructuring rental debts; and (7) the placement of a public institution in the Ulus Office Block (Yılmaz, 2019a).

After the elections, there was an increase in local politicians' interest in the shopkeepers of the Ulus district. For instance, A council member of the NMP, an opposition party in the AMM Council, emphasized that Ulus Bazaar and Anafartalar Bazaar are cultural heritage and provide employment for many people. He also suggested that the AMM should involve shopkeepers in decision-making processes to solve the problems of the bazaars (Yılmaz, 2019a).

On the other hand, a council member from the JDP, which forms the majority in the AMM Council, expressed that their party group aims to ensure that the Ulus Bazaar and Anafartalar Bazaar are restored in their original form so that shopkeepers and consumers are not negatively affected. Referring to former municipal administrations, he said that it would be more appropriate to maintain what was done well/correctly

[85] As a result of individual correspondences with the AMM, it has been determined that the AMM Council comprises 88 members affiliated with the Justice and Development Party, 19 members from the Nationalist Movement Party, 29 members from the Republican People's Party, and 11 members from the Good Party.

and to correct what was done incompletely/incorrectly (Hürriyet, 2019a). This indicates that the council members from the JDP who supported the demolition decisions when the AMM was under JDP rule prior to the 2019 local elections are now backing down from these decisions and seeking a compromise with the shopkeepers and consumers.

In the same period, Yavaş met with the shopkeepers of Ulus Bazaar and Anafartalar Bazaar. Declaring that the AMM does not plan to demolish the Anafartalar Bazaar, he stated that they will renovate and beautify the bazaar and rent out the shops in line with the demands of the shopkeepers. In this way, it is expected that both the municipality will generate income and the Ulus region will be revitalized and become a center of attraction. Yavaş also emphasized that they will solve the problems of the region piece by piece in cooperation with all relevant institutions (Yılmaz, 2019b).

Nevertheless, it was reported in the media that the protocol signed with the Ministry of Environment and Urbanization and the Ministry of Transportation and Infrastructure in Mustafa Tuna's term was suspended after the AMM administration switched from the JDP to the RPP in the 2019 local elections. On the other side, highlighting the uncertainty about the project, shopkeepers stated that they heard rumors indicating that the project has been suspended for a while due to financial problems and administrative/bureaucratic issues (Aydilek, 2019).

In September 2019, the AMM Mayor remarked that they will change the profile of Ulus Square and revitalize commerce around the square. Furthermore, he underlined that they would make spatial arrangements that satisfy both the shopkeepers and citizens. Reiterating that they will not demolish the Anafartalar Bazaar, Yavaş declared that they are on the verge of determining whether the Ulus Block Office should be demolished to revitalize the square and whether the municipal enterprises should be placed in the building. He added that they plan to move the shopkeepers in 100. Yıl Bazaar to Anafartalar Bazaar, to immediately evacuate and demolish the 100. Yıl Bazaar, to build a two- or three-story underground parking area, and to transform Ulus Square into a huge urban square (Hürriyet, 2019b).

The Law and Tariffs Commission of the AMM Council prepared a report after discussing the request of the AMM administration for the demolition of the 100. Yıl

Bazaar, which was approved by the ACC No. II in 2015. The report acknowledged that the bazaar should be demolished for the Ulus Square Project but stated that the opinions of the shopkeepers currently operating in the bazaar should be sought regarding the demolition of the bazaar. It was envisaged that a decision on the future of the 100. Yıl Bazaar would be made after the opinions of the shopkeepers were received (Yılmaz, 2019c).

Although all political party groups in the AMM Council favored the demolition of the 100. Yıl Bazaar, the council decided to postpone the demolition of the 100. Yıl Bazaar at its January 2020 meeting in accordance with the report of the Law and Tariffs Commission (Haberler.com, 2020; İlksayfa, 2020). One month later, the definitive decision to demolish the bazaar was sealed as the AMM Council approved the commission report on the demolition of the bazaar (Yılmaz, 2020a). In June 2020, a tender was held for the demolition of the bazaar, which was expected to take six months (Habertürk, 2020).

Following this, representatives of Türkiye Working Party for Documentation and Conservation of Buildings, Sites and Neighborhoods of the Modern Movement (docomomo_Türkiye); ICOMOS Türkiye National Committee, Conservation and Restoration Specialists Association (KORDER), Architects Association 1927, Chamber of Architects Ankara Branch, Turkish Independent Architects Association, and a group of academics and experts came together to stop the demolition of the 100. Yıl Bazaar and to develop recommendations that address the area as a whole. This group shared their detailed study with the high-ranking bureaucrats of the AMM. The study acknowledged that the current condition of the bazaar is not good, but argued that with simple interventions, the building can be re-functionalized with its existing potentials and brought back into urban life (Ayhan Koçyiğit, Etyemez Çıplak, & Acar, 2020, p. 17). The Chamber of City Planners Ankara Branch and the Chamber of Architects Ankara Branch also opposed the AMM Council's decision to demolish the 100. Yıl Bazaar. Arguing that any unplanned intervention will lead to destruction, the Chamber of City Planners Ankara Branch pointed out that the urgent need for the Ulus district is a conservation plan. The branch evaluated that the demolition of the 100. Yıl Bazaar –which was the winning project of a national architectural competition and has not yet completed its economic life with its multi-purpose hall, art gallery, and shops

– is contrary to the public interest, urban planning principles, and the principles of holistic planning of the historical environment. Even though the branch appreciated that the new AMM administration requested the branch's opinion on the development of a new Ulus Conservation Plan, it considered the demolition of the bazaar in a piecemeal, fragmentary, non-conservative, and non-participatory manner as the reminiscent of the AMM's past practices (soL, 2020).

The Chamber of Architects Ankara Branch expressed its disapproval when the demolition commenced while there were legal proceedings regarding the demolition of the bazaar between the chamber and the AMM, as well as the ongoing cases between the AMM and a shopkeeper regarding the evacuation of her/his shop. Indeed, the chair of the branch emphasized the ruling of the Ankara 11th Administrative Court (Case no: 2020/1174) which suspended the execution of the demolition and eviction (Aydın, 2020). Following the reaction of the chamber, the demolition was halted in accordance with the court's stay of execution ruling (Gazete Duvar, 2020).

During the same period, Asım Balcı, who was elected as the Mayor of Altındağ District Municipality from the JDP in 2019 local elections, criticized the uncertainty in the AMM's road map for Ulus Square. He emphasized that the intentions of the Ankara Metropolitan Municipality (AMM) regarding Ulus Square were unclear. He also added that the AMM should disclose its plans to the public, and it should take immediate action to prevent the decline in the area considering "there are no obstacles in the way" (Yılmaz, 2020b). Balcı's criticism prompted a public debate, to which AMM responded with a media statement. The AMM stated that all plans and projects prepared for the Ulus Historic City Center are decided by the conservation council, which includes a representative of the Altındağ District Municipality, and, when necessary, by the AMM Council, of which Balcı is a member. It was also stressed that Balcı, as a council member, voted in the AMM Council decision for the demolition of the 100. Yıl Bazaar. The AMM also pointed out that all decisions taken by both the conservation council and the AMM Council are communicated in writing to all relevant institutions as required by law. Therefore, the statement highlighted that it is not possible for Balcı to be uninformed about the decisions and projects concerning the area, and if Balcı is uninformed, the responsibility lies with the bureaucrats and staff of Altındağ District Municipality, (Hürriyet, 2020).

In February 2021, the AMM applied to the Ankara Regional Council for the Conservation of Cultural Property[86] (Ankara Regional Conservation Council -ARCC) to convert the Ulus Office Block, which is largely vacant (except for the shops underneath) since 2017 into a five-star hotel and accommodation facility in accordance with an AMM Council decision adopted earlier. If approved by the ARCC, the building would be contracted out for twenty-five years on a build-operate-transfer model. By converting this well-located building into a prestigious hotel, the AMM aimed to attract high-profile tourists to the Ulus area and change the demographic structure of the area (AMM, 2021). The AMM was also planning to implement a facade renovation project approved by the ARCC for Ulus Bazaar and Anafartalar Bazaar without damaging the original texture and characteristic structure of the buildings, which are right next to the Ulus Office Block (Cumhuriyet, 2021; Yılmaz, 2021a).

The ARCC rejected the AMM's request to turn Ulus Office Block into a hotel. Since the request was not accepted, it was decided to use the building as the service building of EGO. After the renovation of the building, approximately one thousand staff was expected to work in the building. The relocation of the organization to the area where Victory Monument[87] is located would have contributed to the revitalization of both the historical city center and the economic, commercial, and social life, which would stimulate the businesses of the shopkeepers in the district. It was also expected that citizens will be able to reach the organization more easily after moving to the Ulus Square (EGO, 2021).

Following this decision, an NMP member of the AMM Council expressed their support for the revitalization of the area. He also stated that the previous demolition decisions regarding the demolition of Ulus Office Block, Ulus Bazaar, and Anafartalar Bazaar were like “a guillotine on the neck of the shopkeepers” and that the AMM

[86] On April 7, 2020, with the approval of the Ministry of Culture and Tourism, Ankara Regional Council for the Conservation of Cultural Heritage No. I and Ankara Regional Council for the Conservation of Cultural Heritage No. II were merged to form the Ankara Regional Council for the Conservation of Cultural Heritage.

[87] The Victory Monument, constructed in the early years of the Republic of Türkiye, was renovated in accordance with its original structure by a collaborative effort between the Anadolu Organized Industrial Zone and the AMM Department of Cultural and Natural Heritage in late August 2021.

should prevent such decisions from becoming a problem for the shopkeepers in the future. In addition, a JDP member of the AMM Council raised the issue of developing a conservation plan for the Ulus district. He suggested that either the buildings should be demolished, and Ulus Square should be rearranged, or the area should be planned and utilized. He also demanded that the administration inform the AMM Council about the Ulus Tunnel Project (Yılmaz, 2021b).

As can be seen, the AMM has taken some steps to meet the demand of the shopkeepers in the area for a public institution to move to the Ulus Office Block. The AMM Council decision to renovate the facades of Ulus Bazaar and Anafartalar Bazaar can also be considered in this context. However, considering that the demolition decisions have not been canceled by the new AMM administration, the AMM's inaction on this issue allows flexibility for possible hidden agendas of the AMM, such as the demolition of these buildings in the future.

In addition, as of early 2022, the AMM started to hold tenders for the renting of vacant shops in Ulus Bazaar and Anafartalar Bazaar. Interviewee 2, a shopkeeper in Anafartalar Bazaar, also claims that previous eviction cases were withdrawn during the Yavaş period. To recall, the shops in the bazaars, which were planned to be demolished by the previous AMM administrations, were not rented to evacuate the bazaar more easily.

It can be inferred from the statement of Interviewee 9 that the AMM determined the timing for renting the shops in the bazaars by consulting the opinions of the shopkeepers, as follows:

> *Mr. Yavaş asked whether the shops should be rented out first or the bazaars should be renovated. We expressed that we no longer had the strength to withstand further delay and requested that renting the shops be prioritized. We expressed that we need new shopkeepers to join us in order to revitalize these areas. There are many vacant shops both here* (Ulus Bazaar) *and under the building of the General Directorate of Sports* (Ulus Office Block).

Yavaş administration restarted the renting of shops, which was appreciated by some shopkeepers, as can be seen in the following statements of Interviewee 2:

> *With the arrival of Yavaş into office, our motivation was renewed. […] As you can see, the vacant shops have been filled. He lifted the ban on rent. […] I had*

> *already prepared to leave my shop. We felt like we were starting our businesses anew.* (Interviewee 2)

Paradoxically, during this period, while the AMM attempted to repopulate the bazaars with new shopkeepers, it continued to send eviction notices to the shopkeepers whose rental contracts were about to reach ten years. As Interviewee 4's words indicate, this has led to confusion among the shopkeepers:

> *"I don't understand why Mansur Yavaş wants to evict the old tenants of this place, even though he wants to revitalize it. Is there a lack of communication between Mansur Yavaş and the [AMM's] legal department, or does Mansur Yavaş approve of this?*
>
> *You want to renovate and revitalize this place and rent out the vacant spaces, but you send eviction notices to the tenants who has paid their rents for ten years on the other hand.*

The inconsistency in the AMM's actions was also demonstrated by the attempted forced eviction of a shopkeeper in the Ulus Bazaar. An official[88] who did not disclose his identity attempted to forcibly evict the shop by claiming that he was authorized and had a court order. The tenant shopkeeper stated that he was facing eviction because he had completed ten years of the lease agreement. Based on the narratives of Interviewee 4, a shopkeeper in Anafartalar Bazaar, and Interviewee 11, a lawyer for many shopkeepers in the bazaars, it is understood that the AMM sought to terminate the shopkeepers' contract at the end of the ten-year extension period without giving any reason and evacuate the shopkeeper on the basis of Law no. 6098 on Obligations and Law no. 2866 on State Procurement.

Although the abovementioned shopkeeper in Ulus Bazaar wanted to learn the necessary procedures to stop the eviction process, the official who came for eviction did not inform the shopkeeper about these procedures. The shopkeeper learned through his own means that he could postpone the execution of the eviction by paying collateral and stopped the eviction (Haberler.com, 2022). This indicates that the official attempted to use his superior position vis-à-vis the shopkeeper, resulting from

[88] According to Law no. 2866 on State Procurement, the occupied immovable property is evacuated and handed over to the administration by the local civilian authority (*mülkiye amiri*) upon the request of the administration. Interviewee 11 also stated that the AMM realized these evictions through district governorships. Considering this, it is possible to argue that the official who did not reveal his identity is an official from the Altındağ District Governorate.

information asymmetry, to evict the shopkeeper quickly. As evident from Interviewee 3's account, the issue of evacuating shopkeepers during the Yavaş era has become a more significant problem in Ulus Office Block, where the relocation of EGO is planned:

> *In Ulus Bazaar, everyone is staying in their place. This block has been somewhat separated. There are approximately five of us on this side and maybe three people left on the other side, totaling perhaps eight of us in this building. It appears that most of the eviction cases are focused on us, as far as I understand. The shops beneath this building are being vacated. For example, our heating system has been cut off for three or four years. All of these are actually to push us away. [...] Now our water has been cut off, it's been about a month. Our phones, the internet have been cut off. When they said they would cut off your electricity, we said "let's go and get an injunction order from the court". Then, they said "okay, we won't cut off your electricity". Perhaps they thought that the problem would escalate. Our shops have no connection to the upper floors. When the General Directorate of Sports was in the building, they served there for years, and we worked here. If EGO comes here, let it come. […]*
>
> *Our future is uncertain, and we don't know what will happen. I can't even paint my shop. Should I paint it or not, will they evict me tomorrow? One day you find a notice saying, "you are a tenant for 10 years, get out". Now they are saying, "I'm going to rent this place; get out". When people can't see their future, they can't make investments.*

The problems related to the method of eviction and their consequences are articulated by Interviewee 3 with the following statement:

> *[W]hy should I move from this shop to another out of sight? I can't sustain my business there. They are not saying, 'Okay, we will renovate these places, in the meantime, move to the other side, and then come back here.' They are not offering alternatives with similar conditions. They are saying, 'We provided alternatives to the shopkeepers, but they did not accept any of them'. This is not accurate. If alternatives were offered in suitable locations, the shopkeepers would move without protest. Moving a place far from sight would mean the end of their business. In that case, they would struggle until the last moment, engaging in legal battles, wanting to stay here until the court issues an eviction order. We had not been involved in such a struggle before. But I do not believe that Mansur Yavaş is aware of our troubles. Or he probably thinks we are unjust because we rejected the presented alternatives. Also, we are not a large group anymore.*

In the meantime, the AMM launched "the Concept Project Competition for 100. Yıl Bazaar and its Close Vicinity" in February 2022 and announced its results in June 2022. Three projects won the competition (Figure 44) out of sixty-four projects, and

five projects were awarded honorable mentions. Each of the projects shortlisted favored the renovation of the building and aimed to improve its architectural quality through specific modifications, all in an effort to revive Ulus Square and draw the citizens to this revitalized public space (Kızıl, 2023, p. 76).

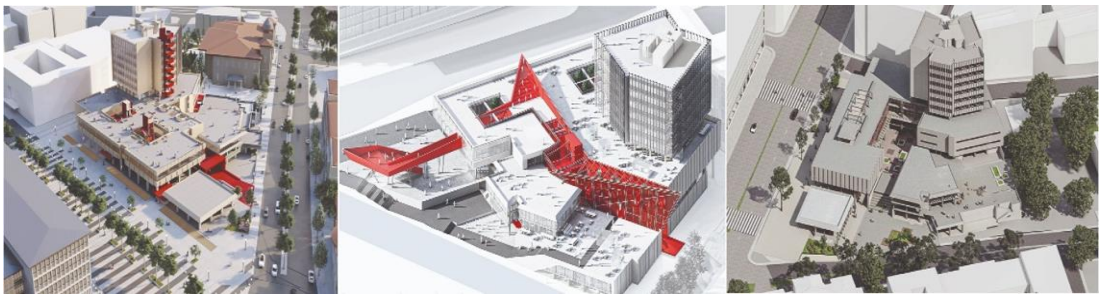

Figure 44: Three shared winners of the Concept Project Competition for 100. Yıl Bazaar and its Close Vicinity.
Source: AMM, 2022a.

In July 2022, the AMM conducted an online survey on how to evaluate the Ulus Square and 100. Yıl Bazaar, as one specialist group argued that the bazaar should remain in its current location, be preserved and functionalized, while another specialist group argued that the bazaar has no historical features and should be demolished to create a new urban square in the center of Ankara, the capital of the Republic. The survey, which included visuals of the draft projects, provided two options: "I prefer an urban square to be built in Ulus" and "I prefer the 100. Yıl Bazaar to be preserved and re-functionalized".

Of the approximately 29,000 people who participated in the survey, 69 percent preferred the first option, while 31 percent preferred the second option (AMM, 2022b). In accordance with the survey results, the AMM re-tendered for the demolition of the 100. Yıl Bazaar in November 2022 (T24, 2022). The reaction of Interviewee 8, who has been a shopkeeper in the 100. Yıl Bazaar for thirty years, to the survey and the pro-demolition decision is as follows:

> *They held a competition for this place. Three projects that conserve the building won the competition. Then what did they do? They asked the public. Twenty-five thousand people voted. Are there only twenty-five thousand people in Ankara? There are six million people. Can it be like that? [...] It was just formality.*

Interviewee 6 from the Anafartalar Bazaar shares a similar perspective:

> *Recently, they closed down 100. Yıl Bazaar and they asked us what to do next. But, in my opinion, they shouldn't have asked. Because asking means putting on a show. If I told them to build a skyscraper, would they really build one? They would just do what they already had in their minds. Two years ago, [Yavaş] released a video about 100. Yıl Bazaar, proposing an underground parking area, a shopping center on top, and a square.*

The Chamber of Architects Ankara Branch and the Chamber of City Planners Ankara Branch argued that the fate of Ulus Square and the 100. Yıl Bazaar should be determined through scientific reasoning rather than a survey based on draft project visuals and two questions. They contend that such a survey hides crucial information from the public, limits public participation, disregards the efforts of AMM employees and competition participants, and wastes the competition budget. Emphasizing that Yavaş has sustained Gökçek's ideas of demolishing the 100. Yıl Bazaar and creating a square, the chambers claimed that this survey has served to legitimize the demolition, devalued the opinions and productions of experts and professionals, and created uncertainty about future competitions (soL, 2022).

The assessment of Interviewee 25, who holds positions of responsibility in the Chamber of Architects, regarding the AMM's approach to Ulus Square during the Yavaş's tenure and its relationship with professional organizations, is as follows:

> *If you look at the projects promised by Mansur Yavaş, they are centered around pedestrianization of Ulus Square. Pedestrianization, tunnel construction... This was a Gökçek project, in terms of transportation. Here, during the Mansur Yavaş era, only Anafartalar Bazaar, the building of the General Directorate of Sports, and Ulus Bazaar were not demolished. This is more of a recessive intervention. It aims to both preserve and implement his promises. On one hand, it seeks to demolish the 100. Yıl Bazaar; on the other hand, it tries to preserve the other buildings. There is an effort to strike a balance. But there is a tense relationship with professional organizations. It appears as if they are in communication with professional organizations, but that's not the reality. The legal processes and their opposing discourse on the need for comprehensive planning in the Ulus Historic City Center are disturbing. Especially the issue of the 100. Yıl Bazaar...*
>
> *During the process of demolishing the 100. Yıl Bazaar, all architectural organizations issued a joint statement. But despite that, he says he will demolish it. There is such an approach, so there is a tense relationship. What we see here is actually this: Local governments always do what they know, they just pretend.*

Interviewee 21, on the other side, expressed the following views regarding the continuation of projects from the Gökçek's tenure by the AMM under Yavaş's administration:

> *Decision-making processes are cumulative processes. There is garbage can decision-making model. When an administrator takes office, s/he takes the decisions and projects that could not be exercised in the past and were thrown in the garbage can out of the can and reinstate them. There are many such projects [inherited] from the Melih Gökçek era.*

The Chamber of City Planners Ankara Branch; Chamber of Architects Ankara Branch; Architects Association 1927; KORDER; ICOMOS Türkiye National Committee; docomomo_Türkiye; and the Foundation for the Protection and Promotion of the Environment and Cultural Heritage (ÇEKÜL) Ankara Representative released a joint statement titled "Ulus 100. Yıl Bazaar must be preserved!".

The signatories to this statement believed that the AMM's survey devalues both the architectural project production processes and the professions of architecture and urban planning, as well as conservation expertise and scientific knowledge. They also noted that it is not scientific and ethical to make a decision on 100. Yıl Bazaar through a survey that does not involve participation, does not provide information to the participants, and whose target audience and foci are not clear (Hürriyet, 2022a).

Besides, these organizations underlined that the demolition of 100. Yıl Bazaar will not create a square but an undefined urban void. Emphasizing the need for a comprehensive planning in the conservation and development of the Ulus Historic City Center, they argued that the conservation of 100. Yıl Bazaar by re-functionalizing in the light of the results of the concept project competition would ensure the transfer of cultural layers of Ankara to the future in a holistic manner. Therefore, they called on the AMM to respect the results of its own competition and science (Hürriyet, 2022a).

Similarly, the jury of the Concept Project Competition for 100. Yıl Bazaar and its Close Vicinity called on the AMM to embrace the competition, which it launched by valuing professional expertise and scientific knowledge, and to realize the results of the competition. The jury pointed out that the common approach of the award-winning projects in the competition has been to preserve the original and qualified values of the building and to reorganize its long-lost relations with its immediate surroundings.

They also question the representativeness of the results of the survey as it is an ill-conducted practice contrary to professional and scientific data (yapi.com.tr, 2022).

The AMM's approach in terms of Ulus Square and 100. Yıl Bazaar was also challenged by the opposition within the AMM Council. A council member from the NMP stated that there was a problem of sequence in the AMM's actions. For him, if the project is to be conducted with the participation of the citizens, first a survey should be conducted to determine the demands of the citizens and the project competition should be organized accordingly, followed by the eviction of the bazaar shopkeepers, demolition decision and demolition. However, the AMM has completely reversed this process (Hürriyet, 2022b).

The same council member points to another confusion of the AMM, which was being experienced in terms of Ulus Office Block. He argued that even though it has been a year since EGO was announced to move into the building, the building is still vacant, which has heavy costs not only for the commercial dynamism and cultural accumulation of Ulus region but also for the entire Ankara. He also stressed that in an area with a dense historical texture like Ulus, it is necessary to develop more holistic approaches with conservation plans rather than piecemeal interventions (Hürriyet, 2022b).

Figure 45: A view of the 100. Yıl Bazaar surrounded by wooden panels on 17 October 2022 (photo taken by the author).

In the second half of the 2022, the AMM surrounded the 100. Yıl Bazaar with wooden panels, demonstrating its intention to demolish the bazaar despite all objections (Figure 45). On the other hand, it started restoration works approved by the conservation council in Anafartalar Bazaar, Ulus Bazaar, and Ulus Office Block with the aim of giving Ulus Square a new appearance and making it a center of attraction again as it was in the past (Figure 46). Accordingly, the Anafartalar Bazaar underwent static strengthening; facade renovation; ceiling, wall and floor covering renovations; and renovation of electrical and mechanical installations (AMM, 2022c).

Figure 46: Ulus Bazaar and Anafartalar Bazaar during the renovation process (Photos taken by the author on 18 October 2022 and 3 January 2023 respectively).

Interviewee 5, a shopkeeper in Anafartalar Bazaar, has very intriguing views regarding the restoration activities in Anafartalar Bazaar. He states:

> *Now, they are trying to renew the bazaar, trying to dismantle the parts, but it's so sturdy that they can't dismantle it. It's not my duty, but they will dismantle these sturdy materials, put on flimsy ones, and claim they've done restoration. Maybe these materials will deteriorate in five years, and they will say your bazaar has reached the end of its life, let's demolish it. In my opinion, this is a project to demolish the Anafartalar Bazaar. They are dismantling it under the pretext of repairing it."*

In Ulus Bazaar, some parts of which had changed over time and lost their design features, restoration works have been carried out to eliminate the causes of obsolescence while preserving the original architecture of the building (AMM, 2022c). During the interviews conducted in October 2022 while the renovation works were underway, it was observed that shopkeepers had different views on the renovation activities in Ulus Bazaar, as reported below:

> *If you want to create a square, do it, fix the infrastructure, demolish the ones that need to be demolished, preserve the historical areas. But now, they are working on it, and they keep breaking it and leaving it unfinished. [...] Perhaps it would have been better if they had demolished this place; the history would have emerged. Tear it down, create Atatürk's square, beautify the parliament building, expand the areas, make everything visible, add greenery, arrange the areas near the Roman Bath. This place has nothing to do with history. It's not a historical place. This is a building constructed in 1960. This building has no connection with history. What I mean is to expand Ulus Square. Place Atatürk's monument in the square in a way that shows it is the capital of Türkiye. A tiny square with Atatürk on a horse... It doesn't look right. What is this building? It's like a scrapyard. [...] İş Bank is history, the Roman Bath is history, the parliament is history, Ankara Palas is history, the Central Bank is history, the Citadel is history, but this bazaar is not. The General Directorate of Sports building can be demolished, and the 100. Yıl Bazaar can be demolished, but Anafartalar Bazaar can remain.* (Interviewee 7)

> *Mr. Yavaş's team had a timing issue. The pandemic caused almost two years of stagnation in our business. If they had carried out renovations during that period, no shopkeeper would have suffered. However, they were too late for the renovation. It is still uncertain what will be done during the renovation. Shopkeepers currently do not know what will happen to them. Although Mr. Yavaş instructed his team to cooperate with the shopkeepers, to include them at every level, this is not happening right now unfortunately. [...] The renovation in the next courtyard has been ongoing for a month. It was supposed to be a five-day job. Shopkeepers are frustrated. Gökçek couldn't deter them, Tuna couldn't deter them, but Yavaş's team has. I genuinely believe that Mansur Yavaş is on the side of the shopkeepers, but as the process involves bureaucrats, the shopkeepers are not being actively involved. It started as a renewal project but turned into a construction project.* (Interviewee 9)

Some vacant units of the Ulus Bazaar, whose restoration was completed as of July 2023, were allocated to junior lawyers for use as offices within the scope of a protocol signed with the Union of Turkish Bar Associations (AMM, 2023a). In addition, the AMM signed protocols with Bilkent University and Gazi University for the Ulus Technology Center, which will serve as an incubation center for young and prospective entrepreneurs, especially university students and academics, in the bazaar building (AMM, 2023b; AMM, 2023c).

In the Ulus Office Block that was evacuated in 2017 and has since remained in a state of disuse, exterior facade renovation; interior ceiling, wall, and floor renovation; as well as elevator, electrical, and mechanical system renovation projects were carried out (AMM, 2022c). As mentioned before, EGO would move to the building after the restoration works were completed. The restoration works of the Ulus Office Block

were completed in the September 2023 (AMM, 2023d); however, the organization has not yet moved to the building as of February 2024. Interviewee 3, a shopkeeper under the Ulus Office Block, expresses his positive view of the change in AMM's approach during the Yavaş administration from demolition to restoration and beautification. He also highlights the challenges they are facing, including the threat of eviction and the lack of essential amenities, such as heating and water, which has caused considerable distress.

Figure 47: An aerial view of the area after the demolition of the 100. Yıl Bazaar. Source: AMM, 2023e.

Figure 48: "Ulus Square Design Project" shared with the public by the AMM. Source: AMM, 2023e.

However, it is evident that demolition was not off the agenda of the AMM under Yavaş for Ulus Square. It was only selectively implemented. In April 2023, for instance, the

demolition of 100. Yıl Bazaar began, despite all objections to the piecemeal approach to Ulus Square and 100. Yıl Bazaar. In August 2023, the AMM announced that the demolition of the bazaar within the scope of the "Ulus Square Design Project" had been completed (Figure 47) and a new city square with green areas, modern urban furniture, open exhibition areas, a cafeteria and a two-story underground parking lot would be built in its place on an area of 7,800 square meters (Figure 48).

Moreover, in 2022, the AMM has conducted three meetings regarding the development of a new conservation plan for the Ulus Historic City Center. The first of these was held with the Department of Cultural and Natural Heritage under the auspices of the AMM, the second with the representatives of public institutions, and the third with academics and representatives of professional chambers. In these meetings, it was discussed whether the conservation plan would be developed through a competition or a tender.

Finally, it was decided that it would be developed through a tender. However, it was decided that the development of the plan would be guided by an advisory board. The Head of the Department of Cultural and Natural Heritage states that their intent was to ensure a planning process with an internalized, sincere, and inclusive participatory approach. According to him, there will undoubtedly be room for debate in this process, but the aim is to achieve a plan that everyone can agree on with a minimum of controversy (Haber3, 2023).

In the context of the debate regarding the method of obtaining the conservation plan, Interviewee 15 argues that it is essential to obtain the plan for the preservation of the Ulus region without delay, suggesting that there is no time left for a competition and that the plan should be obtained through a tender process. On the other hand, Interviewee 21 claims that conservation plans obtained through tenders are often challenged in court, leading to cancellations. Therefore, to break the cycle of plan tenders, legal processes, and court cancellations, Interviewee 21 proposes obtaining the plan through a competition and aims to overcome the deadlock.

While the restoration of Ulus Bazaar, Ulus Office Block, and Anafartalar Bazaar and the demolition of the 100. Yıl Bazaar are underway, the AMM initiated a tender for the traffic management implementation project for the Ulus Square. The tender

encompasses tasks, such as preparing a preliminary assessment report, preliminary projects, application project services, and meeting various technical requirements for approximately 1,2 km route. TÜMAŞ successfully secured the tender, and the contract valued at 4,445,000 TL (approximately $172,000)[89] was formalized on 12 April 2023 (AMM, 2023f).

Those holding positions of responsibility in the Chamber of Architects Ankara Branch and the Chamber of City Planners Ankara Branch have raised objections to the tendering of this project, which is associated with the Gökçek era, involving the undergrounding of main roads passing through Ulus Square. According to the chambers, the implementation of this project without higher scale plans suggested the continuation of unplanned development in Ulus (Chamber of Architects Ankara Branch, 2022).

Accordingly, Interviewee 25 explains the logic behind the AMM's insistence on carrying out interventions in Ulus Square and its surroundings without a conservation plan as follows:

> *A conservation plan is required, but the municipality is not taking the initiative. They see the court's judgment [cancelling the conservation plan] as an advantage, allowing them to intervene on a parcel basis through administrative decisions. Consequently, they prefer this approach. Instead of developing a comprehensive plan for an area with canceled plans, they exploit it through fragmented interventions. They attempt to intervene on a parcel-by-parcel basis. However, there is a clear need for a comprehensive intervention in Ulus. They are using the court judgment in favor of their own interventions. The previous approach was to circumvent the court judgments while the current approach is to intervene on a parcel basis without comprehensive planning.*

Additionally, the professional chambers reiterated that this project may cause damage to historical artifacts beneath the ground. Furthermore, they anticipate that the project will transform Ulus, a crucial link between two districts with populations in the millions, into an attractive route, potentially giving rise to new transportation challenges in Ulus and its surroundings. Expressing dissatisfaction with the lack of consideration given by the AMM to the criticisms and suggestions of professional

[89] $ 1 = 25.85 TL in June 2023 exchange rate (Central Bank of Türkiye, 2023)

chambers and organizations, they stated that they had to participate in decision-making processes through legal proceedings. Thus, they have indicated their intention to file a lawsuit against this project as well (Chamber of Architects Ankara Branch, 2022).

At this point, the insights provided by Interviewee 21 on the reflections of the confrontation between professional chambers and the AMM exacerbated by the lack of negotiations and legal processes during the Gökçek period shed light on the situation during the Yavaş era:

> *Unfortunately, the perspectives on the renewal process of Ulus Square, along with any local policies, are shaped under the influence of the past. […] While the idea of pedestrianizing the Ulus historic city center is not inherently wrong, the extensive and controversial history, filled with disputes and conflicts, makes it almost impossible to turn it into a subject for negotiation. […] Issues that could be discussed and negotiated during Karayalçın's term were somehow turned into a means of objection in the environment of non-negotiation during Gökçek's term. This instrumentalization was not always incorrect. […]*
>
> *However, at the end of the day, there is an obligation for those governing the city to come up with solutions to current situations. Especially if we live in a city like Ankara, it is necessary for these two sectors to come together and negotiate. Unfortunately, political positions interfere in this process and the issue becomes politicized. The main concern and raison d'être of the Citizen Council is to create this negotiation environment. I believe that Ankara is one of the cities that needs this negotiation environment the most because no city in Türkiye has lived under a mayor as polarizing as Melih Gökçek for twenty years. We still carry the psychological effects of that period. Academicians still cannot express their views freely. Professional chambers still evaluate issues based on the same clichés. We are not in an environment that allows for new, innovative evaluations, frankly.*

On 13 March 2023, the AMM launched a separate tender for the development of conservation plans and a research report for the Ulus Historic City Center Sites. This particular tender involves creating a 1/5000 scale master plan, a 1/1000 scale implementation plan, a research report, and a strategic plan, covering an expansive area of about 200 hectares. Egeplan Planning Firm emerged as the successful bidder for this tender, and the contract, valued at 3,235,000 TL, (approximately $125.000)[90] was officially signed on 4 May 2023 (AMM, 2023g).

[90] See footnote no. 123.

As in Interviewee 21's call, the first stakeholder advisory board meeting was held on 7 November 2023, hosted by the Ankara Citizen Council, as part of the development process of the Conservation Plan for the Ulus Historic City Center. Representatives of professional chambers, NGOs, academics, university students, the AMM Academic Advisory Board, and representatives of relevant AMM departments attended the meeting (Haber3, 2023).

These recent developments indicate that the AMM is taking proactive measures to achieve comprehensive planning with the engagement of diverse segments of society to conserve the Ulus Historic City Center. Nevertheless, given the AMM's fragmented interventions in Ulus Square and its tendency to overlook the insights of professional chambers and experts during Yavaş's administration, a future meticulous analysis of the process of developing and implementing new conservation plans will be essential to assess the effectiveness and sustainability of the new planning approach, which currently appears to be holistic, participatory, and consensual.

In conclusion, the political change following the local elections in 2019 has revealed some continuities and discontinuities in the AMM's renewal initiatives in Ulus Square. Continuities include the use of transition period regulations, (relatively low-level) tension with professional chambers, the use of harassment and intimidation tactics to evict bazaars, and the development of parcel-based projects. On the other hand, the most significant discontinuity is the effort of the AMM administration to retreat into the legal sphere due to the fact that it belongs to a different political party to the central government. Additionally, under Yavaş administration, the municipality has sought a balance between renewal and conservation. Moreover, it has pragmatically employed participation mechanisms to legitimize its actions, albeit in a limited way. Lastly, the debate between the AMM and professional chambers has shifted its focus from ideological and urban rent-oriented issues as in the past to participation and professional expertise professional matters.

7.6. Concluding remarks

This chapter shows that the urban renewal processes targeted by the AMM in and around Ulus Square operate within a multi-rule and multi-actor urban policy ecology, primarily as a result of the complex and dispersed legal and administrative framework

brought about by neoliberal urban policies in Türkiye. Within such a regulatory framework, the AMM administrators, especially those of a political nature, tend to go beyond the legal and official spheres. In this context, the AMM, in collaboration with the central government until the late 2010s, develop various ways to exploit the blurred lines between legality/illegality and formality/informality.

The chapter first discusses the unlawful annulment of the Ulus Plan by the AMM, which was seen as an obstacle to renewal. It also emphasizes that the AMM's annulment of the Ulus Plan, which can only be revised upon the approval of the conservation council and can only be annulled by a judicial verdict, is one of the administrative tactics that goes beyond legal sphere in this context.

Subsequently, the chapter identifies that within the framework of Law no. 5366 adopted in 2005, the AMM, in cooperation and coordination with the central government, declared the Ulus Historic City Center, which includes Ulus Square, as a renewal area three times, thereby seeking to bypass Law no. 2863, which limits spatial interventions in this area. It also argues that the AMM took advantage of the indeterminacy of the criteria for defining the boundaries of the renewal area in Law no. 5366 to implement an urban renewal project in Ulus Square. In addition, the chapter identifies the AMM’s legal engineering in defining a new renewal area in coordination and cooperation with the central government as an administrative tactic to bypass judicial processes and verdicts.

Furthermore, the chapter outlines the establishment of a new conservation council for Ankara Historic City Center Renewal Area under Law no. 5366, highlighting the influence of the AMM Mayor in the appointment and decisions of council members to eliminate potential obstacles. This indicates that the then Mayor of AMM intervened in decision-making mechanisms by resorting to informal administrative tactics in order to realize AMM's urban renewal projects in and around Ulus Square.

This chapter shows that the AMM also commissioned two conservation plans, incorporating renewal projects under Law no. 5366 in Ulus Square, protected under Law no. 2863. It points to the AMM’s informal relations, emphasizing that the first of these plans was awarded to an architectural firm with political ties. Moreover, the chapter reveals that these conservation plans, approved by the conservation council

but annulled by the judiciary, were found to pose a threat to cultural and historical assets due to their indeterminate proposals on urban density and archaeological sites. As can be seen, Ulus Square becomes a legally indeterminate and contested space as it is subject to both conservation legislation and renewal legislation.

On the other hand, this chapter argues that the exclusionary and polarizing approach of the AMM under Gökçek administration has pushed professional chambers to be involved the decision-making processes of the renewal and conservation processes in Ulus Square through legal procedures. It also reveals that the AMM changed its strategy to swiftly implement its renewal projects in Ulus Square amidst an ideologically, politically, and legally polarized and antagonistic context, and tried to circumvent the legal objections raised by the professional chambers with parcel-based transition period construction conditions instead of holistic conservation plans.

Furthermore, the chapter highlights the ownership of the bazaars surrounding Ulus Square and the opposition of shopkeepers as major challenges to a rent-driven urban renewal approach that excludes participation, disregards conservation, and envisions the demolition of the built environment surrounding the square. It notes that the first part of this problem was solved through a legal regulation passed by the national assembly (Law no. 6360) and a property exchange agreement (with the Social Security Institution/the Ministry of Labor and Social Security).

The chapter indicates that the ownership of the entire built environment around Ulus Square, which was planned to be demolished within the scope of the AMM's urban renewal projects since 2005, was transferred to the AMM, resulting in the demolition of the office block of Anafartalar Bazaar in 2018, thirteen years after the renewal initiatives began.

This chapter also identifies four administrative tactics that the AMM employed to break the resistance of shopkeepers. The first one is to leave the bazaars and its surroundings in disrepair, driving away customers and rendering the bazaar merchants unable to do business there. The second one is to radically increase the rents of existing tenants, making them unable to pay their rent. The third one is not to re-rent vacant shops in the bazaars, both to give the bazaars the appearance of abandonment and to minimize the volume of the opposition. The last one is to harass those who have

completed ten years in their lease contracts with eviction notices. All these four tactics are to evict the shopkeepers and start demolitions, which is essentially the story of the demolition of the 100. Yıl Bazaar in 2023.

The instrumentalization of the transition period construction conditions (whose validity period was made indeterminate), the acquisition of the ownership of the bazaars around Ulus Square, and the eviction of shopkeepers from the bazaars through harassment, which are the legacies of the Gökçek period, allowed for the AMM's demolition of a high-rise block around Ulus Square under Tuna's short tenure. Although far from polarizing and antagonizing attitude of the Gökçek period, the AMM's piecemeal and harassing practices around Ulus Square continued during Tuna's brief term, driven by the intention to pursue urban renewal projects in and around Ulus Square with the support of the central government.

The AMM's entrepreneurial urban renewal initiatives in Ulus Square since the mid-2000s have failed to produce the targeted built environment, despite the strategic (ab)use of legal indeterminacies and administrative tactics by the AMM. Among the most visible reasons underlying this failure are financial constraints, urban policy priorities, the historical and cultural character of the region, social opposition, legitimacy concerns, and legal processes initiated primarily by professional chambers and local traders.

However, equally significant is the absence of an investor and entrepreneurial group willing to undertake the ambiguous-scale urban renewal project and its associated risks in Ulus Square and its surroundings, a region shaped by numerous rules and actors. The lack of consensus among small and large interest groups regarding the sharing of benefits has also hindered the formation of an urban coalition for the realization of this project. Combined with the above-mentioned reasons, this led to the protracted paralysis of the neoliberal urban renewal process in and around Ulus Square that the AMM had been trying to carry out since the 2000s.

Although the AMM's piecemeal intervention in Ulus Square through transition period construction conditions and harassment of shopkeepers through eviction notices persisted during the Yavaş period, it is possible to say that its approach to the square was more compliant with the law and ostensibly more deliberative compared to the

previous periods. As a result of the political change in 2019, the AMM’s search for a balance between renewal and conservation in and around Ulus Square shifted towards seeking consensus with local residents and, to a limited extent, professional chambers, rather than capitalist circles or interest groups. This quest for reconciliation contributed to the demolition of the 100. Yıl Bazaar by the AMM during the Yavaş administration.

A striking feature of this period is the AMM's attempt to conduct a comprehensive conservation plan development process through participatory processes while adopting an exclusionary attitude in fragmented project processes, such as the demolition of the 100. Yıl Bazaar and the Ulus Tunnel Project. This can be seen as various drifts in the quest for a balance between renewal and conservation. For all these reasons, debates regarding the AMM's renewal initiatives in and around Ulus Square during the Yavaş administration are conducted more through the lenses of participation and professional expertise, rather than those of ideology or rent, as in the past.

In light of the observations made in this section, the next chapter presents the empirical and theoretical findings of the study. Recommendations for future research in this study field are provided, concluding the study.

CHAPTER 8

CONCLUSION

This dissertation investigates the primary reasons for the failure of the implementation of urban renewal projects, despite the strengthening of local governments through neoliberal administrative reforms. It analyzes the legal indeterminacies and administrative tactics employed by local governments to address these reasons and assesses the effectiveness of these strategies. It does so within the context of AMM's urban renewal initiatives in Ulus Square during the post-2000 period (Figure 49).

Within this context, the research pursues this investigation with reference to the implications of the contradictory and variegated nature of neoliberalism and the neoliberal state on the rule of law ideal. As discussed earlier, neoliberal theory vigorously defends the rule of law, which encompasses the determinacy of legal and administrative frameworks and the lawfulness of administrative authorities, for the sake of well-functioning of the free market and the security of private property. However, the practices of local governments and their officials in the neoliberal era reveal that they tend to go beyond the legal and formal sphere in urban renewal practices due to the legal and administrative indeterminacies created in the complex and dispersed regulatory framework that emerged because of radical neoliberal legal and administrative reforms.

Additionally, the peculiarity of Ulus Square is that it is a place where urban renewal processes in Ulus are shaped by multiple regulatory frameworks and actors. Besides, Ulus Square and its surroundings are unique in that the AMM's urban renewal initiatives have been prolonged and dragged despite many attempts since the early 2000s. It is even more striking that these initiatives have not been completed despite the fact that the central government and the municipal administration were governed by the same political party until 2019 and that a strong mayor was in office until 2017.

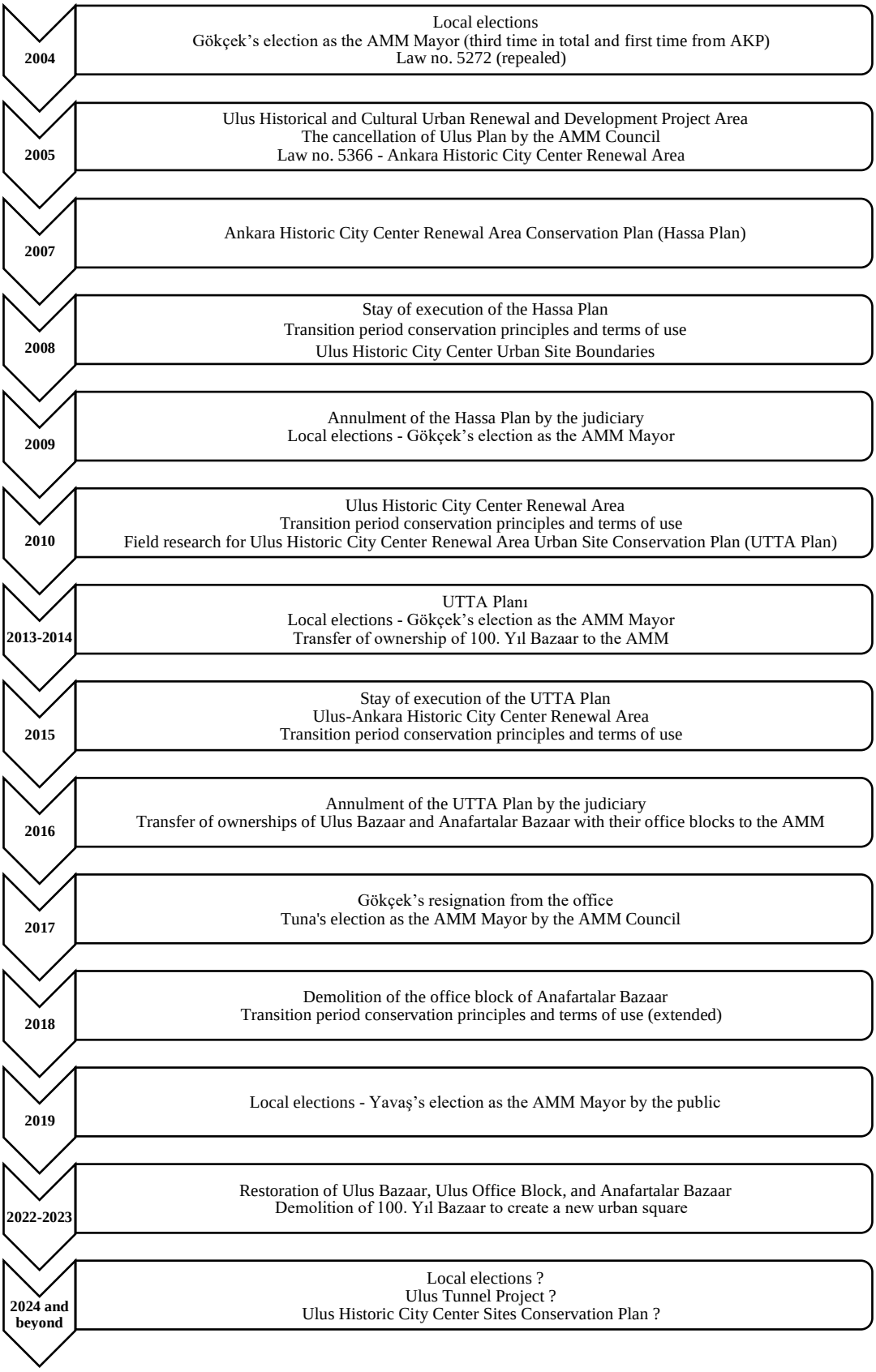

Figure 49: Timeline of political changes, legal regulations, administrative decisions, and judicial verdicts concerning Ulus Square in the post-2000 period.

The study used a combination of data collection methods that focuses on the actors and rules of the renewal process in Ulus Square. It involves in-depth semi-structured interviews, online media analysis, and administrative case file review. To extensively investigate the perspectives of the numerous stakeholders involved in the urban renewal initiatives in Ulus Square, the research interviewed people affected by, observing, intervening and both observing and intervening in the renewal process.

This group of diverse actors included shopkeepers, journalists, city planners, architects, municipal bureaucrats, a former district mayor, conservation council members, an artist, and academics. The study also conducted a comprehensive online media analysis covering both national and local sources from the early 2000s to the present day. Furthermore, administrative case files from both administrative courts and the Council of State were analyzed to strengthen the data gathered.

8.1. Empirical findings of the study

The synthesis of theoretical debates, analytical framework, and historical background discussed in the previous chapters informs the empirical investigation conducted in this dissertation. Subsequently, the empirical findings from the case study illuminate the underlying reasons behind the AMM's persistent urban renewal attempts in Ulus Square throughout the 2000s, the obstacles encountered in these initiatives, and the administrative tactics employed to overcome these challenges. The effectiveness of these tactics is also scrutinized in the empirical findings.

In the mid-1980s, during a period when the neoliberal MP held both the central government and the majority of local governments in Türkiye, the earliest indications of the neoliberal urban renewal approach can be observed in İstanbul. This is attributed to changes in urban development legislation and the establishment of metropolitan municipalities during this period. However, the predominance of neoliberal urban renewal policies in Türkiye was primarily established after 2002 with the advent of the JDP to power (Erman, 2016, pp. 69-70). During this process, areas containing historical, cultural, and natural values, which were previously safeguarded by legal protections and designated as off-limits to construction, were excluded from the scope of conservation through legal regulations. Consequently, these areas were made available for appropriation by rent-seeking capital (Şahin Ç., 2016, p. 88).

In this context, Law no. 5366, which excluded historical and cultural immovable assets within the renewal area from the scope of Law no. 2863, was adopted by the GNAT in 2005. Before the law was passed, the then AMM Mayor, İbrahim Melih Gökçek, demonstrated his pragmatic, urban entrepreneurial, policy entrepreneurial, and hands-on managerial qualities by actively participating in assembly committees at the GNAT discussing the draft law, which he seized as an opportunity for renewal initiatives in and around Ulus Square. In fact, the AMM Council's unlawful decision to annul the Ulus Plan, the adoption of Law no. 5366, and the issuance of the Council of Ministers decree defining the renewal area covering Ulus Square and its surroundings as per the law consecutively took place. The annulment of the Ulus Plan is considered a pivotal juncture for the success of the AMM's urban renewal initiatives in Ulus Square. Among the reasons cited for the cancellation of the plan are the mandatory approval requirement from the METU FA members, who are the authors of the plan, for every step taken concerning the square, and the inclusion of the buildings slated for demolition under the protection of the plan. Therefore, the Ulus Plan, perceived as an obstacle to urban development, has been annulled through an unlawful AMM Council decision.

It is not surprising that the AMM, led by the pragmatic urban policy entrepreneur Gökçek, neglected and/or violated formal rules and procedures to rapidly implement its urban renewal objectives in Ulus Square. Gökçek's eagerness to swiftly proceed to the implementation phase of urban renewal has become a source of contention even with the firms commissioned to develop the conservation plans. Frustrated by the prolonged debates over the conservation plans, he, as the employer, authoritatively imposed his own demands on the plan authors, or he personally made modifications in the plan without informing the authors, especially in areas where disputes might arise.

The law-making power has created "designed legal indeterminacies" (Penpecioğlu, Bayırbağ, & Schindler, 2022, p. 176) in Law no. 5366 by not specifying clear, objective, and scientific criteria to be considered when designating a renewal area. The inclusion of the phrase "obsolescent and on the verge of losing its characteristics" in the law has opened the door for the AMM to establish the boundaries of renewal based on observational and subjective data.

This has laid the legal groundwork for the AMM to identify a renewal area and implement a renewal project with significant room for maneuver within Ulus Square, an area within the site, potentially susceptible for abuse in terms of generating rent. In fact, the AMM has identified a renewal area either throughout the entirety of sites or, unlawfully, extending beyond the boundaries of the sites, instead of identifying a renewal area within the sites.

Even experienced judges encountered difficulties in interpreting the criteria of "obsolescent and on the verge of losing its characteristic", as evidenced by three cases brought before the Council of State regarding renewal areas including Ulus Square declared in 2005, 2010, and 2015. Therefore, in each of these cases, they requested evaluations from experts to determine whether the renewal area met the specified criteria. The experts have asserted in all these cases that the entire renewal area in question does not exhibit a universally obsolescent and on the verge of losing its characteristic nature. However, two noteworthy situations concerning the AMM and the Council of State have emerged regarding the Council of Ministers decree, dated 2015, approving the last renewal area, the Ankara Ulus Historic City Center Renewal Area. The first of these is that the Council of Ministers decree declaring the renewal area in 2010 was annulled by the Council of Ministers upon the request of the AMM and the aforementioned renewal area was accepted in 2015. In this way, the AMM bypassed the Council of State ruling, which stayed the execution of the Council of Ministers Decision approving the renewal area in 2010. As noted earlier, one of the JDP's leading figures in the AMM Council indicated that this was a consciously applied method to bypass court decisions. Indeed, this can be regarded as a formal administrative tactic implemented by the AMM to realize urban renewal initiatives in Ulus Square and its surroundings.

Secondly, the question of whether the entire area is obsolescent and on the verge of losing its characteristics, a persistent legal debate, has been the focal point in the lawsuits filed against the Council of Ministers decrees designating renewal areas in 2005, 2010, and 2015, heard by the Council of State. In all three cases, the supreme court panels sought expert opinions to determine this. In the first case, the experts asserted that it is unclear whether the boundaries of the renewal area coincide with the boundaries of the site and conservation area. They also stated that the renewal area has

been determined without any research, determination, or criteria related to the fact that the renewal area has been obsolescent and on the verge of losing its characteristics. According to the experts, this shortcoming stems from the fact that Law no. 5366 does not specify the decision-making criteria for the municipal councils and the Council of Ministers to designate renewal areas. Hence, they found that both the AMM Council and the Council of Ministers declared the renewal area within such a legal indeterminacy. Additionally, they highlighted that the archaeological sites, which cannot be considered obsolescent and on the verge of losing its characteristics, are included in the renewal area owing to this.

In the second case, the expert report evaluated that the entire area cannot be considered obsolescent and on the verge of losing its characteristics. However, the Council of State deemed this assessment objective, inadequate, and ambiguous. In essence, the higher court could not discern from the expert report whether the entire renewal area had the quality of being obsolescent and on the verge of losing its characteristics. Nevertheless, with the annulment of the AMM Council decision and Council of Ministers decree regarding the second renewal area and the acceptance of the third renewal area, there was no need to address this deficiency in the expert report.

The experts in the third case aimed to overcome the legal indeterminacy inherent in Law no. 5366 by defining the expression "on the verge of losing its characteristics" as "losing its originality". Accordingly, they demonstrated that the entire area is not obsolescent and on the verge of losing its characteristics. However, the Council of State, in this instance, decided that the expert findings were not a valid justification for suspending or annulling the Council of Ministers decree.

According to the supreme court, the experts made these determinations based on assumptions that subsequent design projects would harm historical and cultural assets. The court emphasized that in case of legal issues arising during the project implementation process, recourse to the judiciary against the actions and practices of the administration would be appropriate.

As evident from these three cases, the judges of the Council of State provided different legal interpretations on the same issue due to the indeterminacy of the Law no. 5366 and the inherent legal indeterminacy. Due to the open-endedness of the law and its

multiple interpretations, they annulled the first Council of Ministers decree for the renewal area, suspended the execution of the second one, but did not find it necessary for the third, despite similar justifications.

Moreover, while the sites within the Ulus Historic City Center was designated pursuant to Law no. 2863, renewal activities in this area were to be conducted within the scope of Law no. 5366. The existence of two conflicting legal regulations governing the same area has created a legal indeterminacy that municipalities could exploit. The AMM's initial announcement of its intentions for the Ulus Historical City Center in general, and Ulus Square in particular, as the "Ankara Historic City Renewal Area Project," and later revising it to the "Ankara Historic City Center Renewal Area Conservation Plan" in response to criticism, is not merely a clerical error but rather a reflection of the AMM's perception of these efforts as an urban renewal project.

The opportunity Gökçek saw in Law no. 5366 was to implement a large-scale demolition and an urban renewal project in and around Ulus Square without the restrictions of Law no. 2863, under the guise of restoring the early Republican-era appearance of the square. Gökçek, who believed that Ankara lacks a historical texture beyond the Citadel, aimed to make the city more appealing, especially to Middle Eastern tourists who prefer shopping. As part of this plan, instead of preserving historical and cultural values, he intended to realize a renewal project that involved the pedestrianization of the square and the construction of a massive shopping mall there.

Therefore, numerous interviewees believe that a network of interests, coordinated by Gökçek, involving certain construction firms, businessmen, pro-JDP bureaucrats, deputies, and even members of the judiciary, would benefit from the urban rent that will emerge during and after the implementation of the project at Ulus Square. The awarding of the conservation plan tender to a private architectural firm, whose owner has an ideological and political proximity to JDP leader Erdoğan dating back to their youth, serves as an indication of this circumstance. Therefore, it is plausible to assert that the tender, if not directly associated with Gökçek, was awarded to certain circles indirectly associated with him through his political party's leadership.

Moreover, the project to pedestrianize Ulus Square and convert it into a shopping-centered tourism area, coupled with the project to transform the Hacıbayram area into

a worship-based tourism area, undeniably carries a political and ideological aspect. This endeavor to sideline the Republican identity of Ulus Square can be conceptualized, drawing on Doğan (2005), as Gökçek's quest to spatially remake Ankara through neoliberal revanchism.

Furthermore, this law provides for the establishment of new conservation councils, affiliated with the Ministry of Culture and Tourism, distinct from the allegedly slow-functioning conservation councils overseeing administrative decisions and spatial interventions related to the sites under Law no. 2863. These newly organized conservation councils are specifically tasked with overseeing administrative decisions and spatial interventions within renewal areas. Accordingly, the ARACC has been organized to bypass the ACC in overseeing the renewal projects in Ulus Square and its surroundings.

The ARACC, in the words of certain interviewees, served this purpose as its members were informally determined and kept under pressure by Gökçek, the AMM Mayor at the time. In other words, influencing the selection of ARACC members and their decisions is one of the informal administrative tactics employed by the AMM Mayor to swiftly implement renewal projects in Ulus Square.

The approval of renewal-oriented conservation plans, which have been later annulled in court, by conservation councils composed of specialists in their fields strengthens the possibility that at least a majority of conservation council members were informally selected and/or were under pressure to ensure the approval of these plans. Furthermore, the failure of ACC No. II to register the works of esteemed artists in Anafartalar Bazaar highlights ACC No. II's reluctance to impede the AMM's urban renewal activities in Ulus Square and its surroundings.

On the other hand, the conservation plans developed for Ulus Historic City Center in the post-2000 period contain significant uncertainties identified by experts. For instance, the flexibility and ambiguity introduced in the alteration of land use and construction decisions within the Hassa Plan, previously formulated with a conservation perspective in the Ulus Plan, have been perceived as a threat to the sites in the Ulus region. It has been argued that this may create a regulatory environment susceptible to speculation and irreversible demolitions in the future.

A similar conclusion was drawn by the experts appointed by the administrative court in the lawsuit concerning UTTA Plan. According to them, the plan involves complex, confusing, flexible, and ambiguous expressions. Indeed, the plan did not develop a decision on the conservation of the buildings considered to be the modern architectural heritage of the Republican era and the archaeological finds likely to be discovered in the future. Moreover, the plan did not define the organizational and financial model through which the urban design projects envisaged for areas such as Ulus Square would be carried out. In this way, the conservation plan ceases to be a binding legal document for the AMM, which gives the AMM a wide room for maneuver for urban renewal or design projects to be implemented in Ulus Square.

It has already been mentioned that after the failure of the urban renewal initiatives in and around Ulus Square with these two conservation plans, the AMM under Gökçek's mayoralty shifted to a piecemeal implementation strategy through TPCPTU determined by the conservation council. As stated by interviewees, TPCPTU, which have the competence to grant development rights, prolonged the process of developing conservation plans for the Ulus Historic City Center.

This was further exacerbated by the extension of the duration of the TPCPTU from a total of three years (two plus one year) to an indefinite period (three plus an unlimited number of years) by the 2011 Decree Law no. 648. Thus, since 2015, all conservation and renovation activities in Ulus Historic City Center in general and Ulus Square and its surroundings in particular have been carried out within the framework of the TPCPTU. That is to say, the TPCPTU, which should have emerged as a temporary arrangement in the absence of a conservation plan, has become a formal administrative tactic and an established norm for the AMM to implement its renewal activities without being bound by a conservation plan.

Despite the new implementation strategy, there are two further challenges to the AMM’s implementation of the renewal project in and around Ulus Square. The first is that the ownership of the bazaars planned for demolition belongs to the Special Provincial Organization and the Social Security Institution of the Ministry of Labor and Social Security; the second is that certain institutions and the shopkeepers are tenants in the bazaars. The first problem was solved when the ownership of the 100.

Yıl Bazaar was transferred to the AMM in 2014 and the ownership of Ulus Bazaar, Ulus Office Block, Anafartalar Bazaar, and Anafartalar Office Block in 2016.

A part of the second problem was resolved with the evacuation of the Anafartalar Office Block by the Undersecretariat of Customs and the Ulus Office Block by sports federations. However, the shopkeepers in the 100. Yıl Bazaar, Anafartalar Bazaar, and the lower floors of Ulus Office Block had existing lease agreements that were still in effect, despite the planned demolition. At this stage, it can be argued that the AMM has implemented harassment and intimidation strategies blending both formal and informal administrative tactics to evacuate shopkeepers and rule the bazaars. The closure of shops by many shopkeepers who have been operating in the bazaars of Ulus Square for decades, triggered by rumors of demolition and renewal, also indicates the partial success of these strategies.

According to the compilation of data obtained from interviews and media review, the first of these tactics involves sending eviction orders to shopkeepers whose lease agreements are about to expire. Additionally, the previously applied right to transfer the workplace to another individual has been revoked, empty shops in the bazaars were not rented, and exorbitant increases in rents have been enforced. Maintenance and renovation work, necessary both inside and outside the bazaars, have been neglected due to the planned demolitions. In some cases, the bazaars have been intentionally damaged to create a ruinous appearance. Electrical, water, and heating systems in the bazaars have been left unmaintained and, in some instances, deliberately deactivated. The constant circulation of rumors about demolitions have not only disrupted the flow of customers to the bazaars but also discouraged shopkeepers from investing in their businesses.

Despite the multitude of designed legal indeterminacies by the central and local governments, as well as the employment of administrative tactics, the AMM was unable to execute any urban renewal activities in Ulus Square and its surroundings during Gökçek's tenure, which ended with his forced resignation in the last quarter of 2017. Throughout his tenure, Gökçek has repeatedly stated that the judiciary is the biggest obstacle to the AMM realizing such initiatives. Indeed, both the lawsuits filed by shopkeepers against eviction orders; the lawsuits filed by professional chambers

against the Council of Ministers decrees, conservation plans, and TPCPTU; and the lawsuit filed by the right holders of artworks in Anafartalar Bazaar have greatly restricted the AMM's ability to intervene in the built environment in and around Ulus Square. As many of these lawsuits were administrative ones, Gökçek asked legislative power to amend the Administrative Procedure Law to allow municipalities more freedom of action. Gökçek accuses the professional chambers that filed these lawsuits, the experts – mostly faculty members from the Middle East Technical University – who opposed the AMM's actions, and the judges who suspended or cancelled the AMM's renewal initiatives of acting ideologically (Batuman, 2013, p. 589).

The non-annulment of the renewal area declared in 2015, the discovery of the utility of transitional period regulations, and finally, the transfer of ownership of all bazaars around Ulus Square to the AMM in 2016 removed one obstacle after another for renewal activities. However, Gökçek's resignation in 2017 under the pressure of JDP Chairman and President Erdoğan obstructed the renewal project envisioned for Ulus Square and its surroundings during the Gökçek era. Interviewees anticipate that if Gökçek had remained in office, the bazaars around Ulus Square would have been demolished, citing the example of the overnight demolition of the registered Bank of Provinces building.

The demolishment of Anafartalar Office Block during Tuna's approximately one-and-a-half-year term indicates a significant removal of obstacles to the demolition of certain buildings in Ulus Square and its surroundings. The practices inherited from Gökçek's term was the non-disclosure of the project to be implemented after demolitions and the lack of dialogue with the shopkeepers. Intimidation and harassment strategies against the remaining "obstacle" to the demolitions – the shopkeepers in the bazaars – also persisted throughout the Tuna era. Among many other shops, the closure of a symbolic pharmacy that had been serving in the Ulus region for almost a century and in Ulus Bazaar since the early 1960s is a case in point. The stores have been rendered unable to conduct business due to eviction order and exorbitant rent increase in the bazaars.

In addition, the allocation of the Sümerbank building to the SSUA in 2018 can be considered as a continuation of the ideological revanchist approach of the Gökçek era

to Ulus Square and its surroundings in terms of trying to destroy the founding space and multiculturalism of the Republican era. The demolition of bazaars as well as the construction of Ulus tunnel to create a brand-new Ulus Square, frequently discussed throughout Gökçek's tenure, has been reintroduced in this period.

Despite concerns raised by professional chambers about the tunnel project's absence from upper scale plans and transportation plan, as well as its potential harm to the multilayered structure of Ulus, the AMM entered into protocols with the Ministry of Environment and Urbanization and the Ministry of Transportation and Infrastructure for this project. However, due to the upcoming local elections in 2019, the implementation of this project was postponed until after the elections. The tunnel project, which envisions placing the main roads passing through Ulus Square underground, has emerged as a prominent commitment among the promises made by the leading candidates from the JDP and the RPP in the AMM mayoral race.

As can be observed, AMM's urban renewal initiatives in and around Ulus Square until 2019 have resulted in the displacement of many shopkeepers and the demolition of only one high-rise office block. The primary reason for this failure can be seen as legal processes. Additionally, archaeological remains, prioritization of other projects, financial issues of the AMM, legitimacy issues, ownership issues of bazaars, ongoing tenancy contracts of shopkeepers in bazaars, and elections were also significant factors contributing to the failure of urban renewal processes.

However, the other significant reason identified by this study is the problems arising in the sharing of urban rent. The reluctance of the AMM and investors to share urban rents with the local residents and the minimization of rents by distributing them among multiple actors have hindered the formation of urban coalition on how the rents generated by the urban renewal project will be shared among various stakeholders. This lack of urban coalition has resulted in AMM's prolonged inaction in Ulus Square and its surroundings.

Gökçek's efforts to market Ulus Square and its surroundings to investor/entrepreneur groups, along with Tuna's attempts to implement the renewal project in this area with the support of the central government, are attempts to compensate for this deficiency. However, undertaking a renewal project of ambiguous scale in Ulus Square and its

surroundings, shaped by numerous rules and actors, imposes a significant opportunity cost and risk on urban investors/entrepreneurs. Due to the reluctance of investors/entrepreneurs, informal relationships have not worked in the neoliberal urban renewal processes in Ulus Square and its surroundings, leading to a deadlock in these processes. In order to unlock it, the AMM has increasingly tended to stray beyond legal regulations, especially before 2017.

After winning the 2019 local elections as the RPP candidate, Mansur Yavaş announced that the demolition of Anafartalar Bazaar and Ulus Office Block would be abandoned, and the Ulus Office Block would be transformed into a five-star hotel. The conversion of Ulus Office Block into a five-star hotel aimed at attracting high-profile tourists to the Ulus region and altering the demographic structure faced rejection from the conservation council. Subsequently, the AMM administration decided to relocate EGO, affiliated with the AMM, to the Ulus Office Block. However, the decision by the AMM Council regarding the demolition of the building was not overturned, leaving the fate of the building and the ground-floor shopkeepers uncertain.

Moreover, the determination to demolish the 100. Yıl Bazaar persisted during the Yavaş period, despite objections from significant NGOs and professional chambers. The initially improved relationship between the AMM and professional chambers, as a result of seeking the opinions of these chambers in the development of the conservation plan for the Ulus Historic City Center, became strained again regarding when the demolition of the 100. Yıl Bazaar came under consideration.

To appease the reactions of NGOs and professional chambers, the AMM under Yavaş administration organized “the Concept Project Competition for 100. Yıl Bazaar and its Close Vicinity” as indicated before. Despite the competition ending with projects proposing the renovation and enhancement of the bazaar for conservation, the AMM opted to determine the fate of the bazaar through an online survey, citing the opinions of experts who argued that the structure lacks historical and architectural significance.

In a city with nearly six million inhabitants, the decision to demolish the bazaar and to create an urban square was made based on the votes of approximately twenty thousand people out of thirty thousand participants in the survey. The conduct of online survey, which is of questionable participatory quality, has also been criticized for concealing

information about the architectural significance of the building and disregarding the efforts of the organizers, jury members and participants of the competition and wasting public resources by shelving the winning projects.

Unlike Ulus Bazaar and Anafartalar Bazaar, 100. Yıl Bazaar lacked registered status, valuable artistic elements, and consensus among both shopkeepers and experts regarding its architectural and historical value, rendering the building the weakest link in the renewal initiatives of Ulus Square. Given that there was only one shopkeeper left in the 100. Yıl Bazaar and the surroundings of the bazaar were enclosed with wooden panels in preparation for demolition, it can be argued that the vacant-and-manage strategy implemented during the Gökçek era bore fruit in the Yavaş period. With the evacuation of the bazaar to a large extent, the online survey, and the fulfillment of promises made by Yavaş regarding other bazaars (such as, the restoration of bazaars, leasing of vacant shops, placement of a public institution in the Ulus Office Block, etc.), the AMM relatively legitimize the demolition of the 100. Yıl Bazaar. That is to say, the AMM's shift from an aggressive/dominant approach under Gökçek to a relatively moderate/recessive approach under Yavaş enabled the demolition of the 100. Yıl Bazaar and its replacement with a square.

The AMM's relatively moderate/recessive approach during Yavaş's term does not mean that the administrative tactics of the Gökçek era have been abandoned. For instance, the tendency to implement piecemeal urban renewal practices in and around Ulus Square through transitional period regulations during the Gökçek period continued in the Yavaş period. Throughout the Yavaş period, eviction orders continued to be issued to shopkeepers whose lease agreements have exceeded ten years. Particularly in the Ulus Office Block, the heating system that has been inactive for three or four years has not been reactivated; water, phone, and internet lines have been cut; and attempts have been made to cut off their electricity. No agreement has been reached between the AMM and the shopkeepers in the Ulus Office Block since the shopkeepers were offered shops in less visible locations within the bazaars. Therefore, the future of some shopkeepers in certain buildings remains uncertain. However, it is worth noting here is that some of the shopkeepers interviewed believe that Yavaş is not informed about the hardships they have experienced during both eviction and restoration processes, which they perceive mostly caused by municipal bureaucrats.

In 2022, while a fragmented urban renewal effort was underway to demolish the 100. Yıl Bazaar and replace it with a square, meetings were held between the AMM, public institutions, academics, and professional chambers to decide on the method of obtaining a new comprehensive conservation plan for the Ulus Historical City Center. In this regard, ideas have emerged to promptly obtain a conservation plan through a tender to prevent further unplanned developments in the Ulus region. Additionally, suggestions have been put forth to unlock the planning processes, which have been locked by legal proceedings, through a planning competition. As a result, it was decided to proceed with a tender process instead of a competition. However, the AMM emphasized that the process of developing the conservation plan would proceed under the supervision of a stakeholder advisory board to minimize conflicts. Representatives of professional chambers, NGOs, academics, university students, the AMM Academic Advisory Board, and representatives of relevant AMM departments attended the first meeting of stakeholder advisory board in the late 2023. This can be considered as a middle way, designed by the AMM, between the methods of obtaining plans through tender and through competition.

In 2023, the AMM organized tenders for both the conservation plan and the tunnel project, one month apart. From this, it can be inferred that while the AMM has made a move to respond to the criticisms of professional chambers, it has also taken the first step for another contested piecemeal implementation that faces the opposition of these chambers. Unlike the Gökçek period, the relationship between the AMM and professional chambers during the Yavaş period is quite strained, but not entirely based on complete confrontation. This can be explained by the fact that the controversies regarding the renewal initiatives in and around Ulus Square mostly centered on inclusiveness and professional expertise rather than the rent-seeking and ideological dimensions that characterized the Gökçek period. While professional chambers exhibit a reluctance towards negotiation due to the long and contentious history of renewal initiatives in Ulus Square and its surroundings, the AMM is selectively accepting the demands of professional chambers while determining its own terms of compromise.

In short, there are multiple and intertwined reasons for the failure to complete the urban renewal initiatives targeted by the AMM in and around Ulus Square in the pre-2019 period. The most prominent of these seems to be judicial annulments, however

archaeological remains in the area, prioritization of other projects, AMM's financial problems, the question of the legitimacy of the renewal, and the upcoming elections can also be counted among other apparent reasons.

On the other hand, conflicts over the sharing of the rent gap in the area are also among the most important obstacles to the implementation of these initiatives. AMM's envisioning of a renewal project of ambiguous scale in and around Ulus Square, a multi-actor and multi-rule area, presents a risky business environment for urban investors and entrepreneurs.

Accordingly, the reluctance of capital in the renewal efforts around Ulus Square has led to the failure of informal practices and a lack of progress in these initiatives. In the pre-2019 period, the AMM's response to this deadlock was through practices stretching the boundaries of the law, piecemeal interventions and recourse to the organizational and financial capacity of central administration.

After the 2019 local elections, the political change in the AMM administration led to a relative transformation in the approach to urban renewal in and around Ulus Square. The renovation activities in and around the square after 2019, although still carrying the touristicization purpose of the previous periods, were largely carried out in negotiation and compromise with shopkeepers, which is a radically different approach compared to the pre-2019 period.

On the other hand, the tense relationship between the AMM and the professional associations continued as the AMM administration under Yavaş maintained certain projects and practices inherited from the Gökçek period. Nevertheless, it is possible to argue that the AMM administration is more sensitive to the criticisms and demands of professional chambers compared to the pre-2019 period.

8.2. Theoretical implications of the study

As the regulatory and administrative framework for urban renewal processes has become more complex and fragmented in the neoliberal era, these processes have become more judicialized and more often face policy challenges. To address the obstacles impeding urban renewal, local governments often maneuver between legality and illegality, as well as formality and informality, showing a propensity to

exploit legal indeterminacies and informal practices. The AMM's practices extending beyond the legal and formal domain in the urban renewal in Ulus Square and its surroundings point to this situation.

The AMM's post-2004 urban renewal initiatives in and around Ulus Square serve as a noteworthy case study illustrating the rationale of neoliberal urban renewal policies in Türkiye. The objectives of these initiatives include demolishing modern architectural examples and its surroundings, prioritizing a shopping-oriented tourism by creating a pseudo-historical space, and sharing the resulting rent with allied capitalist circles. Consequently, the neoliberal urban renewal policy in this context intertwines economic, political, and ideological dimensions.

These initiatives also serve as a noteworthy case study illustrating the inconsistencies of the rule of law principle in terms of the implementation of neoliberal urban renewal policies. Although neoliberal theory advocates legal determinacy and the legality of administration within the framework of the principle of the rule of law, the neoliberal legal and administrative reforms concerning urban policy and local governments might result in an urban renewal legislative and administrative framework with dangerously designed indeterminacies in which local governments enjoy the freedom to act arbitrarily.

The role of political figures, especially entrepreneurial metropolitan mayors, is essential in steering the neoliberal urban renewal projects. The strategic manipulation of legal indeterminacies and the formal and informal administrative tactics to swiftly implement these projects showcase the intersection of urban entrepreneurialism and urban renewal in the neoliberal era. At this stage, the judiciary plays an important role in scrutinizing local governments' instrumentalization of both legal indeterminacies and administrative tactics when developing and implementing urban renewal projects. However, both designed legal indeterminacies and indeterminacies inherent in the law have sometimes led judges to render different judgments on similar cases despite similar expert opinions. In other words, legal indeterminacies and room for maneuver are not always facilitative in the success of urban renewal initiatives.

In urban areas with multiple stakeholders and regulatory frameworks, such as Ulus Square and its surroundings, urban entrepreneurs face significant opportunity costs

and a risky business environment when investing in the area. When the scale of the planned urban renewal project is not large enough to justify undertaking these costs and risks, proceeding to the implementation phase of the project becomes impractical, even if initiated. Additionally, the lack of alignment of interests between large interest groups and small interest groups poses significant risks for urban entrepreneurs. In places, where these factors converge, the neoliberal urban renewal processes have been paralyzed for a long time, which is the case in and around Ulus Square.

Although political change cannot completely break the path dependency of local governments in neoliberal urban renewal policy, it paves the way for the adoption of a more moderate and deliberative path, depending on whether stakeholders are open or closed to cooperation. Here, local governments' ability to determine what is legitimate and what is not legitimate as a public power also enables them to formulate a policy environment in which they determine the terms of negotiation and bargaining.

8.3. Suggestions for further studies

It has already been stated several times that this study examines the AMM's instrumentalization of legal indeterminacies and formal and informal administrative tactics in its urban renewal initiatives in and around Ulus Square. First of all, since the institutional focus of the study is a metropolitan municipality, it would contribute to the urban studies literature to examine the practices of public authorities at other spatial scales in order to generalize that public authorities instrumentalize legal indeterminacies and administrative tactics in urban renewal projects. Moreover, in order to reveal that how legal indeterminacies are generated especially in the legislation on urban renewal, a comprehensive analysis of the minutes of the General Assembly and Commission debates of the GNAT where legal regulations concerning urban renewal are discussed, would be useful. These minutes are important in reflecting discussions among members of parliament regarding the nature and purpose of legal uncertainties in legislative regulations, akin to the debates during the enactment process of Law no. 5366.

It is recommended that comparative studies be conducted on this issue. For example, the tendency of municipalities governed by different political parties to exploit legal indeterminacies and administrative tactics in urban renewal projects should be

examined to identify convergence and divergence. Another proposed comparative study is to examine urban regeneration processes in other urban areas of Türkiye to understand the impact of geographical differences on the use of legal indeterminacies and administrative tactics by public authorities. Thus, it will be possible to draw some generalizations about the use of legal uncertainties and administrative tactics by public authorities in urban renewal projects during the neoliberal era in Türkiye.

Legal indeterminacy and administrative informality are not unique to the neoliberal era. Therefore, comparative studies should also be conducted to understand whether the nature and purpose of public authorities' use of legal indeterminacy and informal tactics differ in pre- and post-neoliberal periods. The final suggestion is to conduct a comparative analysis of urban renewal processes in Türkiye, particularly in terms of legal indeterminacies and administrative tactics, with examples from other developed or developing countries. This way, it will be possible to understand the similarities and differences between urban renewal practices in Türkiye and other countries.

Lastly, while this study approaches the AMM’s urban renewal initiatives in Ulus Square and its surroundings by focusing on urban policy planning and local governance, it also intersects with the fields of city planning, urban conservation, architecture, urban history, urban sociology, and law. Therefore, conducting such interdisciplinary studies requires a team of competent researchers from various disciplines, providing a more comprehensive perspective on the research subject.

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APPENDICES

A. APPROVAL OF THE METU HUMAN SUBJECTS ETHICS COMMITTEE

UYGULAMALI ETİK ARAŞTIRMA MERKEZİ
APPLIED ETHICS RESEARCH CENTER

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ORTA DOĞU TEKNİK ÜNİVERSİTESİ
MIDDLE EAST TECHNICAL UNIVERSITY

Konu: Değerlendirme Sonucu

13 EYLÜL 2022

Gönderen: ODTÜ İnsan Araştırmaları Etik Kurulu (İAEK)

İlgi: İnsan Araştırmaları Etik Kurulu Başvurusu

Sayın Doç. Dr. Mustafa Kemal BAYIRBAĞ

Danışmanlığını yürüttüğünüz Hami Doruk Köse'nin "**Siyasi-Kurumsal Değişim ve Kentsel Yenileme: Ulus Meydanı Örneği"** başlıklı araştırması İnsan Araştırmaları Etik Kurulu tarafından uygun görülerek gerekli onay **0480-ODTUİAEK-2022** protokol numarası ile onaylanmıştır.

Bilgilerinize saygılarımla sunarım.

Prof. Dr. Mine MISIRLISOY
Başkan

Doç. Dr. İ.Semih AKÇOMAK
Üye

Dr. Öğretim Üyesi Müge GÜNDÜZ
Üye

Dr. Öğretim Üyesi Şerife SEVİNÇ
Üye

Dr. Öğretim Üyesi Murat Perit ÇAKIR
Üye

Dr. Öğretim Üyesi Süreyya ÖZCAN KABASAKAL
Üye

Dr. Öğretim Üyesi A. Emre TURGUT
Üye

B. CURRICULUM VITAE

PERSONAL INFORMATION

Surname, Name: Köse, Hami Doruk
Nationality: Turkish (TC)
Date and Place of Birth: [redacted]
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EDUCATION

Degree	Institution	Year of Graduation
PHD	METU Urban Policy Planning and Local Governments	2024
MS	METU Political Science and Public Administration	2016
BS	METU Political Science and Public Administration	2011
High School	Kırşehir Anatolian Teacher Training High School	2006

WORK EXPERIENCE

Year	Place	Enrollment
2011- Present	Ankara Yıldırım Beyazıt University	Research Assistant

FOREIGN LANGUAGES

Advanced English (YDS: 93,75/100; METU EPE: 87,5/100)

PUBLICATIONS

1. Köse, H. D. (2021). Yeni kamu işletmeciliği ve güçlü belediye başkanı: Adana, Eskişehir ve Şanlıurfa örnekleri. *İdealkent, 12*(32), 650-675.

2. Bingöl, Y. & Köse H. D. (2017), "6360 Sayılı Kanun Sonrası Büyükşehir Belediyelerinde Sosyal Belediyecilik: Fırsatlar, Sorunlar ve Çözüm Önerileri", Hamza Ateş (Ed.), Yerel Hizmetler, İstanbul: Der Yayınları

PROJECTS

1. (2017-2018) “İran kamu yönetiminde kadınların konumu”. Public Administration Institute for Türkiye and Middle East (TODAİE).

2. (2014-2016) “Türkiye’de göçmen işgücüne yönelik arz ve talebin sektörler bazında değerlendirilmesi, geçici ve döngüsel göç bağlamında mevsimlik göçmen işçilerin ekonomik ve sosyal etkilerinin analizi”. Public Administration Institute for Türkiye and Middle East (TODAİE).

3. (2014-2015) “Türkiye’ye yönelik kitlesel akınlar: Türkiye’nin örnek uygulamaları ve liderliği, uygulanan politikalar ve bu politikaların sonuçları üzerine karşılaştırmalı değerlendirme, yük paylaşımı gerçeği”. Public Administration Institute for Türkiye and Middle East (TODAİE).

PRESENTATIONS

1. Bingöl, Y. & Köse H. D. (2017), “6360 Sayılı Kanun Sonrası Büyükşehir Belediyelerinde Sosyal Belediyecilik: Fırsatlar, Sorunlar ve Çözüm Önerileri”, 1. Uluslararası Yerel Yönetimler Kongresi, İstanbul.

C. TURKISH SUMMARY / TÜRKÇE ÖZET

Günümüzde, kentsel yenileme süreçlerini düzenleyen kuralların çoğalması ve sürece dahil olan aktörlerin çokluğu nedeniyle, kentsel yenileme süreçleri giderek daha fazla sorunla karşı karşıya kalmakta ve bunların birçoğu yargı süreçlerine konu olmaktadır. Kentsel yenilemenin önünde engel olarak görülen bu zorlukların üstesinden gelmek için kamu otoriteleri yasallık/yasadışılık ve formellik/enformellik sınırlarında gezinmekte, hatta kimi zaman yasal ve formel alanın dışına çıkma eğilimi göstermektedir. Bu çalışma, Ankara Büyükşehir Belediyesi'nin (ABB) Ankara'nın tarihi kent merkezinin kalbinde yer alan Ulus Meydanı'ndaki kentsel yenileme girişimlerini merkeze alarak bu eğilimi incelemeyi amaçlamaktadır.

Hukuk devleti ilkesinin söylem düzeyinde ateşli biçimde savunulduğu neoliberal dönemde, bir kamu otoritesi olan yerel yönetimlerin yasal ve formel alanın dışına taşma eğilimi dikkat çekicidir. Bu durum, neoliberalizmin kuramsal önermeleri ile gündelik pratikleri arasındaki çelişkiye işaret etmektedir. Bu çerçevede, çalışma ilk olarak neoliberal kuramın piyasa düzeninin kuralsızlaştırılması amacıyla gündelik pratikte toplumsal, ekonomik ve siyasi düzenin agresif bir şekilde yeniden düzenlenmesini savunduğunu vurgulayan tartışmalara yer vermektedir. Dolayısıyla, kuramsal olarak piyasa mekanizmalarının etkin işleyişi için toplumsal refah işlevlerinden özel sektör lehine çekilen minimal devleti savunan neoliberalizmin gündelik pratiklerinin kriz üretmeye yatkın politikaları ısrarla hayata geçirmek uğruna, şiddet tekeline başvurmaktan da çekinmeyen, otoriter bir devlet üretme eğiliminde olduğunu tartışmaktadır.

Buna koşut olarak, neoliberal teori, piyasa yanlısı politikalar karşısında yükselen siyasal ve toplumsal baskıyı bertaraf etmek için demokratik karar alma mekanizmalarının askıya alınarak yürütme erki tarafından yürürlüğe konan kararnameler yoluyla karar alma pratiğini ön plana çıkarmaktadır. Üstelik, bu politikaların ürettiği toplumsal çatışmaları bastırmak için tarafsız olduğu varsayılan yargı sistemi de demokratik süreçlerin devre dışı bırakılmasında kullanışlı bir araç

haline gelmektedir. Hukuk devleti ilkesi, tam da bu noktada, neoliberal politikalarda devletin rolünü bir sır perdesinin arkasına gizlemesinden dolayı neoliberal kuram tarafından baş tacı edilmektedir.

Öte yandan, çalışma, neoliberal politikaların yarattığı sosyoekonomik eşitsizlikler ve adaletsizlikler karşısında piyasa düzeninin meşruiyetini korumak için kamu politikası süreçlerine yapılan ince ayarın sonuçlarını da ele almaktadır. Bu ince ayar, sivil toplum örgütlerinin sosyoekonomik eşitsizlikler ve adaletsizlikleri telafi etmek üzere geleneksel dayanışma anlayışı doğrultusunda toplumsal refah hizmetlerini gönüllülük temelinde üstlenmesini öngörmektedir.

Bu çerçevede, kamu politikası yapma ve uygulama sorumluluğunun ulus-altı ve ulus-üstü aktörlerle de paylaşılmasıyla, politika süreçlerinin her ölçekten kamu, özel ve sivil toplum aktörlerine açılarak katılımcı, kapsayıcı ve şeffaf hale geleceği savunulmaktadır. Dolayısıyla, hizmet sunma sorumluluğunun yerel yönetimler, özel sektör ve sivil topluma bırakıldığı; kural koyma yetkisinin ise uluslararası ve küresel örgütlere aktarıldığı kamu politikası sürecinin ulusal devletin tekelinden uzaklaştırılması hedeflenmektedir.

Ancak siyasi ve toplumsal taleplerin ifade edildiği merkezi bir alan olarak ulusal devlet, özgün kaynaklara (güçlü bütçeler, yaygın örgütlenme, kalabalık personel, istisnai yetkiler, kitle iletişim araçlarına erişim, güç kullanma tekeli ve demokratik meşruiyet) sahip olması ve anılan pek çok aktörü birbirine bağlaması sebebiyle egemenliğini ve planlama kapasitesini yitirmiş değildir. Neticede, sektörler ve ölçekler arasındaki sınırların belirsiz ve geçirgen hale gelmesiyle bulutsu bir kural kümesinin ve enformel idari taktiklerin yerleşik hale geldiği bir kamu politikası süreci ortaya çıkmaktadır.

İlaveten, bu çalışma, neoliberal dönemde ulusal devletin toplumsal refah işlevlerinden çekilmesi, kamu harcamalarının azaltılması ve adem-i merkezileşme reformları sonucunda toplumsal refah işlevlerinin sınırlı mali kaynaklara sahip yerel yönetimlere devredilmesinin bu eğilimi körüklediğini savunmaktadır. Bu çerçevede kendi kaynaklarını yaratmak üzere girişimci bir rol üstlenen yerel yönetimler, kentlerine yatırım çekmek için yasal düzenlemelerin ve formel süreçlerin bağlayıcılığını sermaye lehine azaltma yolunu seçmektedir.

Ayrıca, neoliberal idari reformların kavramsal çerçevesini oluşturan Yeni Kamu İşletmeciliği Yaklaşımı da kamu yöneticilerine "yönetme hakkı" (*right to manage*) tanıyarak onların yasal düzenleme ve formel süreçlere sıkı sıkıya uymak yerine bunları esneterek, görmezden gelerek veya yer yer ihlal ederek hızlı bir şekilde sonuç elde etmeye öncelik vermelerini normalleştirmektedir. Bu çerçevede, çalışma, Türkiye'deki belediye başkanları gibi, doğrudan halk tarafından seçilerek makama gelen güçlü kamu yöneticilerinin, arkalarındaki siyasi desteğe de yaslanarak, sınırlı görev süresinde süratle icraat üretmek adına, pragmatik biçimde yasal düzenleme ve formel süreçleri görmezden gelme, onların etrafından dolanma ya da onları çiğneme eğilimine sahip olduklarını ileri sürmektedir.

Bu noktada, kamu politikasının değişen bağlamı doğrultusunda ortaya çıkan karmaşık ve dağınık kentsel politika ekolojisinde güçlü üst düzey yerel yönetici ile özel sektör ve sivil toplum aktörleri arasında bir ittifak kurulmaktadır. Yerel yöneticiler bu aktörlerin kentsel politika sürecine katılımına onay veren konumda yer alırken; söz konusu aktörler de yerel yöneticinin popülaritesini artırmasına, siyaseten bağımsızlaşmasına ve merkezi yönetim karşısında görece güçlenmesine hizmet etmektedirler.

Dolayısıyla, çok sayıda aktörün katıldığı ve bulutsu bir düzenleyici çerçeve tarafından şekillendirilen yerel karar alma süreçlerinin eşgüdümünü sağlama pozisyonunda yer tutan yerel yönetimlerin önemli bir manevra alanı elde etmesi de ayrıca vurgulanmaktadır. Neoliberal dönemde ortaya çıkan kentsel politika ekolojisinin bu karakteri, yerel yönetimlerin ve yöneticilerin yasal/yasadışı ve formel/enformel sahalar arasındaki sınırlarda faaliyet göstermelerine ve yasal belirsizlikler ile enformel idari taktikleri piyasa ve özel sektör lehine kullanmalarına olanak vermektedir.

Neoliberalizmin hukuk devleti kavramını hararetle savunmasına rağmen, kamu yönetiminin, özellikle de yerel yönetimlerin ve yöneticilerin neoliberal dönemde yasadışılığa ve enformelliğe başvurma eğiliminin artması, hukuk devleti ilkesinin doğası üzerine bir kuramsal tartışma yapılmasını da gerektirmektedir. Bu tartışma, üç farklı yaklaşımı kapsamalıdır. İlk yaklaşıma göre; belirli, güvenilir ve tahmin edilebilir bir yasal ve idari çerçeve sağladığı ileri sürülen hukuk devleti ilkesi, mülkiyet hakkı ve serbest piyasayı güvence altına alarak, bireysel hak ve özgürlükleri muhafaza

etmektedir. İkinci yaklaşım; hukukun içkin olarak belirsiz, taraflı ve ideolojik bir doğaya sahip olduğu fikrinden yola çıkarak liberal hukuk devleti ilkesini eleştirmekte ve bu ilkenin ekonomik, siyasi ve bürokratik elitlerin egemenliğini gizleyen bir sır perdesi olduğunu iddia etmektedir. Üçüncü yaklaşım ise, liberal hukuk devleti ilkesinin sosyalizmi uysallaştırma ve kapitalizmle uzlaşma riski taşımasına rağmen, hukukun mücadeleci kullanımı yoluyla devletin ve egemen sınıfların keyfiliğini sınırlamanın ve temel hak ve özgürlükleri savunmanın önünü açması bakımından önemine vurgu yapmaktadır.

Çalışmanın analitik çerçevesinde ise neoliberal dönemde yerel yönetimlerin yasallığın ve formelliğin sınırlarında gezindiği kentsel politika alanlarından olan kentsel yenileme projeleri odağında bir tartışma yürütülmektedir. Bu dönemde girişimci yerel yönetimlerin kaynak yaratma zorunluluğu ile sermaye sınıfının ise sermaye birikimini sürdürme arayışına büyük ölçekli kentsel yenileme projelerinin çare olarak görülmesine yönelik siyasal, bürokratik ve ekonomik elitler arasında bir oydaşma ortaya çıkmaktadır. Buna yerel yönetimlerin hız ve çıktı odaklı icraat baskısı ile sermayenin kârını hızla yeni yatırıma dönüştürme hırsı da eklenince, söz konusu projeler bir kuralsızlaştırma aracı olarak öne çıkmaktadır. Böylece, kuralsızlaştırılmış kentsel yenileme projeleri, yerel yönetimlerin kentler arası rekabette öne çıkarak sermaye yatırımlarını çekebilmesi için ciddi bir girişimcilik stratejisi haline gelmektedir. Sonuçta, büyük ölçekli yenileme projeleri girişimci yerel yönetimlerin, emlak piyasasının ve inşaat sektörünün mevcut planlama kural ve süreçlerinden azade kılınmasında öne çıkan bir kentsel politika aracı haline gelmiştir.

Bu bağlamda çalışma, neoliberal dönemdeki yenileme projelerinin, özellikle tarihi kent merkezlerinde ve kent merkezlerine yakın enformel yerleşim bölgelerinde ortaya çıkan rant açığını, bu bölgelerin değişim değerini ön plana çıkararak kapatmayı amaçladığını da ortaya koymaktadır. Her ne kadar istihdamı artırarak ve aşağıya sızma etkisiyle (*trickle-down effect*) toplumsal refaha katkı sunacağı ileri sürülse de; bu projeler büyük oranda orta ve yüksek gelirli grupların tüketim, yatırım ve birikim taleplerine hizmet ederken, düşük gelirli grupları yerinden etmekte ve/veya mülksüzleştirmektedir. Bu nedenle, sosyal adalet sorununu derinleştiren büyük ölçekli kentsel yenileme projeleri lehine devlet ve kapitalist sınıflar arasında karşılıklı çıkar üzerine inşa edilen kentsel koalisyon, siyasi ve toplumsal krizler üretmeye eğilimlidir.

Bunun yanında, bu çalışma, neoliberal devletin kentsel krizleri kontrol altına almak ve bastırmak için benimsediği, görünüşte çelişkili ancak birbirini güçlendiren iki pozisyonu ortaya koymaktadır. Bunlardan ilki, her coğrafi ölçek ve düzeyden piyasa aktörleri ve sivil toplumun kamu kurum ve kuruluşlarıyla birlikte kentsel yenileme süreçlerine dahil olmaya başlaması iken, diğeri ise metropoliten yönetimlerin bu karmaşık ve dağınık kentsel yenileme ağlarını yöneten güçlü bir yürütme organıyla giderek daha istisnai ve ayrıcalıklı kamu otoriteleri haline gelmesidir. Böylece, söz konusu ağları eşgüdümleyen ve kontrol eden üst düzey metropoliten yöneticiler, kentsel yenileme girişimlerine ilişkin karar alma süreçlerini zaman ve para kaybına yol açtığı düşünülen yasal düzenlemeler, formel usuller ve katılımcı mekanizmalar çerçevesinde idare etmek yerine; bir gizlilik perdesinin ardında, kapalı çevrelerde ve yasallığı tartışmalı enformel usullerle işletmeye eğilimli hale gelmiştir.

Böyle genellemelerin bütün coğrafyalar için mümkün olup olmadığını anlamak için çalışmada gelişmiş ve gelişmekte olan ülkelerin kentleşme serüveninin benzerlik ve farklılıkları da tartışılmıştır. Bu kapsamda, Türkiye gibi gelişmekte olan ülkelerin kentleşme serüveninin son birkaç on yıla sıkışmasına koşut olarak kentsel yenilemeye ilişkin hızla gelişen mevzuat ve idari yapının aşırı kalabalık, karmaşık ve çelişkili bir hal aldığı vurgulanmaktadır. Ayrıca, gelişmekte olan ülkelerde kentleşmeye ilişkin miras alınan düzenleyici ve idari çerçeve ile neoliberal dönemde inşa edilen düzenleyici ve idari çerçevenin üst üste binmesinin, kentsel yenilemenin yasal ve idari çerçevesini belirsiz hale getirdiği savunulmaktadır.

Öte yandan, gelişmiş ülkelerde yüzyıllar süren kentleşme süreci boyunca ortaya çıkan belirli yasal ve idari çerçevelerin kentsel yenileme süreçlerini yönlendirdiği sanılmaktadır. Ancak, bu çalışma hem gelişmekte olan ülkelerde hem de sanılanın aksine gelişmiş ülkelerde, kendisini hukukun dışında bir egemen olarak konumlandırabilen devletin enformel bir varlık olduğuna ve hukukun yoruma açık doğası gereği belirsiz olduğuna dikkat çekmektedir. Bu sayede, devlet, özellikle de metropoliten yönetimler, kentsel yenileme projeleri tasarlarken ve uygularken, yasallık-yasadışılık ve formellik-enformellik arasındaki bulanık sınırlarda geniş bir yasal ve idari manevra alanı elde etmektedir. Dolayısıyla, neoliberal dönemde metropoliten yönetimlerin büyük ölçekli kentsel yenileme projelerinde araçsallaştırdıkları yasal belirsizlik ve enformellikler, basitçe düzenleyici çerçevelerin

tasarımındaki bir başarısızlık veya yetersizlik değil, aksine devlet iktidarının kentsel rantın sermayeye aktarımını güvence altına alacak şekilde dayatılmasını sağlamak üzere kasıtlı/bilinçli olarak tasarlanmış bir araçtır.

İlaveten, çalışma, 1980'lerde yerel yönetimlerin kentsel yenileme projelerinde yasal belirsizlik ve enformelliklerden yararlanmasında bir kırılmaya işaret etmektedir. Buna göre, yasal belirsizlikler ve enformellikler, İkinci Dünya Savaşı sonrası kentleşme süreçlerinde, özellikle gelişmekte olan ülkelerde, devlete ve özel sektöre külfet olmayacak biçimde emeğin yeniden üretimini temin etmek üzere araçsallaştırılırken; neoliberal dönemde girişimci yerel yönetimlere kaynak yaratma ve sermayenin hızla ve artan oranda yeniden üretimi hedefiyle büyük ölçekli yenileme projelerinde devreye sokulmaktadır. Dolayısıyla, savaş sonrası dönemde yasal belirsizlik ve enformelliklerin kentleşme süreçlerinde araçsallaştırılması emek ve sermaye arasında bir uzlaşıya dayanırken, neoliberal dönemde kentsel yenileme projelerinin otoriter biçimde uygulanmasıyla sınıfsal uzlaşı arayışı yerini emeğin denetim altına alınarak bastırılmasına bırakmaktadır.

Bu tartışmalar ışığında, Türkiye'de kentsel yenileme ve kentsel koruma alanlarının tarihsel gelişimi, yasal ve idari çerçevelerinin evrimine odaklanılarak incelenmektedir. Bu inceleme ilk olarak, Türkiye'de kentsel yenilemenin kentsel koruma karşısındaki ayrıcalıklı konumunun geç Osmanlı dönemindeki modernleşme hareketinden bu yana politikacılar, yöneticiler ve vatandaşlar arasında kentsel korumanın kentsel gelişmeyi engellediğine dair yaygın inanca dayandığını ortaya koymaktadır.

Erken Cumhuriyet döneminde ise sanayileşmenin kentleşme karşısında öncelenmesi, Kurtuluş Savaşı'ndan kaynaklanan ekonomik kısıtlılıklar ve uzman personel eksikliğine bağlı olarak kentsel gelişim ve koruma alanında sınırlı ilerleme kaydedilmiştir. Bu dönemde kentlere ve konut alanına yapılan yatırımların yetersiz olmasından dolayı, 1950'lerde kırdan kente doğru gerçekleşen kitlesel göç gecekondu yerleşimlerinin kent çeperlerine yayılmasına ve yeni kent yoksullarının tarihi kent merkezlerini mesken tutmasına sebep olmuştur.

Bu bağlamda, gecekondular ve tarihi kent merkezleri yeni kent yoksullarını barındırarak sermaye ve devlete maliyet yüklemeyecek biçimde emeğin yeniden üretimine katkıda bulunmuştur. Bu sebeple, kamu arazilerinin gecekonducular

tarafından yasadışı bir şekilde işgal edilmesine ve tarihi yapıların amaç dışı kullanımları nedeniyle tahrip edilmesine yerel yönetimler tarafından göz yumulmuş, hatta imar afları yoluyla merkezi yönetim tarafından yasallaştırılmış ve teşvik edilmiştir. Çok partili siyasal sistemin tesis edilmesiyle, merkezi yönetimin ve yerel yönetimlerin yeni kent yoksullarına yönelik bu tutumu pekişmiştir.

Buna ek olarak, 1960'lı yıllarda, belediye başkanlarının doğrudan halk tarafından seçilmeye başlanmasıyla belediye yönetimlerine güçlü başkan-zayıf meclis modeli hâkim olmuştur. Doğrudan halk tarafından seçilen belediye başkanları, özellikle de 1970'lerde büyük şehirlerdeki belediyeleri yöneten muhalif başkanlar, kentsel hizmetleri sağlamak üzere kanunların etrafından dolanma ve merkezi hükümet tarafından dayatılan yasal kısıtlamalara karşı enformel taktikler uygulama yoluna gitmişlerdir. Dolayısıyla çalışma, 1970'li yıllarda, Türkiye'de, özellikle büyük şehirlerin belediye yönetimlerinin emeğin yeniden üretimini kentsel politika süreçleriyle desteklemek için yasal belirsizlikleri ve enformel taktikleri araçsallaştırdığını savunmaktadır.

Çalışmada, 1980-2000 arasında, yatırımların sanayileşmeden kentleşmeye doğru kaymasıyla birlikte, inşaat sektörünün altyapı ve konut alanlarında büyük ölçekli yatırımlar yapmasının önünü açan yasal ve idari bir çerçeve inşa edildiği vurgulanmaktadır. Altyapı ve konut alanlarının uzun süredir ihmal edilmiş olmasının bu alanlarda yapılan yatırımların kamuoyu tarafından desteklenmesini de beraberinde getirdiğinin altı çizilmektedir. Öte yandan, proje ve yatırım fetişizminin kentlerin kültürel ve doğal varlıklarını tehdit ettiği bir dönemde, 2863 sayılı Kültür ve Tabiat Varlıklarını Koruma Kanunu'nun kabul edilmesiyle kentsel korumanın yasal ve idari çerçevesindeki dönüşüm de ele alınmaktadır.

Bu dönemin ayırt edici özelliği, neoliberal geriye sarma (*roll-back*) politikaları çerçevesinde hem merkezi hükümetin hem de yerel yönetimlerin emeğin yeniden üretilmesini sağlayan kamu hizmetlerinden çekilmesi olarak vurgulanmaktadır. Dolayısıyla, refah kaybına yol açan neoliberal kentsel politikalara geniş çapta rıza sağlamak için (1) af yasaları yoluyla kent yoksullarının ve işçi sınıfının kayıplarının telafi edilmesi, (2) gecekonduların yenilenmesine yönelik yasal düzenlemelerin ve prosedürlerin basitleştirilmesi ve (3) gecekondu sahiplerine yönelik yaptırımların

hafifletilmesi amaçlanmıştır. Diğer bir ifadeyle, kentsel yenileme faaliyetleri neoliberal kentsel politikalara meşruiyet zemini hazırlamak üzere popülist saiklerle kuralsızlaştırılmıştır.

Çalışma, 1984 yılında kurulan büyükşehir belediyelerine verilen önemli kentsel gelişim ve planlama yetkileri nedeniyle sermayenin kentleşmesinde üstlendiği önemli rolü de tartışmaktadır. Belediye sistemindeki bu neoliberal idari reformun, kentsel kaynakları büyük ölçüde kontrol eden büyükşehir belediye başkanlarının popüler imajını güçlendirdiği ve bu sayede belediye başkanının antidemokratik, yasadışı ve enformel eğilimleri de dahil olmak üzere keyfiliklerinin göz ardı edildiği ve hatta desteklendiğini öne sürmektedir. Bu bağlamda, İstanbul'u bir dünya kentine dönüştürmeyi amaçlayan dönemin İstanbul Büyükşehir Belediye Başkanı başta olmak üzere girişimci belediye başkanlarının, tarihi kent merkezlerini mutenalaştırmak amacıyla 2863 sayılı Kanun'a rağmen aceleyle kapsamlı yıkımlar gerçekleştirme yönündeki yasadışı davranışları ve enformelliklerine değinmektedir.

Bunu takiben, çalışmada, 1990'larda koalisyon hükümetleri döneminde yaşanan ekonomik ve siyasi krizlerin ardından Adalet ve Kalkınma Partisi'nin (AKP) Türkiye Büyük Millet Meclisi'nde (TBMM) önemli bir çoğunluk elde ettiği ve tek parti hükümetleri kurduğu 2000 sonrası döneme odaklanılmaktadır. Yasama ve yürütme erklerini tek başına kontrol ederek siyasi istikrarı sağlayan AKP, ekonomik büyümeyi ise inşaat sektörüyle iş birliği ve eşgüdüm içinde kentsel alanlara yatırımı teşvik ederek hayata geçirmeyi amaçlamıştır.

Bu amaçla, özellikle 5366, 5393 ve 6306 sayılı Kanunlar ile şekillendirilen neoliberal kentsel yenileme politikasının yasal ve idari altyapısı karmaşık, kalabalık ve dağınık bir niteliğe bürünmüştür. Buna bağlı olarak, toplumsal ve ekonomik adaletsizlik ve eşitsizliklerle nitelenen yenileme süreçleri giderek daha çatışmalı bir kentsel politika alanı halini almış ve toplumsal muhalefet ve pek çok yargılama süreciyle kesintiye uğramaktadır.

Kentsel yenileme süreçleri önündeki bu "engellerin" aşılabilmesi için, AKP'li merkezi yönetim ve yerel yönetimler, hukukun yoruma açık niteliği ve devlet aygıtına egemen olmanın sağladığı kudrete yaslanarak bu süreçleri yasallık/yasadışılık ve formellik/enformellik sınırlarında işletebilmekte, hatta kimi zaman yasal ve formel

alanın dışına çıkma eğilimi taşımaktadırlar. Dolayısıyla, 2000 sonrasında oluşturulan kentsel yenilemenin yasal ve idari çerçevesi, liberal hukuk devleti ilkesinin aksine, kasıtlı/bilinçli olarak yaratılmış ve kötüye kullanıma açık yasal ve kurumsal belirsizlikler, mahkeme kararları ve bürokratik süreçlerden sıyrılmanın önünü açan yasal ve idari düzenlemeler ve neoliberal kentsel gelişme uğruna kentsel korumayı kentsel yenileme karşısında ikinci plana atan ayrıcalıklı otoriteler üretmektedir.

Böylesi yasal ve idari stratejiler, merkezi hükümet ve belediyelerin yetkilerini kesin bir şekilde tanımlarken hukuken sınırlı bilgiye sahip kent yoksullarının haklarını belirsizlik içinde bırakma, yasal belge ve/veya güvence olmaksızın yüz yüze ilişkiler ve/veya enformel anlaşmalar kurma ve hukukun dışına çıkarak kendi fiili hukuklarını yaratma gibi sonuçlar ortaya çıkarmaktadır.

Neticede bu bölüm, 2000 sonrası dönemde kentsel yenileme ve koruma için oluşturulan yasal ve idari çerçevelerin, önceki dönemlerden miras kalan yasal belirsizliklerden yararlanmanın önünü açtığını ve merkezi ve yerel yönetimlere sermayenin yeniden üretimi için kentsel yenileme lehine fayda sağladığını iddia etmektedir. Başka bir deyişle, bu çerçeveler yalnızca mevcut yasal belirsizliklerin (kötüye) kullanılmasını mümkün kılmakla kalmamakta, aynı zamanda merkezi ve yerel yönetimlerin neoliberal kentsel yenileme hedeflerini ilerletmek için enformel idari taktikleri araçsallaştırmasına olanak tanıyan yeni belirsizlikler de yaratmaktadır.

Bunlara rağmen, Türkiye'de 2000'li yıllarda başlamış olsa da henüz tamamlanmamış ya da tamamen başarısız olmuş çok sayıda büyük ölçekli kentsel yenileme projesi bulunmaktadır. Ankara'nın tarihi kent merkezinde yer alan Ulus Meydanı'nda 2005 yılında ABB tarafından başlatılan yenileme girişimleri de bu duruma bir örnektir. Dolayısıyla çalışma, ABB'nin 2005 sonrası dönemde Ulus Meydanı'ndaki kentsel yenileme girişimlerini konu alan saha araştırmasının metodolojisini detaylı biçimde açıklamaktadır.

Bu açıklama, çalışmanın zamansal ve mekânsal odaklarının belirlenme gerekçelerini, yenileme girişimlerinin tamamlanmasının önündeki engelleri ve ABB'nin bunların üstesinden gelmek için kullandığı yasal niteliği tartışmalı idari taktikleri tespit etmek için kullanılan veri toplama yöntemlerini ve bu yöntemlerin kısıtlılıkları ile bu kısıtlılıkları gidermek için benimsenen araştırma stratejilerini kapsamaktadır.

Ulus Meydanı'nın saha çalışması olarak seçilmesinde, Ankara'nın Türkiye'nin kentleşme sürecindeki öncü ancak ihmal edilmiş rolü, meydanın kültürel ve tarihsel önemi ve 2000 sonrası dönemin büyük bölümünde ABB'nin meydandaki kentsel yenileme girişimlerinin başarısız olması etkili olmuştur. Saha araştırması kapsamında yarı yapılandırılmış derinlemesine görüşmeler, çevrimiçi medya taraması ve idari dava dosyalarının incelenmesini içeren çok boyutlu bir metodoloji benimsenmiştir.

Yarı yapılandırılmış derinlemesine görüşmelerin yapılacağı kişiler belirlenirken, Ulus Meydanı'ndaki yenileme girişimlerinin bütün taraflarını kapsamaya dönük dört tabakalı bir örneklem oluşturulmuştur. Bu tabakalar Ulus Meydanı'ndaki kentsel yenileme girişimlerinden etkilenen, onları gözlemleyen, onlara müdahale eden ve hem onları gözlemleyen hem de onlara müdahale eden taraflardan oluşmaktadır. Çalışmada ayrıca, görüşmelerden elde edilen verileri desteklemek ve onların eksiklerini kapatmak amacıyla Ulus Meydanı'na ilişkin hem ulusal hem de yerel kaynakları içeren kapsamlı bir çevrimiçi medya taraması yapılmış ve idare mahkemeleri ile Danıştay'daki dava dosyaları incelenmiştir.

Bu kapsamda, çalışma, on dokuzuncu yüzyılın sonlarından itibaren Ulus Meydanı'nın bir kamusal açık alan olarak ortaya çıkışını ve gelişimini Ankara'nın kentleşme bağlamı içinde inceleyerek saha çalışmasına konu mekânın tarihsel arka planını ortaya koymaktadır. Böylece, Ulus Meydanı'nın tarihsel ve kültürel önemi, yükselişi ve gerileyişine vurgu yaparak meydanın ABB'nin kentsel yenileme hedeflerinden biri haline gelmesine yol açan yolculuğunu anlatmaktadır.

Ardından bu anlatıyı devam ettirerek, 2000 sonrası dönemde ABB'nin Ulus Meydanı'ndaki yenilenme girişimlerinde mevcut ve yeni oluşturulan yasal ve idari çerçevenin sağladığı fırsatlara yer vermektedir. Bu fırsatlara rağmen, ABB'nin Ulus Meydanı'na ilişkin yenileme hedeflerinin tamamlanamamasının sebeplerini ve bu sebepleri ortadan kaldırmak için yasal ve formel alanın dışına taşan pratiklerini araştırmaktadır.

Bunun yanında, ABB'nin güçlü belediye başkanının 2017 yılındaki beklenmedik istifası ve 2019'daki yerel seçimler sonucunda ABB Başkanı'nın muhalefet partisinden seçilmesinin, ABB'nin Ulus Meydanı'ndaki yenileme girişimlerinde ortaya çıkardığı süreklilik ve kopuşlar tartışılmaktadır.

Bu çerçevede, ilk olarak, Cumhuriyet öncesi dönemden 2000'li yıllara kadar Ulus Meydanı'ndaki kentsel gelişim faaliyetleri dört farklı aşamaya ayrılarak incelenmektedir. Birinci aşama, tarih öncesi dönemden 1920'lere kadar uzanan Cumhuriyet öncesi döneme karşılık gelmektedir. Bu kapsamda, bugünkü Ulus Meydanı'ndaki yerleşimlerin tarihsel köklerinin Friglere kadar uzandığı, daha sonra meydanın Galatlar tarafından iskân edildiği ve Roma döneminde önemli bir kavşağa dönüştüğüne değinilmektedir. Geç Osmanlı döneminde ise bölgenin ticari merkez olma özelliğinin yanı sıra idari merkez özelliği de kazandığı ortaya konmaktadır. Ayrıca, on dokuzuncu yüzyılın sonları ve yirminci yüzyılın başlarında demiryolunun gelişi, anıtsal binaların inşası, bir şehir bahçesinin oluşturulması ve fiziksel altyapının iyileştirilmesiyle Ulus Meydanı'nın geçirdiği büyük dönüşüm ele alınmaktadır.

Ardından, Türkiye Cumhuriyeti'nin kurulmasıyla birlikte, özellikle de Ankara'nın başkent ilan edilmesinden sonra, Ulus Meydanı'nın önemli siyasi, idari ve mali kurumların bulunduğu bir yer olarak önem kazanması tartışılmaktadır. Tartışmada, Cumhuriyet'in modern ve planlı bir başkent kurma ideali doğrultusunda, güneyde yeni bir kentin kurulması ve Ankara'nın yüzyıllardır süregelen merkezi işlevlerinin güneye kaydırılmasıyla Ulus Meydanı'nın merkeziliğinin zayıfladığı vurgulanmaktadır.

Bunu takiben, İkinci Dünya Savaşı sonrasında dışa açık, özel sektör odaklı ekonomik kalkınma anlayışının yerleşmesinin, modernleşme hareketinin Amerikan merkezli olarak yeniden tasarlanmasının ve Ankara'yı Ortadoğu'nun en modern metropolü olarak tanıtma çabasının Ulus Meydanı'nın peyzajı üzerindeki etkileri tartışılmaktadır. Bu bağlamda, Ulus Meydanı'nın 1950-1980 yılları arasında kentsel gelişmeye ilişkin çıkarılan yeni yasal düzenlemelerin sağladığı olanaklarla kapitalizmi simgeleyen büyük ölçekli iş merkezlerinin inşa edilmesiyle yeniden şekillendiğini ortaya koymaktadır. Dolayısıyla çalışma, depolitizasyon yoluyla meydanın ticari işlevlerinin ön plana çıkarıldığını vurgulamaktadır. Bununla birlikte, prestijli konut alanları ile politik, idari, ticari ve finansal faaliyetlerin Yenişehir'e taşınmasıyla kent merkezinin güneye doğru kaydığı ve Ulus Meydanı'nın düşük gelirli gruplar için odak noktası haline geldiği belirtilmektedir.

Son olarak, 1980-2000 yılları arasında Ulus'ta gerçekleştirilen başlıca kentsel planlama ve gelişme girişimleri incelenmektedir. 1980'lerde, İstanbul'da neoliberal

kentsel politikalar doğrultusunda tarihi binaların yıkılmasına karşın; aynı yıllarda Ankara'da uzun süredir ihmal edilmiş olan tarihi anıt ve mülklerin tescil edildiği belirtilmektedir. Kentin merkezi iş alanlarının desantralize edilmesi, bu alanlardaki yapılaşma baskısının azaltılması ve Ulus bölgesinin tarihi kent dokusunun korunması amacıyla kapsamlı imar ve koruma planlarının uygulamaya konulduğunun da altı çizilmektedir.

Ayrıca, 1990 yılında yürürlüğe giren, özgün ve radikal önerileriyle dikkat çeken Ulus Tarihi Kent Merkezi Koruma-Islah Planı'nın (Ulus Planı) Ulus Meydanı'na ilişkin önerileri üzerinde durulmuştur. Meydanın, otomobil merkezli ulaşım planlaması anlayışı nedeniyle zaman içinde bir trafik kavşağına dönüştüğü, bunun meydanın tarihi ve kültürel önemi ile kamusal açık alan niteliğini zedelediği ve sosyo-kültürel kimliğini aşındırdığı da tartışılmaktadır.

1900'lerin ortalarından itibaren Ulus Tarihi Kent Merkezi'nin tamamına nüfuz eden fiziksel çöküntü, işlevsel dönüşüm ve demografik değişimin yanı sıra 2000'li yıllarda neoliberal kentsel yenileme politikaların hayata geçirilebilmesi için gerekli yasal zeminin oluşmasıyla birlikte, Ulus bölgesinin tamamının yenilenmesi tartışmaları ABB'nin gündemine taşınmıştır. Bu bağlamda, uzmanlar tarafından modern mimarlık mirası olarak değerlendirilen Ulus Meydanı çevresindeki çarşı binaları, büyük ölçekleri ve merkezi konumları nedeniyle, önce mülga 5272 sayılı Kanun (2004), ardından da 5366 sayılı Kanun (2005) kapsamında, kentsel yenileme tartışmalarının öne çıkan konuları haline gelmiştir.

Ancak, yukarıda bahsi geçen ve 2863 sayılı Kanun çerçevesinde yürürlükte olan Ulus Planı, ABB yönetimi tarafından Ulus Meydanı ve çevresinde uygulanması planlanan yenileme girişimlerinin önünde bir engel olarak görülmektedir. Aynı dönemde, TBMM'de, 2863 sayılı Kanun'la koruma altına alınan ve yapılaşması sınırlanan tarihi, kültürel ve doğal değerlere sahip alanları koruma kapsamı dışına çıkaran bir kanun görüşülmektedir.

Kanun kabul edilmeden önce, dönemin ABB Başkanı İbrahim Melih Gökçek, Ulus Meydanı ve çevresindeki yenileme girişimleri için bir fırsat olarak gördüğü kanun tasarısının görüşüldüğü meclis komisyonlarına aktif olarak katılarak pragmatik, kentsel politika girişimcisi ve iş takipçisi niteliklerini ortaya koymuştur. Neticede,

ABB Meclisi Ulus Planı'nı iptal etmiş (2004), TBMM 5366 sayılı Kanun'u kabul etmiş (2005) ve Bakanlar Kurulu da bu kanun uyarınca ABB tarafından belirlenen ve Ulus Meydanı ve çevresini de içine alan Ankara Tarihi Kent Merkezi Yenileme Alanı'nı ilan etmiştir (2005).

Ulus Planı'nın iptali, ABB'nin Ulus Meydanı ve çevresindeki kentsel yenileme girişimlerinin başarılı olması için çok önemli bir dönüm noktası olarak değerlendirilmektedir. Çünkü plan, meydan ve çevresindeki her mekânsal müdahale için planın müellifi olan Orta Doğu Teknik Üniversitesi Mimarlık Fakültesi öğretim üyelerinin onayının alınmasını zorunlu kılmakta ve yıkılması planlanan binalar için koruma kararları geliştirmekteydi. Bu yönüyle Ulus Planı'nın iptali ABB'nin Ulus Meydanı ve çevresindeki engellerden birinin ortadan kaldırılması anlamına gelmekteydi. Bu doğrultuda, imar planlarının iptali yargı kararıyla mümkün olmasına rağmen, ABB Meclisi hukuka aykırı bir kararla Ulus Planı'nı iptal etmiştir.

Öte yandan, kanun koyucu, yenileme alanı belirlenirken dikkate alınacak açık, nesnel ve bilimsel kriterleri 5366 sayılı Kanun'da belirlemeyerek tasarlanmış bir yasal belirsizlik yaratmıştır. Kanunda "yıpranan ve özelliğini kaybetmeye yüz tutmuş" ifadesinin yer alması, ABB'nin gözlemsel ve öznel verilere dayanarak yenileme sınırlarını belirlemesine kapı açmıştır.

Böylece, ABB'nin Ulus Meydanı ve çevresi gibi sermaye kesimlerine rant yaratma açısından suistimale açık bir alanda, önemli bir hareket serbestisi içinde yenileme alanı belirlemesine ve yenileme projesi uygulamasına yasal zemin hazırlanmıştır. Zaten ABB de Ulus Tarihi Kent Merkezi sit alanları sınırları içinde bir yenileme alanı belirlemek yerine, ya sitlerin tamamında ya da hukuka aykırı biçimde sit sınırlarının ötesine uzanacak biçimde yenileme alanı belirlemiştir.

2005, 2010 ve 2015 yıllarında ilan edilen ve Ulus Meydanı ve çevresini de kapsayan yenileme alanlarıyla ilgili olarak Danıştay'da açılan üç davada da görüldüğü üzere, deneyimli hakimler dahi "yıpranan ve özelliğini kaybetmeye yüz tutmuş" kriterini yorumlamakta güçlükle karşılaşmışlardır. Bu nedenle, bu davaların her birinde, yenileme alanının belirtilen kriterleri karşılayıp karşılamadığının açığa kavuşturulması için bilirkişilerden yerinde inceleme yaparak değerlendirmede bulunmalarını talep etmişlerdir. Üç farklı davada görevlendirilen bilirkişilerin tamamı, bu davaların

hepsinde, söz konusu yenileme alanlarının tamamının yıpranan ve özelliğini kaybetmeye yüz tutmuş bir nitelikte olmadığını tespit etmişlerdir.

ABB tarafından belirlenen son yenileme alanı olan Ankara Ulus Tarihi Kent Merkezi Yenileme Alanını onaylayan 2015 tarihli Bakanlar Kurulu Kararı ile ilgili olarak ABB ve Danıştay açısından iki dikkat çekici durum ortaya çıkmıştır. Bunlardan ilki, ABB'nin 2010 yılında belirlediği yenileme alanını ilan eden Bakanlar Kurulu Kararı'nın yürütmesi Danıştay tarafından durdurulmuşken, 2015 yılında ABB'nin talebiyle Bakanlar Kurulu tarafından söz konusu kararın yürürlükten kaldırılması ve yeni bir yenileme alanının ilan edilmesidir.

Bu yolla ABB, 2010 yılında yenileme alanını onaylayan Bakanlar Kurulu kararının yürütmesini durduran Danıştay kararının ve yargılama sürecinin etrafından dolanmıştır. ABB Meclisi'ndeki AKP Grubunun önde gelen isimlerinden biri, bunun mahkeme kararlarını aşmak için bilinçli olarak uygulanan bir yöntem olduğunu belirtmiştir. Gerçekten de bu, Ulus Meydanı ve çevresinde kentsel yenileme girişimlerini gerçekleştirmek için ABB ve hükümet iş birliğiyle uygulanan formel ancak hukuken tartışmalı bir idari taktik olarak görülebilir.

İkinci olarak, tüm alanın yıpranan ve özelliğini kaybetmeye yüz tutmuş olup olmadığı sorusu, 2005, 2010 ve 2015 yıllarında yenileme alanlarını belirleyen Bakanlar Kurulu kararlarına karşı açılan ve Danıştay tarafından görülen davalarda odak noktası olmuştur. Her üç davada da yüksek mahkeme heyetleri bunu belirlemek için bilirkişi görüşlerine başvurmuştur. İlk davada bilirkişiler, yenileme alanı sınırlarının sit ve koruma alanı sınırlarıyla örtüşüp örtüşmediğinin belirsiz olduğunu ileri sürmüşlerdir. Ayrıca yenileme alanının yıpranan ve özelliğini kaybetmeye yüz tutmuş olmasıyla ilgili herhangi bir araştırma, tespit ya da kriter olmaksızın yenileme alanının ABB tarafından belirlendiğini ifade etmişlerdir. Bilirkişilere göre bu eksiklik, 5366 sayılı Kanun'un belediye meclisleri ve Bakanlar Kurulu'nun yenileme alanlarını belirlemesi için karar alma kriterlerini belirtmemesinden kaynaklanmaktadır. Dolayısıyla hem ABB Meclisi'nin hem de Bakanlar Kurulu'nun yenileme alanını böyle bir yasal belirsizlik içinde ilan ettiğini tespit etmişlerdir.

İkinci davada ise bilirkişi raporu, alanın tamamının yıpranan ve özelliğini kaybetmeye yüz tutmuş olduğunun kabul edilemeyeceğini değerlendirmiştir. Ancak Danıştay bu

değerlendirmeyi öznel, yetersiz ve muğlak bulmuştur. Esasen, yüksek mahkeme bilirkişi raporundan yenileme alanının tamamının yıpranan ve özelliğini kaybetmeye yüz tutmuş bir alan niteliği taşıyıp taşımadığını anlayamamıştır. Bununla birlikte, ikinci yenileme alanına ilişkin ABB Meclisi kararı ve Bakanlar Kurulu kararının iptal edilmesi ve üçüncü yenileme alanının kabul edilmesiyle, bilirkişi raporundaki eksikliğin giderilmesine gerek kalmamıştır.

Üçüncü davada ise bilirkişiler, 5366 sayılı Kanun'da yer alan "özelliğini kaybetmeye yüz tutmuş" ifadesindeki yasal belirsizliği, "özgünlüğünü kaybetme" olarak tanımlayarak aşmayı amaçlamışlardır. Bu çerçevede, bilirkişi heyeti yenileme alanının tamamının yıpranmış ve özelliğini kaybetmeye yüz tutmuş olmadığını göstermiştir. Ancak Danıştay, bu davada, bilirkişi bulgularının Bakanlar Kurulu Kararının yürütmesinin durdurulması veya iptali için geçerli bir gerekçe olmadığına karar vermiştir. Yüksek mahkemeye göre, bilirkişiler bu tespitleri, sonraki tasarım projelerinin tarihi ve kültürel varlıklara zarar vereceği varsayımlarına dayanarak yapmışlardır. Mahkeme, proje uygulama sürecinde hukuki sorunların ortaya çıkması halinde, idarenin eylem ve işlemlerine karşı yargıya başvurulmasının uygun olacağını vurgulamıştır.

Bu üç davadan da anlaşılacağı üzere, 5366 sayılı Kanun'un belirsizliği ve hukukun doğasında var olan belirsizlik nedeniyle Danıştay yargıçları aynı konuda farklı hukuki yorumlarda bulunmuşlardır. Kanundaki ifadenin açık uçlu olması ve farklı yorumlara tabi tutulması sebebiyle yüksek mahkeme, yenileme alanına ilişkin ilk Bakanlar Kurulu kararını iptal etmiş, ikincisinin yürütmesini durdurmuş, üçüncüsünde ise benzer gerekçelere rağmen yürütmeyi durdurma ya da iptale gerek görmemiştir.

Öte yandan, Ulus Tarihi Kent Merkezi'ndeki sit alanları 2863 sayılı Kanun uyarınca belirlenmişken, bu alanlardaki yenileme faaliyetleri 5366 sayılı Kanun kapsamında yürütülmektedir. Aynı alanı düzenleyen ve birbiriyle çelişen iki yasal düzenlemenin varlığı, ABB'nin suistimal edebileceği yasal bir belirsizlik yaratmıştır.

ABB'nin genelde Ulus Tarihi Kent Merkezi, özelde ise Ulus Meydanı'na ilişkin mekânsal müdahale niyetini sürecin paydaşlarına önce "Ankara Tarihi Kent Merkezi Yenileme Alanı Projesi" olarak açıklaması, daha sonra imar mevzuatında bu isim ve ölçek altında bir plan tanımının bulunmadığına ilişkin eleştiriler yükselmesi üzerine

bunu "Ankara Tarihi Kent Merkezi Yenileme Alanı Koruma Amaçlı İmar Planı" olarak değiştirmesi, sadece sehven yapılmış bir yazım hatası değil; ABB'nin bu çalışmaları büyük ölçekli bir kentsel yenileme projesi olarak planlamasının dışavurumudur.

Pragmatik ve iş bitirici kentsel politika girişimcisi Gökçek'in liderliğindeki ABB'nin Ulus Meydanı'ndaki kentsel yenileme hedeflerini hızla hayata geçirmek için yasal kuralları ve formel usulleri ihmal ve/veya ihlal etmesi şaşırtıcı değildir. Bunun yanında, Gökçek'in kentsel yenilemenin uygulama aşamasına hızla geçme konusundaki hevesi, koruma amaçlı imar planlarının ihale edildiği mimarlık/planlama firmalarıyla arasında bir anlaşmazlık kaynağı haline gelmiştir. Koruma amaçlı imar planları üzerindeki tartışmaların uzamasından rahatsız olan Gökçek, işveren olarak kendi taleplerini plan müelliflerine dayatmak istemiş ya da anlaşmazlık çıkabilecek alanlarda müelliflere haber vermeden planda bizzat değişiklik yapmıştır.

Gökçek'in 5366 sayılı Kanun'da gördüğü fırsat, Ulus Meydanı ve yakın çevresinde 2863 sayılı Kanun'un kısıtlamaları olmaksızın, meydanın erken Cumhuriyet dönemi görünümünü yeniden canlandırma kisvesi altında büyük ölçekli bir yıkım ve kentsel yenileme projesi uygulamaktı. Ankara'nın Kale bölgesi dışında tarihi bir dokudan yoksun olduğuna inanan Gökçek, kenti özellikle alışverişi tercih eden Ortadoğulu turistler için daha cazip hale getirmeyi amaçlamıştır. Bu planın bir parçası olarak, tarihi ve kültürel değerleri korumak yerine modern mimari örneklerini yıkarak ve ulaşım ana planına aykırı biçimde trafiği yeraltına alarak Ulus Meydanı'nın yayalaştırılmasını ve meydana büyük bir alışveriş merkezi inşa edilmesini içeren bir yenileme projesi gerçekleştirmeyi hedeflemiştir.

Çalışma kapsamında görüşülen pek çok kişi, Gökçek'in eşgüdümlediği bazı inşaat firmalarının, iş insanlarının, AKP yanlısı bürokratların, milletvekillerinin ve hatta yargı mensuplarının dahil olduğu bir çıkar ağının, Ulus Meydanı ve çevresindeki yenileme projesinin uygulanması sırasında ve sonrasında ortaya çıkacak kentsel ranttan faydalanacağına inanmaktadır.

Koruma amaçlı imar planının AKP lideri Erdoğan ile ideolojik yakınlığı olan bir mimarın kurucusu olduğu mimarlık firmasına ihale edilmesi de bu durumun göstergelerindendir. Dolayısıyla, ihalenin Gökçek ile doğrudan ilişkili olmasa da

siyasi partisinin lideri aracılığıyla dolaylı olarak ilişkilendiği çevrelere verildiğini söylemek mümkündür.

Ayrıca, Ulus Meydanı'nın yayalaştırılarak alışveriş merkezli bir turizm alanına dönüştürülmesi projesi ile Hacıbayram bölgesinin ibadet merkezli bir turizm alanına dönüştürülmesi projesinin siyasi ve ideolojik bir yönü olduğu yadsınamaz. Ulus Meydanı'nın cumhuriyetçi kimliğini bir kenara bırakma çabası, Gökçek'in neoliberal rövanşçılıkla Ankara'yı mekânsal olarak yeniden inşa etme arayışı olarak kavramsallaştırılabilir. Ayrıca, 2018 yılı itibariyle, Cumhuriyet'in sanayileşme hamlesini simgeleyen ve Ulus Meydanı'nı tanımlayan Sümerbank binasının Ankara Sosyal Bilimler Üniversitesi'ne tahsis edilmesi, Cumhuriyet döneminin kurucu mekanlarının hatırlanan işlevlerini unutturma yoluyla yürütülen kimlik savaşına merkezi yönetimin de iştirak ettiğini göstermektedir.

Diğer taraftan, 5366 sayılı Kanun, yavaş işledikleri gerekçesiyle, 2863 sayılı Kanun kapsamında sit alanlarıyla ilgili idarenin kararlarını ve mekânsal müdahaleleri denetleyen Kültür ve Turizm Bakanlığı'na bağlı koruma kurullarına alternatif olarak, yenileme alanlarında yeni koruma kurullarının kurulmasını öngörmektedir. Yeni oluşturulan bu koruma kurulları, özellikle yenileme alanlarındaki idari kararları ve mekânsal müdahaleleri denetlemekle görevlendirilmiştir. Bu doğrultuda, Ulus Meydanı ve çevresindeki yenileme projelerinin denetiminde Ankara Kültür ve Tabiat Varlıklarını Koruma Bölge Kurulu'nu devre dışı bırakmak üzere Ankara Yenileme Alanı Kültür ve Tabiat Varlıklarını Koruma Bölge Kurulu (Ankara Yenileme Alanı Koruma Kurulu – AYAKK) oluşturulmuştur.

Kimi görüşmecilerin ifadesiyle, AYAKK'nin üyelerinin bakanlık tarafından belirlenen çoğunluğu dönemin ABB Başkanı Gökçek'in etkisi altında belirlenmiş ve Yükseköğretim Kurulu tarafından belirlenen diğer üyeler de Gökçek tarafından baskı altında tutulmuştur. Başka bir deyişle, AYAKK üyelerinin belirlenmesinde ve onların kararlarında etkili olmak, Gökçek'in Ulus Meydanı'ndaki yenileme projelerini hızla hayata geçirmek için kullandığı enformel idari taktiklerden biridir.

Daha sonra mahkemelerce iptal edilerek hukuksuz olduğu sabit hale gelen yenileme odaklı koruma planlarının, alanında uzman kişilerden oluşan koruma kurulları tarafından onaylanması, koruma kurulu üyelerinin çoğunluğunun enformel etki altında

seçildiğini doğrulamaktadır. Üstelik, söz konusu planların onaylanması için kurul üyeleri üzerinde kurulan enformel baskı, kuruldaki Yükseköğretim Kurulu temsilcisi üyelerin istifasıyla sonuçlanmıştır. Bunun yanında, Anafartalar Çarşısı'ndaki önemli sanat eserlerinin tescilinin kurul tarafından reddedilmesi, kurulun ABB'nin Ulus Meydanı ve çevresindeki kentsel yenileme faaliyetleri karşısında tarihi ve kültürel varlıkları koruma konusundaki isteksizliğine işaret etmektedir.

Öte yandan, 2000 sonrası dönemde Ulus Tarihi Kent Merkezi için geliştirilen koruma planları, bilirkişiler tarafından tespit edilen önemli belirsizlikler içermektedir. Örneğin, daha önce Ulus Planı'nda koruma ve ıslah perspektifiyle formüle edilen arazi kullanım ve yapılaşma kararlarının Hassa Planı'nda (2007) değiştirilmesiyle getirilen esneklik ve belirsizlik, Ulus bölgesindeki sit alanları için bir tehdit olarak algılanmıştır. Bu durumun gelecekte spekülasyonlara ve geri dönüşü olmayan yıkımlara açık bir düzenleme ortamı yaratabileceği ileri sürülmüştür.

Benzer bir sonuç, UTTA Planı (2013) ile ilgili davada idare mahkemesi tarafından atanan bilirkişiler tarafından da çıkarılmıştır. Onlara göre plan karmaşık, kafa karıştırıcı, esnek ve muğlak ifadeler içermektedir. Gerçekten de plan, Cumhuriyet döneminin modern mimari mirası olarak kabul edilen yapıların ve gelecekte keşfedilmesi muhtemel arkeolojik buluntuların korunmasına ilişkin bir karar geliştirmemiştir. Ayrıca, Ulus Meydanı gibi alanlar için öngörülen kentsel tasarım projelerinin hangi örgütsel ve finansal model üzerinden yürütüleceğini tanımlamamıştır. Bu şekilde koruma planı ABB için bağlayıcı bir yasal belge olmaktan çıkmakta, bu da ABB'ye Ulus Meydanı'nda uygulamayı planladığı kentsel yenileme veya tasarım projeleri için geniş bir manevra alanı sağlamaktadır.

Ulus Meydanı ve çevresindeki kentsel yenileme girişimlerini içeren bu iki koruma planı girişiminin yargı tarafından iptalinin ardından ABB, Gökçek döneminde koruma kurulu tarafından belirlenen geçiş dönemi koruma esasları ve kullanma şartları (GDKEKŞ) aracılığıyla parçacı uygulama stratejisine yönelmiştir. Çalışma kapsamında görüşülen kişilerin de belirttiği gibi, imar hakkı tanıyabilen GDKEKŞ, Ulus Tarihi Kent Merkezi için koruma amaçlı imar planı hazırlama sürecini uzatmıştır.

2011 tarihli 648 sayılı Kanun Hükmünde Kararname ile GDKEKŞ'nin yürürlük süresinin toplam üç yıldan (iki artı bir yıl) belirsiz bir süreye (üç artı sınırsız sayıda

yıl) uzatılmasıyla, ABB için koruma amaçlı imar planı hazırlama konusunda bir süre kısıtı da kalmamıştır. Böylece 2015 yılından bu yana genelde Ulus Tarihi Kent Merkezi, özelde ise Ulus Meydanı ve çevresindeki tüm koruma ve yenileme faaliyetleri GDKEKŞ çerçevesinde yürütülmektedir. Diğer bir deyişle, koruma amaçlı imar planının yokluğunda geçici bir düzenleme olarak ortaya çıkan GDKEKŞ, ABB'nin yenileme faaliyetlerini koruma amaçlı imar planına bağlı kalmadan uygulayabilmesi için yasal belirsizliğe dayalı bir idari taktik ve yerleşik bir norm haline gelmiştir.

Yeni uygulama stratejisine rağmen, ABB'nin Ulus Meydanı ve çevresindeki yenileme projesini uygulamasının önünde iki zorluk daha bulunmaktadır. Bunlardan ilki, yıkılması planlanan çarşıların mülkiyetlerinin İl Özel İdaresi'ne ve Çalışma ve Sosyal Güvenlik Bakanlığı'na bağlı Sosyal Güvenlik Kurumu'na ait olması; ikincisi ise bazı kurumların ve esnafın çarşılarda kiracı olarak bulunmasıdır. İlk sorun, 6360 sayılı Kanun (2012) uyarınca 2014 yerel seçimlerinin ardından 100. Yıl Çarşısı'nın; 2016 yılında ise Ulus Çarşısı, Ulus Çarşısı'nın ofis bloğu, Anafartalar Çarşısı ve Anafartalar Çarşısı'nın ofis bloğunun mülkiyetlerinin trampa yoluyla ABB'ye devredilmesiyle çözülmüştür.

İkinci sorunun bir kısmı Gümrük Müsteşarlığı'nın Anafartalar Çarşısı'nın ofis bloğunu, spor federasyonlarının ise Ulus Çarşısı'nın ofis bloğunu tahliye etmesiyle çözülmüştür. Ancak, Ulus Çarşısı, Ulus Çarşısı'nın ofis bloğunun alt katları, Anafartalar Çarşısı ve 100. Yıl Çarşısı'ndaki esnafın, planlanan yıkıma rağmen halen yürürlükte olan kira sözleşmeleri bulunmaktaydı.

Bu aşamada, ABB'nin esnafı tahliye ederek çarşılara hükmetmek için hem formel hem de enformel idari taktikleri harmanlayan taciz ve sindirme stratejileri uyguladığı söylenebilir. Ulus Meydanı'ndaki çarşılarda onlarca yıldır faaliyet gösteren birçok esnafın bitmek bilmeyen yıkım ve yenileme söylentileri sonucunda dükkanlarını kapatması da bu stratejilerin kısmi başarısına işaret etmektedir.

Görüşmelerden ve medya taramasından elde edilen verilerin derlemesine göre, bu taktiklerden biri, kira sözleşmeleri sona ermek üzere olan esnafa tahliye emri gönderilmesidir. Ayrıca, esnafa daha önce tanınan işyerini başka bir kişiye devretme hakkı iptal edilmiş, çarşılardaki boş dükkanlar kiralanmamış ve kiralarda fahiş artışlar

yapılmıştır. Çarşıların hem içinde hem de dışında yapılması gereken bakım ve yenileme çalışmaları, planlanan yıkımlar nedeniyle ihmal edilmiştir. Bazı durumlarda çarşılara kasıtlı olarak zarar verilerek harabe bir görünüm yaratılmıştır. Çarşılardaki elektrik, su ve ısıtma sistemleri bakımsız bırakılmış ve bazı durumlarda kasıtlı olarak devre dışı bırakılmıştır. Yıkımlarla ilgili söylentilerin sürekli dolaşımda olması sadece çarşılara müşteri akışını sekteye uğratmakla kalmamış, aynı zamanda esnafın işine yatırım yapma cesaretini de kırmıştır.

Merkezi ve yerel yönetimler tarafından tasarlanan, suistimale açık ve idareye geniş manevra alanı sağlayan çok sayıda yasal belirsizliğe ve formel/enformel idari taktiklerin araçsallaştırılmasına rağmen ABB, Gökçek'in 2017'nin son çeyreğinde Cumhurbaşkanı Erdoğan tarafından istifaya zorlanmasıyla sona eren görev süresi boyunca Ulus Meydanı ve yakın çevresinde planladığı hiçbir kentsel yenileme faaliyetini hayata geçirememiştir. ABB'nin yenileme projelerini gerçekleştirmesinin önündeki en büyük engel, idare mahkemelerinde açılan davalar olmuştur. Bu da, merkezi yönetim ve yerel yönetimlerin yasal/yasadışı ve formel/enformel alanların sınırlarında gezinen keyfi eylemlerinin, hukuk devleti ilkesinin mücadeleci kullanımı sayesinde idare mahkemelerince sınırlandığına işaret etmektedir.

Gerek esnafın tahliye kararlarına karşı açtığı davalar, gerek meslek odalarının Bakanlar Kurulu kararlarına, koruma amaçlı imar planlarına ve GDKEKŞ'ye karşı açtığı davalar, gerekse de Anafartalar Çarşısı'ndaki sanat eserlerinin hak sahiplerinin açtığı dava, ABB'nin Ulus Meydanı ve çevresindeki yapılı çevreye keyfi biçimde müdahale etme imkânını ortadan kaldırmıştır. Özellikle idare mahkemelerinde açılan davaların Gökçek yönetimindeki ABB için yarattığı sorunların boyutunu, pragmatik kentsel politika girişimcisi Gökçek'in yasama erkinden İdari Yargılama Usulü Kanunu'nda değişiklik yaparak belediyelere daha fazla hareket serbestisi tanınmasını talep etmesinden anlaşılabilir. Ayrıca Gökçek, bu davaları açan meslek odalarını, ABB'nin eylemlerine karşı çıkan bilirkişileri (çoğunlukla Orta Doğu Teknik Üniversitesi'nden öğretim üyeleri) ve ABB'nin yenileme girişimlerini durduran/iptal eden hakimleri ideolojik davranmakla suçlamaktadır.

2015'te ilan edilen yenileme alanının iptal edilmemesi, geçiş dönemi yapılaşma koşullarının yerleşik uygulama haline gelmesi ve son olarak 2016'da Ulus Meydanı

çevresindeki tüm çarşıların mülkiyetinin ABB'ye devredilmesi, yenileme faaliyetlerinin önündeki engelleri birer birer kaldırmıştır. Ancak Gökçek'in 2017 yılında AKP Genel Başkanı ve Cumhurbaşkanı Erdoğan'ın baskısıyla ABB Başkanlığı'ndan istifa etmesi, ABB'nin Ulus Meydanı ve çevresi için planladığı yenileme projesini daha da geciktirmiştir. Çalışma kapsamında görüşülen kişiler, tescilli İller Bankası binasının tescilinin koruma kurulu tarafından kaldırılmasını ve ABB tarafından bir gecede yıkılmasını örnek göstererek, Gökçek'in görevde kalması halinde Ulus Meydanı çevresindeki çarşıların da yıkılacağını öngörmektedirler.

Gökçek'in yirmi üç yıllık görev süresinin ardından, Mustafa Tuna'nın yaklaşık bir buçuk yıllık ABB Başkanlığı döneminde Anafartalar Çarşısı'nın ofis bloğunun yıkımının gerçekleşmesi, Ulus Meydanı ve çevresindeki kimi binaların yıkımının önündeki engellerin önemli ölçüde kaldırıldığını göstermektedir. Gökçek dönemi mirası olarak sürdürülen uygulamalar ise tahliye emirlerinin gönderilmesi, yıkımların ardından uygulanacak projenin uzun süre açıklanmaması ve esnafla diyalog kurulmaması olmuştur. Yıkımların önündeki "engel" olan çarşı esnafına yönelik yıldırma ve taciz stratejileri Tuna döneminde de devam etmiştir. Diğer pek çok dükkânın yanı sıra, Ulus bölgesinde neredeyse bir asırdır, Ulus Çarşısı'nda ise 1960'ların başından beri hizmet veren sembolik bir eczanenin kapanması buna bir örnektir.

Gökçek'in görev süresi boyunca sıkça tartışılan çarşıların yıkılması ve yepyeni bir Ulus Meydanı yaratmak için Ulus tünelinin inşa edilmesi bu dönemde yeniden gündeme getirilmiştir. Meslek odalarının tünel projesinin üst ölçekli planlarda ve ulaşım ana planında yer almamasına ve Ulus'un çok katmanlı yapısına zarar verebileceğine dair endişelerine rağmen, ABB bu proje için Çevre ve Şehircilik Bakanlığı ve Ulaştırma ve Altyapı Bakanlığı ile protokoller imzalamıştır. Ancak 2019 yerel seçimlerinin yaklaşması sebebiyle bu projenin hayata geçirilmesi seçim sonrasına ertelenmiştir. Ulus Meydanı'ndan geçen ana yolların yer altına alınmasını öngören tünel projesi, ABB Belediye Başkanlığı yarışında öne çıkan AKP ve CHP adaylarının vaatleri arasında da önemli bir yer tutmuştur.

2019 yerel seçimlerini kazanan CHP'nin adayı Mansur Yavaş, Anafartalar Çarşısı ve Ulus Çarşısı'nın yıkımından vazgeçildiğini ve Ulus Çarşısı'nın ofis bloğunun beş

yıldızlı bir otele dönüştürüleceğini açıklamıştır. Böylece, Ulus bölgesine yüksek profilli turist çekmenin ve bölgenin demografik yapısını değiştirmenin yolları aranmıştır. Her ne kadar ABB yönetimi değişse de ABB'nin Ulus Meydanı ve çevresine ilişkin turizm odaklı işlevlendirme ve mutenalaştırma hedefleri değişmemiştir. Söz konusu girişimin koruma kurulu tarafından reddedilmesi üzerine ABB yönetimi, ABB'ye bağlı Ankara Elektrik, Havagazı ve Otobüs İşletme Müessesi (EGO) Genel Müdürlüğü'nün Ulus Çarşısı'nın ofis bloğuna taşınmasına karar verdi. Ancak ABB Meclisi'nin binanın yıkımına ilişkin kararının hala iptal edilmemiş olması, binanın ve zemin kattaki esnafın akıbetini belirsiz bırakmıştır.

Dahası, 100. Yıl Çarşısı'nın yıkılması yönündeki kararlılık, Yavaş döneminde de önemli sivil toplum örgütleri ve meslek odalarının itirazlarına rağmen devam etmiştir. Gökçek döneminde düşmanlığa varacak şekilde gerilen ABB-meslek odaları ilişkisi, Yavaş döneminde Ulus Tarihi Kent Merkezi koruma amaçlı imar planının hazırlanması için başlatılan süreçte meslek odalarının görüşlerinin talep edilmesiyle başlangıçta yumuşamış, ancak 100. Yıl Çarşısı'nın yıkımı gündeme geldiğinde yeniden gerilmiştir.

Yavaş yönetimindeki ABB, sivil toplum örgütleri ve meslek odalarının tepkilerini yatıştırmak için, 2022 yılında "100. Yıl Çarşısı ve Yakın Çevresi Fikir Projesi Yarışması" düzenlemiştir. Yarışmayı çarşının korunması amacıyla yenilenmesi ve iyileştirilmesini öneren projelerin kazanmasına rağmen, ABB yapının tarihi ve mimari öneminin bulunmadığını savunan uzmanların görüşlerine atıfta bulunarak, çarşının kaderini çevrimiçi bir anket yoluyla belirlemeyi tercih etmiştir. Ankete katılan otuz bin kişiden yaklaşık yirmi bin kişinin oylarıyla, yaklaşık altı milyon nüfuslu Ankara'nın tarihi merkezindeki 100. Yıl Çarşısı'nın yıkılması ve yerine kent meydanı yapılması kararı alındı. Katılımcı niteliği tartışmalı olan çevrimiçi anket uygulaması, yapının mimari önemine ilişkin bilgilerin gizlenmesi, yarışmayı düzenleyenlerle jüri üyelerinin ve katılımcıların emeklerinin hiçe sayılması ve kazanan projelerin rafa kaldırılarak kamu kaynaklarının israf edilmesi gibi konularda eleştirilmiştir.

Ulus Çarşısı ve Anafartalar Çarşısı'nın aksine, 100. Yıl Çarşısı'nın tescilli statüden, değerli sanatsal unsurlardan ve hem bölge esnafı hem de uzmanlar arasında mimari ve tarihi değeri konusunda fikir birliğinden yoksun olması, yapıyı Ulus Meydanı'nın

yenilenmesi girişimlerinde feda edilecek en zayıf halka haline getirmiştir. Zira, çalışma kapsamında görüşmelerin yapıldığı Ekim 2022-Şubat 2023 döneminde, 100. Yıl Çarşısı'nda sadece bir esnafın kaldığı ve çarşının çevresinin yıkıma hazırlık amacıyla ahşap panellerle kapatıldığı göz önünde bulundurulduğunda, Gökçek döneminde başlatılan boşalt-yönet stratejisinin Yavaş döneminde meyvelerini verdiği söylenebilir.

100. Yıl Çarşısı'nın büyük ölçüde boşaltılmış olması, çevrimiçi anketin yıkım yönünde sonuçlanması ve diğer çarşılar için bulunulan vaatlerin (Ulus Meydanı ve çevresinin restorasyonu, boş dükkanların kiralanması, kiraların artırılmaması, Ulus Ofis Bloğu'na bir kamu kurumunun yerleştirilmesi vb.) yerine getirilmesi göz önünde bulundurulduğunda, ABB'nin Yavaş döneminde 100. Yıl Çarşısı'nın yıkımı için görece meşru bir zemin inşa ettiği öne sürülebilir. Yani ABB'nin Gökçek dönemindeki agresif/baskın yaklaşımından Yavaş dönemindeki nispeten uzlaşmacı/çekinik bir yaklaşıma geçmesi, 100. Yıl Çarşısı'nın yıkımını mümkün kılmıştır.

Ancak, ABB'nin Yavaş dönemindeki görece uzlaşmacı/çekinik yaklaşımı, Gökçek döneminin formel ve enformel idari taktiklerinin terk edildiği anlamına gelmemektedir. Örneğin, Gökçek döneminde Ulus Meydanı ve çevresindeki kentsel yenileme uygulamalarını geçiş dönemi yapılaşma koşulları yoluyla parçacı biçimde hayata geçirme arayışı, Yavaş döneminde de sürmüştür. Kira sözleşmelerinde on yılı aşan esnafa tahliye emirleri gönderilmesi de bu dönemde devam etmiştir. Özellikle Ulus Çarşısı'nın ofis bloğunda üç-dört yıldır çalışmayan ısıtma sistemi yeniden devreye sokulmamış; su, telefon ve internet hatları kesilmiş; elektriklerinin kesilmesi için girişimlerde bulunulmuştur. ABB ile Ulus Çarşısı'nın ofis bloğundaki esnaf arasında bir anlaşmaya varılamamıştır, çünkü esnafa Ulus Çarşısı içinde daha az görünür yerlerde dükkanlar önerilmiştir. Dolayısıyla bazı binalardaki esnafın geleceği Yavaş döneminde de belirsizliğini korumaktadır.

Bu dönemde ABB, bir yanda Ulus Meydanı ve çevresinde parçacı restorasyon ve yenileme projeleri yürütürken, diğer yanda Ulus Tarihi Kent Merkezi için bütüncül bir koruma amaçlı imar planı elde etme arayışı doğrultusunda kamu kurumları, akademisyenler ve meslek odalarının katılımıyla danışma toplantıları yapmıştır. Bu kapsamda, Ulus bölgesindeki çöküntüleşme eğiliminin önüne geçilmesi için koruma

amaçlı imar planının ihale yoluyla ivedilikle elde edilmesi yönünde fikirler ortaya çıkmıştır. Ayrıca, hukuki süreçlerle kilitlenen planlama süreçlerinin bir planlama yarışması ile açılması yönünde öneriler de ortaya konmuştur.

Son aşamada ABB, yarışma yerine ihale süreciyle devam edilmesine, ancak çatışmaları en aza indirmek için plan elde etme sürecini bir paydaş danışma kurulunun gözetiminde ilerletmeye karar vermiştir. Meslek odaları, sivil toplum örgütleri, akademisyenler, üniversite öğrencileri, ABB Akademik Danışma Kurulu ve ABB'nin ilgili birimlerinin temsilcileri 2023 yılının sonlarında paydaş danışma kurulunun ilk toplantısına katılmıştır. Bu, ABB tarafından tasarlanan, ihale ve yarışma yoluyla plan elde etme yöntemleri arasında yeni bir orta yol olarak değerlendirilebilir.

Diğer taraftan, aynı dönemde ABB hem koruma amaçlı imar planı için hem de kökleri Ulus Planı'na dayanan tünel projesi için ihaleler düzenlemiştir. Görülebileceği gibi, Yavaş yönetiminde ABB, bir yandan meslek odalarının eleştirilerini hafifletmek üzere katılımcı mekanizmaları devreye sokarken, öte yandan bu odaların güçlü muhalefetiyle karşılaşan parçacı Ulus Tüneli Projesi'nin uygulanması için ilk adımı atmaktan da çekinmemektedir. Dolayısıyla, Gökçek dönemindeki kutuplaşma ortamından farklı olarak Yavaş döneminde ABB ile meslek odaları arasındaki ilişki oldukça gergin olmakla birlikte tamamen karşı karşıya gelmeye dayalı değildir. Bu da Ulus Meydanı ve çevresindeki yenileme girişimlerine ilişkin tartışmaların ideoloji ve rantla ilişkili boyutlarının törpülenerek katılımcılık ve mesleki uzmanlık odağında yürütülmesi ile açıklanabilir. Yine de Gökçek döneminden bu yana Ulus Meydanı ve çevresindeki yenileme girişimlerinin uzun ve çekişmeli tarihçesi, meslek odalarını müzakere konusunda taviz vermeyen bir konuma itmiştir. Bunun karşısında ABB'nin geliştirdiği strateji ise meslek odalarının taleplerini seçici bir şekilde kabul etme ve kendi uzlaşma şartlarını dayatma yönünde olmuştur.

Sonuç olarak, ABB'nin 2000 sonrası dönemde Ulus Meydanı ve çevresindeki kentsel yenileme girişimleri, Türkiye'deki neoliberal kentsel yenileme politikalarının mantığını göstermesi açısından kayda değer bir vaka çalışmasıdır. Bu girişimlerin hedefleri arasında meydan çevresindeki modern mimarlık örneklerini yıkmak, depolitize edilmiş sahte tarihi bir meydan yaratarak alışveriş odaklı bir turizmi öncelemek ve ortaya çıkan rantı müttefik sermaye çevreleriyle paylaşmak yer

almaktadır. Bu bağlamda, neoliberal kentsel yenileme gündemi ekonomik, siyasi ve ideolojik boyutları iç içe geçmiş bir kentsel politika alanına dönüşebilmektedir.

Söz konusu yenileme girişimleri, neoliberal kentsel yenileme politikaları açısından hukuk devleti ilkesinin tutarsızlıklarını göstermesi bakımından da önemlidir. Her ne kadar neoliberal kuram hukuk devleti ilkesi çerçevesinde yasal belirlilik ve idarenin yasallığını savunsa da, neoliberal dönemde kentsel politika ve yerel yönetimlere ilişkin yasal ve idari reformlar, yerel yönetimlerin keyfi hareket etme özgürlüğüne sahip olduğu, tehlikeli bir şekilde tasarlanmış yasal belirsizliklere sahip bir yasal ve idari çerçeve ile sonuçlanabilmektedir. Öte yandan yargı süreçleri, yerel yönetimlerin neoliberal kentsel yenileme projelerini tasarlarken ve uygularken gezindiği yasallık/yasadışılık ve formellik/enformellik sınırlarını denetlemede önemli bir rol oynamaktadır. Tasarlanmış ve içkin yasal belirsizlikler yargıçların benzer davalarda farklı kararlar vermesine sebep olsa da yasal süreçler, bilirkişilerin de katkısıyla, yerel yönetimlerin kentsel yenileme girişimlerindeki yasal belirsizliklere dayalı keyfi davranışlarını önemli ölçüde sınırlamaktadır.

Neoliberal kentsel dönüşüm projelerinin yönlendirilmesinde siyasi figürlerin, özellikle de girişimci büyükşehir belediye başkanlarının rolü çok önemlidir. Bu projeleri hızla uygulamak için yerel yönetimlerin ve yöneticilerinin yasal belirsizlikleri ve formel/enformel idari taktikleri (kötüye) kullanımı neoliberal dönemde kentsel girişimcilik ve kentsel dönüşümün kesiştiği noktayı gözler önüne sermektedir. Siyasi değişim, yerel yönetimlerin neoliberal kentsel yenileme politikasındaki patika bağımlılığını tamamen kıramasa da, paydaşların işbirliğine açık ya da kapalı olmasına bağlı olarak daha ılımlı ve uzlaşmacı bir yolun benimsenmesinin önünü açmaktadır. Burada yerel yönetimlerin bir kamu gücü olarak neyin meşru olduğunu neyin meşru olmadığını belirleyebilmeleri, müzakere ve pazarlık koşullarını kendilerinin belirlediği bir kentsel politika ortamı oluşturmalarını da sağlamaktadır.

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