

CHANGING LEGAL STATUS OF LAND PROPERTY AND LIMITS TO
URBAN TRANSFORMATION: THE CASE OF OKMEYDANI,
ISTANBUL

A THESIS SUBMITTED TO
THE GRADUATE SCHOOL OF SOCIAL SCIENCES
OF
MIDDLE EAST TECHNICAL UNIVERSITY

BY

ZEYNEP ARSLAN

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF MASTER OF SCIENCE
IN
THE DEPARTMENT OF URBAN POLICY PLANNING
AND LOCAL GOVERNMENTS

December 2014

Approval of the Graduate School of Social Sciences

Prof. Dr. Meliha Altunışık
Director

I certify that this thesis satisfies all the requirements as a thesis for the degree of Master of Science.

Assist. Prof. Dr. Mustafa Kemal Bayırbağ
Head of Department

This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Science.

Assoc. Prof. Dr. H. Tarık Şengül
Supervisor

Examining Committee Members

Prof. Dr. Melih Ersoy (METU, CRP) _____

Assoc. Prof. Dr. H. Tarık Şengül (METU, PADM) _____

Assist. Prof. Dr. Mustafa Kemal Bayırbağ (METU, PADM) _____

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

Name, Last name : Zeynep ARSLAN

Signature :

ABSTRACT

CHANGING LEGAL STATUS OF LAND PROPERTY AND LIMITS TO URBAN TRANSFORMATION: THE CASE OF OKMEYDANI, ISTANBUL

ARSLAN, Zeynep

M.S., Department of Urban Policy Planning and Local Governments

Supervisor: Assoc. Prof. Dr. H. Tarık ŞENGÜL

December, 2014, 176 pages

In many urban areas lack of title deeds have posed an important problem for the residents and local authorities responsible from these areas. Okmeydanı neighborhood in Beyoğlu, İstanbul has been such an area where most residents have not got a title deed. Since 1960s this problem have been tried to be solved by both central government and local authorities through cabinet decision, public mandate, law and amendments but never able to be solved. For the first time, the property problem in Okmeydanı is about to be solved through the legislations made recently. The research question of this study is why property problem, in terms of title deeds, of Okmeydanı is about to be solved now and what is the difference between processes then and now? The hypothesis of this study is the critical role played by legislative regulations during hand overs on properties and the solution of title deed problem. Increasing importance of urban land, opening land to capital investment via commodification and legal ground of urban transformation for re-construction of land became element of oppression to solve property based title deed problem in Okmeydanı. This study carried out a field research in Okmeydanı on subjects mentioned.

Keywords: Okmeydanı, Property, Title Deed, Urban Land

ÖZ

Toprak Mülkiyetinin Değişen Yasal Statüsü ve Kentsel Dönüşümün Sınırları: İstanbul, Okmeydanı Örneği

ARSLAN, Zeynep

Yüksek Lisans, Kentsel Politika Planlaması ve Yerel Yönetimler Anabilim Dalı

Tez Yöneticisi: Doç. Dr. H. Tarık ŞENGÜL

Aralık, 2014, 176 sayfa

Birçok kentsel alanda tapu belgelerinin eksikliği bu bölgelerde ikamet eden kimseler ve bu bölgelerden sorumlu olan yerel idareler açısından çok önemli bir sorun teşkil etmektedir. İstanbul ili Beyoğlu İlçesi Okmeydanı semti, ikamet edenlerin çoğunluğunun tapu sahibi olmadığı alanlardan biridir. 1960lı yıllardan bu yana mülkiyet problemi gerek merkezi gerek yerel yönetimlerce bakanlar kurulu kararı, genelge, kanun, kanun değişikliği ve imar planı yollarıyla çözülmeye çalışılmış ancak başarılı olunamamıştır. Son dönemde çıkarılan yasalarla birlikte Okmeydanı'nda ki mülkiyet problemi ilk kez çözülmek üzeredir. Çalışmanın temel sorunsalı, Okmeydanı'nda ki mülkiyet sorununun tapu belgesi bağlamında nasıl bir çözüme kavuştuğu ile geçmişte ve günümüzde izlenen süreçlerde farklılıkların neler olduğudur. Çalışmanın hipotezi ise mülkiyetin el değiştirmesinde ve tapu sorununun çözülmesinde yapılan yasal düzenlemelerin oynadığı kritik roldür. Kentsel arsanın artan önemi ve kentsel toprağın metalaştırılarak sermayenin yatırımına açılması, kentsel dönüşüm projelerinin bu bölgelerin yeniden inşası için uygun yasal zemin hazırlamasıyla birlikte, bu bölgelerdeki mülkiyet temelli problemlerin çözülmesi için de bir baskı unsuru haline gelmiştir. Bu çalışma bahsedilen konularda, Okmeydanı'nda yürütülen saha çalışmasının çıktılarıyla hazırlanmıştır.

Anahtar Kelimeler: Okmeydanı, Mülkiyet, Tapu, Kentsel Arsa

To My Parents

ACKNOWLEDGMENTS

It would not have been possible to write this thesis without the people who did not hesitate to help and support me. It is a pleasure to express my deepest gratitude to them all in my humble acknowledgment.

First of all, I would like to acknowledge the advice, guidance, criticism and encouragements of Assoc. Prof. Dr. H. Tarık Şengül. I also thank Prof. Dr. Melih Ersoy and Assist. Prof. Dr. Mustafa Kemal Bayırbağ for their suggestions and comments.

I gratefully thank Assoc. Prof. Dr. Nail Yılmaz and Assoc. Prof. Dr. Erbay Arıkboğa for their valuable advices, guidance and constructive comments during the preparation of this thesis.

I am heartily thankful to people who do not hesitate to talk with me during my field research in Okmeydanı.

Many thanks go to Mutlu Taç who patiently supported and encouraged me during this study.

Above all, I would like to thank my family members, my mother Nazan Arslan, my father Mehmet Bülent Arslan and my sister Melike Arslan for supporting and encouraging me to pursue this degree. Without their encouragement it would have been impossible for me to finish this thesis.

TABLE OF CONTENTS

PLAGIARISM.....	iii
ABSTRACT.....	iv
ÖZ.....	v
DEDICATION.....	vi
ACKNOWLEDGMENTS.....	vii
TABLE OF CONTENTS.....	viii
LIST OF TABLES.....	xi
LIST OF FIGURES.....	xii
LIST OF ABBREVIATIONS.....	xiv
CHAPTER	
1. INTRODUCTION.....	1
1.1 Aim, Hypothesis and the Problematic of the Thesis.....	3
1.2 Research Methodology of the Thesis.....	5
2. THEORETICAL FRAMEWORK.....	8
2.1 Property.....	11
2.1.1 Private property.....	11
2.1.1.1 Lockean proviso.....	11
2.1.1.2 Hobbesian property.....	12
2.1.1.3 Weberian property.....	13
2.1.1.4 Rousseau’s property.....	14
2.1.1.5 Proudhon’s property.....	15
2.1.2 Common Property.....	17
2.1.3 Public Property.....	17
2.2 Rent Theories.....	19
2.2.1 Rent.....	19

2.2.2 Rent gap theory.....	19
2.2.3 Ricardo’s differential rent theory.....	21
2.2.4 Marxist rent theories.....	22
2.2.4.1 Differential rent.....	22
2.2.4.2 Absolute rent.....	23
2.2.4.3 Monopoly rent.....	24
2.2.5 Non-category urban land rent.....	25
2.3 Primitive Accumulation and Accumulation by Dispossession.....	25
2.4 Public Interest and Planning/ Urban Transformation.....	27
3. LAND AND PROPERTY REGIME IN TURKEY.....	29
3.1 History of property regime of Turkey.....	30
3.1.1 Ottoman Empire Era.....	30
3.1.2 Turkish Republic Era.....	32
3.2 Types and Transformation of Urban Land.....	35
3.3 Public Authority and Residence Relations.....	41
4. CASE STUDY: OKMEYDANI.....	50
4.1 Geographical Location of Okmeydanı.....	50
4.2 Historical Background of Okmeydanı.....	55
4.3 History of Legal Regulations and the Legal Status of Land in Okmeydanı.....	59
4.4 Settlement and Housing.....	78
4.5 Land Use.....	84
5. EVALUATION OF APPROACHES OF THE ACTORS IN OKMEYDANI.....	95
5.1 Rent, Labor and Community Relations from the Perspectives of Residents.....	95
5.1.1 Labor and property.....	95
5.1.2 Immoral Economy of Housing and Rent.....	100
5.2 The Power of Having Information and Knowledge.....	113

5.3 Divided City.....	124
6.CONCLUSION.....	136
REFERENCES.....	142
APPENDICES	
Appendix A: Example of Parliamentary Question.....	153
Appendix B: Sample Questionare of In-depth Interviews with Municipal Authorities.....	154
Appendix C: Sample Questionare of In-depth Interviews with NGOs.....	157
Appendix D: Sample Questionare of In-depth Interviews with Residents and Tradesmen.....	159
Appendix E:List of Interviewees.....	163
Appendix F: Turkish Summary.....	164
Appendix G: Tez Fotokopi İzin Formu.....	176

LIST OF TABLES

TABLES

Table 2.1 Timeline to Illustrate Squatter Housing in Turkey.....	46
Table 4.1 Protection Orders.....	69
Table 4.2 List of Decisions, Laws and Master Plans Related to Okmeydanı.....	71
Table 4.3 Population and Number of Buildings in Okmeydanı.....	79
Table 4.4 Current Situation of Planning Zone in Okmeydanı.....	90
Table 4.5 Distribution of Buildings According to Use of Purpose.....	91
Table 4.6 Okmeydanı property distribution.....	91
Table 4.7 Number of Facilities and Surface Areas.....	93
Table 5.1 Comparative Results of 2009 and 2014 Local Elections.....	132
Table 5.2 2009 Local Election Results of neighborhoods in Okmeydanı..	133
Table 5.3 2014 Local Election Results of neighborhoods in Okmeydanı..	133

LIST OF FIGURES

FIGURES

Figure 2.1 Rent Gap	20
Figure 3.1 Transformation of Land.....	35
Figure 3.2 Differences Between Forms of Land.....	36
Figure 3.3 Property of Land in Metropolitan Space	37
Figure 3.4 The Ways hand covers on property.....	38
Figure 4.1 Locatin of Okmeydanı in İstanbul.....	50
Figure 4.2 Borders of Okmeydanı UTP.....	51
Figure 4.3 Neighborhood borders of Okmeydanı.....	53
Figure 4.4 Borders of Okmeydanı.....	53
Figure 4.5 Historical Milestones.....	58
Figure 4.6 Ways of Handover of Land Property in Okmeydan.....	61
Figure 4.7 A View of Apartments at Fetihtepe.....	64
Figure 4.8 A View of a Street in Feithepe.....	65
Figure 4.9 View from an nterviewee’s Home	66
Figure 4.10 1/1000 Master Plan.....	76
Figure 4.11 1/5000 Master Plan.....	77
Figure 4.12 Urban Land of Okmeydanı in Şişli.....	78
Figure 4.13 Brochure “Rüyaydı Gerçek Oldu”	80
Figure 4.14 Brochure “Artık Son Aşamadayız”.....	81
Figure 4.15 Satellite Photography (1946).....	84
Figure 4.16 Satellite Photography (1966).....	85
Figure 4.17 Satellite Photography (1982).....	85
Figure 4.18 Satellite Photography (2010).....	86
Figure 4.19 Urban Land of Okmeydanı in Beyoğlu Municipality.....	87
Figure 4.20 Urban Land in Okmeydanı.....	87

Figure 4.21 Building Status.....	88
Figure 5.1 Image of Okmeydanı After Urban Transformation Project.....	106
Figure 5.2 One of the Banners at Dört Yol Location at Fatih Sultan Mehmet Avenue.....	114
Figure 5.3 Information Desk at a Meeting at Okçular Tekkesi.....	115
Figure 5.4 A Photograph from One of the Meetings at Okçulat Tekkesi...	117
Figure 5.5 Photographs from the Meetings at Coordination Center at Fetihstepe Semt Konağı.....	117
Figure 5.6 Two protests.....	119
Figure 5.7 Poster of One of the Meetings Hold by CSOs.....	119
Figure 5.8 A Photograph from One of the Meetings Hold by OÇKD.....	120
Figure 5.9 Street Protest.....	127

LIST OF ABBREVIATIONS

ABBREVIATIONS

AKP: Justice and Development Party (Adalet ve Kalkınma Partisi)

CHP: The Republican People's Part (Cumhuriyet Halk Partisi)

SP: The Felicity Party (Saadet Partisi)

NMP: Nationalist Movement Party (Milliyetçi Hareket Partisi)

TOKİ: Housing Development Administration of Turkey (Toplu Konut İdaresi Başkanlığı)

YOD: New Okmeydanı Association (Yeni Okmeydanı Derneği)

OÇKD: Okmeydanı Environmental Protection Association (Okmeydanı Çevre Koruma Derneği)

UTP: Urban Transformation Project

CHAPTER I

INTRODUCTION

“(Social) space is a (social) product [...] the space thus produced also serves as a tool of thought and of action [...] in addition to being a means of production it also a means of control, a hence of domination and power”

(Lefebvre: 1991, 26)

In the beginning, building informal housing settlements started as a rebel against uneven conditions in cities, a refusal, and a cry for a shelter. It was thus a rebel that rises against the capitalist system which dominates the land people have and the way they live in urban space. It was a rebel, a challenge against the hegemony of the state; and grow spontaneously that state could not able to stop this demand of the right to the city. Yet, this rebel did not begin as a political opposition, the right to city emerged and spread spontaneously as a cry and the biggest contributor of this non-organized and unplanned movement was absence of a formal housing policy for new comers. Populist urban policies, the relation between legal and illegal economy, the need for labor and workers in the Fordist production system not only caused rapid urbanization, but also fed by it. Disharmony between economy and population at rural and the belief that this disharmony would be solved at urban scale was a very wrong prediction that create even more inequality among society that cities became the places of capital accumulation and distribution. But the distribution of capital realize itself as unequal treatment of the unequal that the state and policy makers hold the control of distribution mechanisms in their hand and the main tool of this approach can be defined and practiced as legal regulations.

Migrants from rural Anatolia faced social and physical difficulties in urban life. They produced space with the relations they developed at urban scale. These relations showed itself as social networks; sometimes as a network established with the fellow countrymen and sometimes established as a relation with the politicians and policy makers; and the migrants, squatters, gecekonu dwellers, gecekonu settlers, occupiers, possessors or right holders; no matter how they defined or labeled they were and still continue to be at the core of social, economic and political agenda of the hegemonic class.

Commodification of land during rapid urbanization and transformation from agricultural to urban land process highlighted “exchange value” of land against “use value”. Housing areas of squatters became profitable areas for new construction areas and legal status and insufficiency of legal basis on right of properties and right of land made their job easier. The desire and appetite of the market and the large construction firms for these spaces and potential rent values supported by the governments and policy makers that urban space in Turkey started a transformation movement beginning from 1980s. State led transformation projects gained speed and legitimized with the legal regulations made after the reign of Justice and Development Party’s government since 2002.

Today, the residents of gecekonu areas are subjects of spatial, socio-cultural and economic changes in name of beautification, rehabilitation, preservation and fortification of their neighborhoods. Civil society and non-governmental organizations, professional chambers and activists are actors of the process of urban transformation projects; some of them resist and some of them support the projects or legal regulations. Such division in terms of supporting and resisting mechanisms works for the residents of these neighborhoods, too. Some of the residents support the policies of current AKP government because of this, they also give their support the urban transformation projects or they seek a piece from the distributed rent

such as more rentable apartments, etc. Some of the residents support urban transformation projects even if they do not support the ruling party and its policies but they just want to live in a better, healthier and more beautiful built environment and there are some who afraid the inevitable results of urban transformation projects like gentrification, dispossession and debts. The crucial point behind these different approaches in the same neighborhood is mainly deepening political division and segregations among the residents.

1.1 Aim, Hypothesis and the Problematic of the Thesis

The focus of this study is to explore the importance of legal regulations in urban land planning and the role of legal regulations play to define rights on property. The relations and the active roles played by the actors in policy making process will be examined.

The amnesty laws and other legal regulations have been playing crucial roles in urban policies in Turkey. In addition, legal regulations made for urban land and housing sector did not able to bring a solution rather they bypassed the problems in other words the legal regulations and amnesty laws were not the right cure for this disease.

This thesis, at the beginning, was structured to study the relation between right to property and legal regulation made to change the holder of the right to property. Because the main problem behind urbanization process was the position of dwellers, the absence of legal rights on the land and environment they labor, but their labor has been ignored. Within this context, gecekondu housing areas are the perfect spaces with potential rents and insufficient documents and absence of titles. Today, laws do not permit throwing residents of gecekondu and illegal houses out, thanks to amnesty laws and socio-political dynamics that politicians do not ignore the established relations with residents within years. So, there are three stages of handovers

on the property of urban land. In the first step, if not the dweller enclosed the land, the property on land changed in an illegal way as sales in the presence of a notary public or mukhtar, and even some cases there are not any documents about sale. The second handover on property of land occur in the legal way that state institutions, mostly the municipalities involve the process by via purchasing the lands possessed by gecekondu settlers at a very low cost or selling the tittle-deeds to the settlers. The third hand over on property of land occurs at the stage of urban transformation projects that large construction firms deal either with residents or municipalities and collect the tittle-deeds of the city blocks and sell the property of space produced by constructing prestigious skyscrapers of higher apartment blocks to the third parties.

Okmeydanı has selected as field of the research because the region has experienced such process of urbanization in terms of the position of residents and the land they possessed, and the problem of ownership in the region could not be solved though amnesty laws and legal regulations until 2010s. On the other hand, this prediction cause another question that whether the problem can be solved or not in the context of current developments.

To sum up, the case study of the thesis within the theoretical context aims to ascertain the answers of following questions:

1. What kind of changes has been happening in Okmeydanı case that the problem of property ownership which continues over 50years is about to come to an end?
2. How residents in Okmeydanı define their right to property and how they feel about Okmeydanı UTP?
3. Which actors involve the Okmeydanı UTP and what are the relations between these actors and their roles in Okmeydanı UTPs?

In the context of these main questions, different question sets prepared for each actor in open-ended question forms.

1.2 Research Methodology of the Thesis

Within the scope and the aim of this thesis qualitative method preferred mixing of data that includes in-depth interviews, photos, maps, magazines and other type of written materials.

Three types of open-ended question sets prepared for three main actor of the case study and questions detailed and specialized according to the role the actors play. The actors in the case determined according to participant observation method that the participants observed in their own environment as in traditional ethnographic research¹. From August 2013 to end of the case study November 2014; several meetings hold by Beyoğlu Municipality including municipal council meetings and the meetings hold by the civil society organizations including protests against the UTP had observed. Informal interactions and un-planned short interviews and field notes used to shape open ended questionnaires. The strongest contribution of this method is, crucial information which is unknown before the field study like local dynamics of residents' relations or decision mechanisms or the way of dialogues are provided for research design. Question sets of the interviews prepared according to a careful literature review and participant observation.

Number of the interviewees determined according to the scope of the field and the actors in the Okmeydanı case and the list of interviewees have shown in Appendix D. Most of the interviewees asked for confidentiality because they afraid of the possibility to be accused of what they said during the interview. So, the identities of the interviewees kept confidential and coded according to the neighborhood they live. In addition to this, most of

¹ <http://assessment.aas.duke.edu/documents/ParticipantObservationFieldGuide.pdf>

the interviewees did not accept voice record of the interview exemplifying December 17 corruption scandal in Turkey. For example a senior official from Beyoğlu Municipality asked for confidentiality that the person also do not accept voice record.

Deciding the number of sample the quality of information they share was the most important criteria. Then in order to prevent a bias and objectivity of the study, the numbers kept same from each side in terms of decision and policy makers. For each neighborhood it has aimed to interview at least 5 residents, and snowballing and random selection methods used to access the residents.

The most challenging part was to access the actors. Specifically the actors from the municipality specifically the directors are very suspicious. In order to give an example, the first time I got an appointment from one of the directors he dogmatized that they do not have an urban transformation project on their agenda and suspected and blamed me for being an agent. The reason behind his motive would be Gezi Protests that protests did not finished yet when I visited him. Another director firstly accepted to have an interview but then he post-phoned two times and the third time I reach him he declined to talk to me. Similar problems experienced with residents in Okmeydanı, too. Because the region is a hot zone and conflicts in Okmeydanı gain speed after murder of Uğur Kurt in May, residents preferred to stay silence that many appointments cancelled after molotov bomb attacks to public transformation vehicles in June and August².

Although, a comparative data was planned to use at the beginning of the study in order to show statistical changes chronologically in terms of change in demography, numbers of buildings, type of documents, conditions of houses and specific data base on neighborhoods. However Turkish

² <http://www.ntvmsnbc.com/id/25520040/>
<http://www.samanyoluhaber.com/gundem/Otobuse-molotoflu-saldiri/1023077/>
<http://www.cnnturk.com/video/turkiye/istanbul-da-halk-otobusune-molotoflu-saldiri>

Statistical Institute does not have demographic data based on neighborhoods before 2007; and the data on ownership status, the condition and number of building do not go back further than 2011 a historical comparison could not be done. Yet the data available after the years 2007 and 2011 is preferred not to be used because the absence of previous years' data that there is no chance to show changes numerically in Okmeydanı over the years.

To sum up, the research conducted under the principles of applied urban research which is defined by Andranovich and Riposa as follows (1993, 6):

Applied urban research focuses on the processes and outcomes of urbanization with the goal of acquiring a sharper understanding for policy making processes and providing a better quality of life for those of us living in urban centers.

CHAPTER 2

THEORETICAL FRAMEWORK

As the most commonly accepted financial system capitalism, capital dominates our world both in direct and indirect ways. One of the direct ways is the chronic financial crises that continuously reproduce capitalism like an invisible hand both using domestic and international capital. The other way of reproducing capitalist system is (re)production of space as Lefebvre claims in *The Survival of Capitalism: Reproduction of the Relations of Production*, but he does not explain this process. My claim is, Capitalism survives and stays alive by production and re-production of space and uses “(private) property” as a tool concertedly with the state through the instrumentality (or instrumentalization) of legislation and amendments³. When the capitalist system bungs up state intervenes to relieve capital and makes necessary regulations in order to legitimize capital hand both in macro and micro scale (or level). Macro scale regulations can be observed mostly as banking or financial sector such as interest rates, and as monetary policies (Gülöksüz, 2009) whereas at micro scale the effects of and results of financial policies related to capital can be observed as regulations of the city and rights such as floor area ratios and state led urban transformation projects, building new shopping malls on public spaces etc. One of the problems is created during implication of micro scale regulations and this problem lies at the bottom of other problems faced mostly during the transformation process. Transformation of commons into exclusive places for private interests and profits has a core position both for primitive accumulation, Marx’s conceptualization for land grab, and Harvey’s

³See Brenner, Marcuse and Mayer 2009; Clark, Gingsburg, 1974; Anderson, 1985;Harvey, 1982, 2012;

conceptualization of primitive accumulation by carrying a step further as accumulation by dispossession (Hall, 2006). In practice, sociological and political problems occur during the transformation of property, mostly private and in terms of title deeds and ownership issues that property itself becomes a core, unsolved problem over the years. Capital does not want to share “the rent” with the owners of that “produced space” which brings the questions about housing and property rights, like who owns the land and why. The main problem under urban transformation projects and urban planning is private property of land and real estates, title deeds, and the core problem under property is the difficulty and principal dissents between sides, off to one side we have the owners and the other side we have state and financiers/ capitalists. Although there are many other reasons, this two sided relationship between state and citizens on urban land and specifically on property rights cause tension which is also discussed in the following sections.

This study aims to figure out leading thoughts on property with relation to urban land theories and draw the role of private property regime (or applications/ practices) in urban transformation projects by referring a field research supported by in-depth interviews in Okmeydanı, a neighborhood in where there has been an ongoing title deed problem for almost 60 years.

As a social right, right to property⁴ has a very comprehensive character as the concept of property itself. Basically right to property gives opportunity to own any kind of good under certain circumstances. Because of its social, political and economic importance the concept of right to property has been changing continuously over decades and there is not any common universally accepted property regime applied by states. Just as in other countries and geographies, practices on property have also a changing character in Turkey. Private property is very common in Turkey and

⁴ Within this study, unless otherwise stated. , the term right to property refers ownership of land.

differentiates as public and private property whereas private property has many sub-kinds such as housing, land, condominium, shared, and right to tenant⁵. Because of this changing character and concept of property and right to property also make difficult both define and apply rights and laws.

Which historical period or era is discussed, property and hegemony relationship is one of the strong motives behind revolutions, riots, regime changes and other rebellions which affected world political history. Public power, private property, relation between dominant and producer class created unique habits in each geography. Specifically western political development and change, from city states (polis) to monarchy, from feudalism to democracy which accepted as the most civilized way of governing, all of the political events and developments shaped by the tension between state and citizens who gained power by private property. Patterns of ownership of property and relationship between property rights, powers generated in the process of claiming possession or owning property (Günay, 1999, 3). From the Roman Empire to early Chinese Imperial State; from Ottoman Empire to French Autocracy it is possible to observe different forms of this tension (Wood, 2012). In Rome and the other states in Europe where Aristocratic status and privileges had practiced as a social order; considerable wealth and property ownership were ways to achieve this status as well as military bravery and hereditary noble titles. Landed gentry meant right of representation and by this way public power had been shared with the hegemon. In early Chinese Imperial State and Ottoman Empire, peasants were under direct control of the state; additionally, strong aristocrat families prevented to have a voice, and source of having wealth was being and important officer of state. Western Political thought state has accepted as the guardian of social contract which protects private property, over time the relation between state and private property showed itself, and classes had become one of the determiner factors of this relationship. The tension

⁵ İrtifa hakkı.

between political power and property in early ages, turned into the tension public power and private property in modern era. Even if the time and space changes, it can be observed that the disagreements on private property practices never changes.

2.1 PROPERTY

So what is property? Property can be interpreted in many ways such, as a kind of relation between people, and between people and the things; as a social order, a social institution; as the reason of social conflict or robbery; as something financial ,a financial regulator or as a tool for justification of market; something political, and as a human right. Property is something that listed all of the above which cannot simply be categorized under one certain title and theory because property includes things like land, houses, patents and other certain type of things. The relation with capital and hegemon are the main actors determine the discussions on property in terms of land ownership. Result of these discussions creates three main theoretical types of property which shows different regimes of ownership both historically and geographically. These three types of property are; public, private and common.

2.1.1 Private Property

The concept of private property had developed firstly by Locke and Hobbes in social contract.

2.1.1.1 Lockean Proviso

Locke's theory on private property commonly called as Lockean Proviso. According to Lockean Proviso basically there is a direct link between

human labor and property. In his *Second Treaties of Government* specifically in chapter five, Locke elaborates self-ownership referring to an unknown history and state of nature. He starts his theory claiming “*the earth has not given either Adam or his veins*”, so the earth is commonly ours which makes the earth a common property of all and everybody has a right to use it for his/her need with the condition of not harassing others’ needs and rebut the products of nature. The one and only condition in his theory is labor, if one wants to use the products of nature he/she has to mix his/her labor on it which is called as labor-value theory. Locke also structures private property as a human right. He relates property to human-self. Because each individual owns himself at minimum, and also have the outcomes that all the labor they perform with the body. Locke draws labor and value relationship that the labor is the most important thing determining the factor value and he mentions natural law theory that property comes about by the extension of labor upon natural resources (Locke, 1690). Günay quotes Becker’s (1977, 33) basic principles of “The Labor Theory of Property Acquisition” as following (1999, 80) :

- a. Everyone ‘has a property in his own person; this nobody has a right to but himself’.
- b. ‘The labor of his body and the work of his hands we may say are properly his’.
- c. Whenever someone, by his labor, changes a thing from its natural state (to make it more useful or beneficial to him), he has mixed his labor with it- that is ‘joined to it something that is his own’.
- d. He ‘thereby makes it his property’, for ‘it hath, by his labor, something annexed to it that excludes the common right of other men...’
- e. This is so ‘at least where there is enough and as good left in common for others’, and where what one takes is no more than one can use.

2.1.1.2 Hobbesian Property

To Hobbes, property is an issue of state and security that he did not detail property and labor relation rather; he evaluates private property as a *raison*

d'être of the state. Private is kind of a relation between individual and sovereign in state of nature that all men agreed to transfer their rights to a sovereign by so able to surrender his rights to seek peace and avoid fight and enemies under Common Law. Hobbesian property theory does not interested in labor- value theory or the conditions of possession and the doctrine of private property is apparently about rights, civil law and sovereign. Lopata quotes Hobbes's final conclusion on private property as a right by borrowing from Oakeshott as following (Oakeshott, 1946: xli; Lopata 1973,212):

The Law of property comprehensively is the most important expression of the will of the sovereign authority, because it is by this law that, each man coming to know what is his own and being protected in the enjoyment of it by the sovereign power, the most elementary form of the peace of civil society is established.

2.1.1.3 Weberian property

Weber draws the picture of private property as a social institution that regulates social relations within the society. He claims that property is not simply ownership between things and the people; property is a tool to claim and hold rights even freedom of people in middle ages depended on one's land. The practices in city and rural also showed some differences like the opportunity to gain freedom was related to the economic activities of independent inhabitants of the city. For example there were not any limits on selling or legating urban real estate property whereas in rural there were several limitations which also triggers further migrations to cities (Weber, 2010, 123-130).

Property firstly structured as a right and a social order but because of limited sources and land the discussions mostly turned as economic and financial phenomena. Liberals claim that because of human nature people want to maximize their interests that property is a tool of maximizing interests

which conforms effective and efficient production of labor, as well as Hobbes's claim liberals' other supporting argument suggests that, thanks to private property people can protect themselves from state interventions, so private property is kind of a space where people act freely and gain voice in society. Citizens in different geographies pay taxes and gain voices thanks to their private property. So it can be said that citizens share public power through their private (land) property.

The example of relation between state and property obviously practiced in aristocracy, too. As a non-financial gaining type in history, property mostly related a wealthy class who has good relations with the royal class. For example in Ottoman Empire the source of land and property was a good relationship with Sultan, and the empire itself was the private source of wealth and land. But of course there were other practices differ from one to another state. For example in England, state was very involved in regulations of private property whereas in France state was accepted as a private property⁶ which let several oppositions (Wood, 2012). Hegemony, monarchy, aristocracy, equality, wars, privileges, riots and many other political issues has relative to the idea of private property. But the historical relation between state and property is not the intention of this study to go deeper on this relationship.

In spite of the fact that liberals build private property on the labor and value relation and support their argument in the context of "human rights", leftists criticize liberals for the very same reason.

2.1.1.4 Rousseau's property

J. J. Rousseau claims property as something that broke the social order and raises the question of right to property. He starts out with Locke's provision and questions the reason behind the idea of sharing common. If everything was common at the beginning and for good of all, why somebody step up

⁶ As a nation France owns its own land

build or surround that land or pick apples and claim those common apples for him or her. If adding labor into something makes it one's property when, why and how the first person found that right to do act like that and why nobody did not stop him. According to Rousseau, apples were belonging to common and land was even belonging to anybody (Rousseau, 1988). Neuwirth quotes Rousseau's explanation of conflict of inequality and private property in the *Discourse on the Origin of Inequality* (2006).

The true founder of civil society was the first man who, having enclosed a piece of land, thought of saying, "This is mine," and came across people simple enough to believe him. How many crimes, wars, murders, and how much misery and horror the human race might have been spared if someone had pulled up the stakes or filled in the ditch, and cried out to his fellows: "Beware of listening to his charlatan. You are lost if you forget that the fruits of the earth belong to all and that the earth itself belongs to no one.

Limited sources and unlimited desires as Adam Smith says and the uneven share of these limited sources make some people indigent to others which were also source of unhappiness of humankind (Ercan, 2011).

2.1.1.5 Proudhon 's property

In *Qu'est-ce Que La Propriété? (What is Property?)*, Proudhon shows his disagreement with labor- property relationship and defends a similar idea to Rousseau; to him land cannot be owned because it is the property of God and because it is a very limited source. Almost all of the philosophers such, Locke, Say, Comte, Rousseau share the same idea that the land belongs to God and accept land as a limited source but the separations among these ideas show itself to the point of claiming property. According to the Proudhon land is something we cannot give up like water and air, we cannot survive without these so land is something inalienable to humankind that nobody cannot or should not claim right to property on it (2011, 91-95). As an opposition to Lockean proviso Proudhon is against the idea of labor-

value theory, first of all his claim is labor is not strong enough to claim property alone, and secondly he suggests that even if we accept the idea that labor itself is strong enough to claim property, at the end we will arrive to the idea of equality of property, however inequality of goods and producers' poses are the obstacles in this case (Proudhon, 2011, 106). He also claims property as theft (Proudhon, 2011, 16-19). If we apply Locke's apple metaphor into Proudhon, apples were for common use, but suddenly they become one's property which is obviously theft. Proudhon, also claims property impossible both physically and mathematically and offers ten propositions as following (2011):

- a. Property is impossible, because tries to produce something out of nothing.
- b. Property is impossible, because in everywhere property is valid production is more expensive than it costs.
- c. Property is impossible, because while capital is given, production changes based on work rather than property.
- d. Property is impossible, because it is murder.
- e. Property is impossible, because when property exists society consume itself.
- f. Property is impossible, because it is the mother of tyrant.
- g. Property is impossible, because property destructs its profit while consuming it; fails it while stocking; turns against it while capitalizing it.
- h. Property is impossible, because even if it has ability to infinite accumulation power, it can only apply on limited quantiles.
- i. Because property is helpless against property, it is impossible.
- j. Property is impossible, because it is negation of equality.

Turning common things to yours (private) is theft and when it is applied to land, it is (starting point or milestone for) agricultural capitalism which is accepted as milestone for primitive accumulation in classical approach (Hall, 2006, 1583).

2.1.2 Common property

Proudhon's criticism can be read from moral perspective, although Marxist criticism is mostly economical and about alienation. Benjamin Lopata suggests (1973, 204)

He (Karl Marx) proposes the total abolition of private property, calling instead for the socialization of the means of production and distribution of common goods on the basis of need.

According to Marx's Capital building private property through labor is instrumentalization of labor which is reading backward of nature and causes (capitalist) exploitation. Once upon a time one claim right to property on a certain part on land and pay others to work there, the ones who put their labor on land cannot own neither land nor outcomes of land as in feudal system.

As a solution to private property, Marxists suggest common property which denies usage of things under control of certain institutions and people, because labor is something collective that the outcomes of labor cannot be privatized. However, as mentioned before land is one of the limited sources and it is hard to regulate common property regime within contemporary conditions.

As Weber and Rousseau, Marx also mentions the role of private property in the society but in a different perspective, Marx believed that the roots of social conflict lies in the existence of private property that leads fundamental and irreconcilable class conflict hence in Marxist ideology private property accepted as the main reason of inequality and source of capitalism. In addition right to property, private property has shown difference in practice for poor and rich and the existence of private property ownership reproduces class division and conflict that he suggests common property to overcome these kinds of problems which feed by instrumentalization of human labor. In the end if we have a look on the

world we live in, it is easy to see that the natural world has turned in to a property. So, private property has become a milestone for modern states and economies in the capitalist market system.

2.1.3 Public property

The third kind of property is public property which is defined as property owned by the government (or its agency), rather than by a private individual⁷ and as land, buildings, equipment etc., that are owned by the government⁸. Thus has similar characteristic both from common and private property types.

It has similarities to the common property because it does not seek for private interest as well as public property can only be used for public interest and public welfare but on the other hand, it has some limitations put by the government which works as a permission mechanism like private property. But the problem about public property is governments and politicians more likely to have tendencies to privatize these lands or real-estates and there can be motives like personal interest maximization behind these actions rather seeking public interest.

To sum up, the views on property and the forms of property are radically different from each other. Public land and property will be discussed more detailed in the following paragraphs.

⁷ www.law.cornell.edu/wex/public_property

⁸ <http://dictionary.cambridge.org/dictionary/business-english/public-property>

2.2 Rent Theories

2.2.1 Rent

Rent is defined as a tenant's payment to a landlord for the use of property or land⁹; so it is payment for the use of something but in political economy literature of urban studies rent can be defined as the payment made to land's spatial configurations and according to Marx rent is paid to land owner, because the private property status of the land, not for the labor but for the usage of land. Rent bases on private property and requires continuity. So, land is not basically just a commodity, it is a fictitious form of capital that derives from expectations of future rents (Harvey, 2012, 28).

2.2.2 Rent gap theory

More than a decade many analyses of gentrification has been made and many approaches has been developed but Neil Smith's focus on the question of rent gap theory of gentrification relation play a substantial role. Smith briefly defines gentrification as (Smith, 1987):

The transformation of inner-city working class and other neighborhoods to middle and upper-middle class residential, recreational, and other uses, is clearly one means by which the rent gap can be closed wholly or partially”

And defines rent gap as “*the disparity between the potential ground rent level and the actual ground rent capitalized under the present land use*” (Smith, 1979). Gives two aspects of rent gap as following; first, land value and house value are separate notions, second feature is, rent gap refers a historical gap resulted from different patterns of investment and disinvestment of built environments which also creates an economic gap between actual and potential land values (Smith, 1987). By reason of the

⁹ www.oxforddictionaries.com/definition/english/rent?q=rent

fact that urban renewal theory stays behind the economy re-building of the city¹⁰, economic geography of urban land rent reproduce urban space attractive to real-estate and construction market.

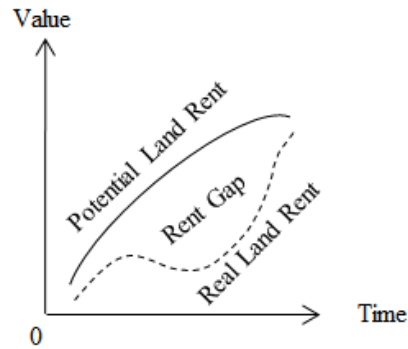


Figure 2.1 Rent gap

Classical approaches to rent theory divide into to as Ricardian and Marxist theory of rent¹¹. Deak also adds a third category such non-category of urban land. Deak defines rent as the economic form of the relation between the two dominant classes and continues, the amount of rent was the expression of the balance of power between landowners and capitalists insofar as rent was precisely the means of distributing the surplus between both classes; transfer of payments from capitalist class to landowners (1985, 22). Basically, rent means value of land whereas in the widest sense, it is a special form of profit, and surplus value of use (Ertürk& Sam, 2009, 148).

¹⁰ Borrowed from Jabobs,2011,p.24

¹¹See Ertürk H. & Sam N. 2009; Tekeli 2009; Karaman,2013 (ed. Çavdar A. &Tan P.); Hatt P,Reis Jr. A 2002 (ed. Duru B & Alkan A)

2.2.3 Ricardo's differential rent theory

Ricardo's rent theory bases on fertility rate of the land in terms of agricultural conditions. Due to the fact that land is one of the limited sources on earth, capitalist farmers and producers firstly prefer the most fertile lands but population growth creates more need for food which causes need for new agricultural production so farmers and producers move less-fertile land, and till the population growth continues this circle will continue, so rent becomes the difference between fertility rates of land¹². Sam and Ertürk summarize Ricardo's rent theory as following (150-51):

- Rent is caused by the difference between fertility rates of land. Because of this reason, rent cannot be carried on the lands which have the highest costs.
- Rent is caused because of shortage of fertile land.
- In production, rent is not a cost element. Since, it shows up as a cost increase because of arid lands and does not have a share in marketing price of those lands' products.
- Rent, has an undeserved or unearned income character for fertile land owners because they do not make any efforts to earn those earnings.

Although differential rent mostly seems to depend on nature, practices in history¹³ and today's technological innovations shows that it is almost impossible to distinguish, in terms of fertility rates, which is given by nature and which is product of human labor and sustainable agriculture is one of the important examples of this cooperation (Harvey, 2010,92).

Moreover, differential rent is not totally independent from geographical location, the most typical case is land close to the city center is more valuable than the land far away¹⁴ (Harvey, 2010, 91). Residential area rent is alternative cost of land caused by using land for settlement areas rather than

¹² <http://www.economics.utoronto.ca/munro5/ECONRENT.pdf>

¹³ For example, inducements in Ottoman and 19th century Britain soil cultivation mechanisms.

¹⁴ Also see, Von Thünen's space organization theory and William Alonso's location and Land Use theory.

agricultural area in urban context and the rent is basically the difference between settlement and agricultural value of land (Sam & Ertürk, 2009, 167- 175). If we take a space as a city center in one hand, for example Kadıköy in where it is very easy to access any type of public transportation like, metro, dolmuş, taxi and ferry; and if we take Sultanbeyli on the other hand in where it is very difficult to access in terms of public transformation from all over the İstanbul and if we ignore all of the assigned meanings, Kadıköy is more preferable than Sultanbeyli which increases land and real-estate rent of Kadıköy, whereas Sultanbeyli's rent is almost zero because the possibility of rent has spent on time and money. So, the smallest rents on the worsts land under habitation or infrastructure. So it can be said that, the very first rent theory which occurred during the transition from feudalism to (agricultural) capitalism is almost the most natural and innocent type of rent we experience today.

2.2.4 Marxist rent theories

2.2.4.1 Differential rent

According to Marx the origin of the rent is related to privatization of common and private property which he theorizes as primitive accumulation. Paraphrasing Bonefeld primitive accumulation is not just an historical phase of transition from feudalism to capitalism, it is an essential concept for analyzing ongoing capitalist accumulation. That privatization of commons and private property create monopoly on lands and goods and because of the reason that natural forces cannot be created and produced by capital. Because production base on natural basis, Marx develops differential rent theory differently from Ricardo, and Marxist differential rent theory bases on the capital invested on land. Evans summarize differential rent as the rent existing at one location or site because, in the absence of ant rent payment, the profits which can be earned there because of that land's better location

and fertility would be higher than the profits at some other place or location (1999).

2.2.4.2 Absolute rent

Absolute rent is part of surplus value and monopoly in landed property leads monopoly on prices which can be explained as price above the normal value of goods. Absolute rent on land is caused by the economic geographical location of land where land owner and labor does not play any role (Tekeli, 2009, 56). Absolute rent only exists because of the institution on landed property, if all land would be owner occupied absolute rent would not exist claims Alan and he continues by suggesting that there is a minimum which landlords will accept as a rent for land so that no land is rented at less than absolute rent (1999). In the lands where there is absolute rent exists, the price of production or property on that land is free from the labor and any kind of applied capital unrelated.

Because this type of production and land relation mostly a subject of agriculture in terms of the outcome, it is hard to apply absolute rent to urban context. Harvey also claims absolute rent insufficient to explain rent occurs in urban land (Harvey, 2010, 91). In case of absolute rent, any kind of extra economic activities are paid for the location (Deak, 52-53). Specifically in cities, urban land has such character that even if new lands open to building it is impossible to increase rate of land at certain locations. These kinds of urban spaces yield more profit to its owner than usual.

Differential and absolute rent is complementary to each other; both rents are created somehow naturally and depend on geographical location and natural characteristic of the land.

2.2.4.3 Monopoly rent

The third type of rent is monopoly rent which can be awakened by multiple factors by creating land shortage that land or landed property that are sold above its cost price (Deak, 54; Tekeli, 56). So monopoly rent is basically created by not producing or supplying any land in order to satisfy demand of new land. With population growth existing agricultural or urban land would remain incapable and in this situation current land owners achieve more rent than normal. Hence, higher ratio of rent can be obtained from a particular piece of land because of the monopoly which the owner derived from this land as the product, so this product has qualities such being distinctive, scarce and valuable (Alan, 1999).

Monopoly rent can be created direct and in direct ways or can exist naturally. If the tradable item is unique and non-replicable like space and location it is natural monopoly and rent. If not the land or the resource or location of unique qualities are traded but instead the commodity for service produced though their use is unique and traded, this case produce monopoly rent indirectly.

Ongoing urban transformation projects are mostly take form in terms of monopoly rent. There is a need to open new urban lands for habitation, and in some cases the land in city is so limited that it is not possible to turn urban land into building zone because of high costs of bringing infrastructure and public transformation. If Fikirtepe, Sulukule, Tarlabası and Okmeydanı urban transformation projects taken into the consideration, these districts are located almost in the center or much closed to centers of İstanbul that capital and market desires those spaces.

2.2.5 Non-Category urban land rent

According to non- category of rent theory, Deak says that urban land rent theory is spatial concentration of ‘urban’ and ‘rent’ in historical stages of capitalism used by politicians as a tool and adds history of land ends where the history of urbanism begins (1985, 84-85). According to non-category land rent theory, private property can be bought and sold so it cannot be seen as capitalization of land, it is the price of land or property which is the result of organization of economic activities in space, Deak continues by suggesting land is not paid for land rather it is paid for its location in a space produced by social labor (1985, 86-87).

2.3 Primitive Accumulation and Accumulation by Dispossession

As mentioned in the previous paragraphs primitive accumulation occurred during the transformation in usage of land and modes of production that during the process when sources such land, water and others enclosed and their previous users were disposed for the aim of capital accumulation. Marx’s general theory of capital accumulation is an example of classical political economy and requires freely functioning competitive markets with institutional arrangements of private property, juridical individualism, freedom of contract, appropriate structures of law and guaranteed governance (Harvey, 2003). Features of Marx’s primitive accumulation are following (Harvey, 2003; Marx, 1906) :

- The commodification and privatization of land and the forceful expulsion of peasant population
- The conversion of various forms of property rights
- The suppression of rights to commons
- The commodification of labor power and the suppression of alternative forms of production and consumption

- Colonial, neocolonial, and imperial process of appropriation of assets
- Monetization of exchange and the taxation, particularity of land
- The slave trade, usury, the national debt and credit card system.

Even if accumulation by dispossession can occur in various ways; privatization, commodification, enclosure, role of state are common characteristics of primitive accumulation and accumulation by dispossession.¹⁵

Accumulation by dispossession is a way of solving over accumulation problem by mass privatization politics of neoliberalism after the end of Keynesian era (Harvey, 2003; Sassen, 2010; Hall, 2013). Shift from Keynesian state to post-Keynesian era followed by two structural adjustments; the first adjustment is debt and debt servicing structure regulated by global institutions such as International Monetary Fund (IMF) and the World Bank, second adjustment is sub-prime mortgages (Harvey, 2007; Sassen, 2010). These are restructuring programs of transformation which is also called as new imperialism that discipline nations and citizens. Privatization, financialization, management and manipulation of crises and state redistributions are four elements of this process. The aim of privatization is to open new areas for capital accumulation and work as the transfer of public assets such as mines, water, forests and land from state to companies. Financialization mostly emphasizes on stock values and speculation. The third element is the management and manipulation of crises that debt is primary to accumulation by dispossession. The last element is state redistributions which prove that state is the core element both in primitive accumulation and accumulation by dispossession.

States keep the balance between global and domestic market forces by maintaining or creating the conditions which are most profitable to capital

¹⁵ See Glasman (2006), Hall (2013), Bonefeld (2008), Harvey (2003, 2007, 2011), Marx (1906), Sassen (2010).

by balancing accumulation and legal bases for legitimation necessary for enclosure of land, creating private property and proletarianisation of the disposed (Weber, 2002; Hall, 2013).

Due to the characteristic of capitalism which begins with primitive accumulation and as a permanent process in the accumulation of capital, finally centralized in a few hands that dispossession becomes an inevitable result (Bonefeld, 2010).

Dispossession occurs in cities by commodification and privatization of land similar to global land grab so capitalist relations can be reproduced that urban development is used as a way to control urban land as a means of production by capitalists. At urban scale accumulation by dispossession defined as

[...] about plundering, robbing other people of their rights
[...] is taking away people's rights to dispose of their own resources
[...] is being used to take away people's property so the developers of Wal-Mart can build a new store or a shopping mall" (Harvey, 2006).

2.4 Public Interest and Planning/ Urban Transformation

Public interest is one of the key concepts used in urban policy planning as a legitimizing tool to intervene and to plan urban spaces. However there is not a universally accepted one and only one definition of public interest and because of its normative character concept is still open to discussions and used differently according to focus, approach and perspectives of the ones (such academicians, planners, policy makers and politicians etc.).

Conceptual change in time proves the political importance, role and ideological imputed character of the public interest. In 16th century the concept had been argued in a way to question pretensions of autocracy. In 17th century discussions mostly been around the concept of "the public", the

effort was to define “who” was the public, the ones makes economic contributions such merchants or the ruling class. Discussions focused mostly on the “interest” part of the concept in 18th century. The discussions both in 17th and 18th centuries took its source from safety concerns of individuals and private property issues within the scope of common good approach.

In Turkish literature of urban studies public interest is discussed mostly with master plans. Ruşen Keleş defines public interest as unity of political and intellectual values that determines the way and direction of goals of public procedure and actions (1998). Melih Ersoy claims that public interest is the core of planning and the essential principle that legitimize the planning institutions and actions (2012). İlhan Tekeli defines public interest as a criterion for master plans that determines the limits on practice of property ownership (2009).

So, public interest works as a legitimization tool that harmonizes governments’ decisions with the juridical decisions. Hence is a concept that is shaped according to existing political atmosphere because its main aim is to legitimize governmental agencies’ actions, however public interest should subjectively protect both individual rights and planning rights and should be compatible with the results of administrative and juridical analyzes.

CHAPTER 3

Land and Property Regime in Turkey

On the main arguments on property, liberalism and socialism are seen as the main approaches; additionally liberalism follows a capitalist line. These main arguments prove that, in addition to the discussions whether property is a right or not, property mechanism works as a regulatory institution for social relations, it has an economical character as well as political and social character. Specifically, agricultural capitalism, which assumed to start with soil amendments¹⁶ in England, is the basic examples of economic character of property in early era. Starting with the soil amendment and land enclosure in England and transition to agricultural capitalism proves that capitalist economic system develops and rises on private land property. Therefore, financial crises in the last decade are rooted in housing and real-estate sector, too¹⁷.

Since now, rules of property possessions from the beginning and the main discussions on property regimes tried to be summarized. Rules of spins, changings hands, usages of property are not going to be mentioned, in the following sections property practices on urban land is going to be figured out. Questions or problems of urban land property mostly handled as an issue of equity and justice. On the other hand, I have to underline the fact

¹⁶ Also called as “*Land enclosure*”. Under state control through the parliament, public lands hold by farmers forced to be sold but little farmers could not able to pay prices and expenditures of land so big farmers bought all the sold public land by so privatized land became more and more valuable, land rents were increased and little farmers had to be migrate to cities and profit oriented agriculture for the market which is also known as agricultural capitalism had started in the middle ages of England.

¹⁷ See Dubai bubble burst in 2009 and United States Housing Crisis began in 2008.

that existing property regime is built on liberal¹⁸ approach that urban/build land production and reproduction has been instrumentalized within the capitalist order and became commoditized specifically in the non-industrialized regions where no contribution has done to production, became centers for consumption, even urban land itself consumed by cities.

3.1 History of transformation process of properties in Turkey

The transfer process of property from communal to individual had occurred different times at different geographies and in Turkey this process started as possession in the Ottoman era, legally consolidated in the Republic (Günay, 1999, 72).

3.1.1 Ottoman Empire era

Although discussions on private property has a place in Ottoman History because of Property Sura¹⁹ and fiqh²⁰ doctrine, legal ground of private property based on secular law is absent till 19th century. So, western type of property regime cannot be observed till a certain time in Turkey.

In Ottoman Empire land had two main types as *mîrî*²¹ and *mülk*; the main difference between these two types of land was about selling it, because *mîrî* land was belong to Ottoman Treasury and could not be sold, whereas *mülk* land assigned by Sultan and it was possible to rent, sold and transmissible to heirs (Mundy & Smith, 2008,11,21-22). However there are enough

¹⁸ It is easy to observe in contemporary neoliberal urban cities.

¹⁹ Mülk Suresi –Kur'an 67

²⁰ Islamic Jurisprudence or Islamic law

²¹ Which means belong to Sultan and Ottoman Empire.

evidences to evaluate land as private property practice in Ottoman Empire, this type of *mülk* land can also be evaluated as a tax mechanism rather than ownership on land that (Arıcanlı, 1998). The reason behind this approach is the tax income from *öşür* and *haraci*²² lands was one of the regular incomes of Ottoman financial system. The third type of land in Ottoman Empire was lands owned by foundations that cannot be rent or sold like *mîrî* land and named *arazi-i mevkufe*. There were two types of foundation lands *arazi-i mevkufe-i sahiha* and *arazi-i mevkufe-i gayri sahiha*²³. The main difference between these two sub-types of foundation lands was the type of land and different evaluation of incomes from these lands. If the land has *mülk* status it is called *arazi-i mevkufe-i sahiha* and the income of these lands evaluated according to provisions of the foundation. If the land has *mîrî* status it is called as *arazi-i mevkufe-i gayri sahiha* and the income gained from these lands called as *mîrî income* and the treasury has the right of disposition.

Since 16th century, period of regression followed by weakening central state in periphery and *mîrî* land started to be given as private property. *Mîrî* lands transformed to private property by Sultan, he gave up his right to control on *mîrî* lands and many changes came afterwards. Transformation of land can be summerized in three stages as following (İnalçık, 2012):

- Transformation of *mîrî* lands as a result of regression period,
- Transformation of *mevat* lands via reclamation planning (this lands were gaining memlûke land status)
- Change in *mukataa* system²⁴.

²² *Öşür* represents the lands used by Muslim population and also means one- tenth of something in Arabic. In the purpose of helal earning, Muslims have to give one-tenth of their harvest as tax which rose up to fifty percent at times. *Haraci* represents the lands used by non- Muslim population and the tax collected from those lands called *haraç*.

²³ Vakıflar Genel Müdürlüğü, Vakıf Deyimleri ve Terimleri Sözlüğü
www.vgm.gov.tr/sayfa.aspx?ld=30

²⁴ Treasury firstly transformed *mîrî* lands in order to cover financial problems, then transformed more *mîrî* lands for life time duration and lastly gave right to devise.

In another interpretation of private property in Ottoman Empire, in addition to İnalçık's classification of *arazi-i memlûke* Çiftçi adds a fourth one which is the places smaller than 500 squaremeter and used as houses at villages and cities.

So regulations on land and property regime show differences according to function and rightful owner of that land (Tekeli, 2009, 51). Legal amendments on land law started with *1840 Nizamnâmesi*²⁵ which is followed by *Ahkâm- ı Meriye*²⁶ in 1849, *Arâzi Kanunnâmesi*²⁷ in 1858, *Tapu Nizamnâmesi* in 1859 and *Mecelle* in 1877. These regulations has changed extend of private property, property ownership of non- Muslims and practices of foundation land. Foundation lands has a key role in Ottoman land regime that even today they continue to exists and appropriated to Turkish Civil Code. The appropriation process of foundations from Ottoman Empire to Turkish Republic is elobarated in the following sections in case Fatih Sultan Vakfı.

3.1.2 Turkish Republic Era

With foundation of the Republic, Swiss Civil Code translated from French to Turkish went into effect in 1926 and with the 652th article new property mechanism preventing condominium implemented, however 1192th article of Mecelle gave persmission to condominium.

After Second World War, in order to solve housing problem of middle class, right to condominium discussed to be noterizad but suprisingly this bill of

²⁵ Sets the framework of changes in land mechanism (Mundy & Smith, 2008,75-77)

²⁶ Brings certain changes on right of use and hand overs on mîrî lands (Mundy & Smith, 2008,75-77)

²⁷ Differs from the previous arrangements and classifies land in five categories as memlûke (lands gained by property which can be sold and rent freely), emirîyye, mevkûfe (foundation), metrûke (assigned to villages) and mevât (uncultivated land) (Mundy & Smith, 2008,75-77)

law got rejected by parliament in 1948 (Tekeli, 2012, 61-63,142). After enactment of Deed Law in 1934, condominium-principled ownership and constitution of servitude returned via enactment of act number 6217 in 1954 and after 1960 Turkish coup d'état Property Law had finally approved by assembly in 1965 and became valid in 1966 (Tekeli, 2012, 142-143).

Within the limits of law no. 1166 extra two years given in order to proceed status of almost 30 million real estates from constitute of servitude to condominium (Tekeli, 2012, 277-78). Since 1950s via pardon laws on legislation concerning construction and slum laws position of *gecekondu* houses and lands has been changing.

1984 was the year that titles and title deeds of land started to be delivered to gecekondu owners, in another words unlicensed constuctions and illegal houses legalised that certificates of land registration actualized with act number 2981. Land legistration certificates are basically constitute the basis of title deeds for the owners of slums but there are different applications for both different types of unlicensed constructions and possessers of them (Keleş, 2010, 273-275).

In the center of main contemporary urban transformation projects these slum and unlicensed construction areas take the main places such as once upon a time's periphery such Sulukule, Fikirtepe, Dikmen, Gülbağ, Okmeydanı which are located at the heart of strategic junctions of the city.

In connection with the transformation process of urban lands, these districts passed the same steps; back in the days before 1950s, they does not have the characteristics of urban land, they were peripheries of the city but in time with natural urban growth and housing deficit so those lands gain urban land characteristics and both by means of election investments and housing policy of the state slums achieve legal positions and become new improved lands and last but not least though changes in master plans those areas become more and more valuable in time which concludes with urban

transformation processes arise from rent gap and culminate in gentrification and displacement as Neil Smith suggests, that has elaborated in the previous sections of this study.

So, in the first step of transformation owner of the land does not play any role in creating surplus value or increase in value but in practice owner of land have a right to claim a right or share over the outcome. According to liberal perspective the owner of land should not ask for the share of surplus value because s/he has not mixed his into land and the surplus value should be shared publicly or should only belong to state. However legal regulations make this theory impossible, Turkish state tried not to share surplus value rent or the actual value with the owners whose properties valued after public hand or nationalized but after so many suits in EHRC²⁸ applications on nationalization of the properties has been changed by Supreme Court as supreme court practices.²⁹ Between 1959 and 2010, 504 suits (17% of all) opened against Turkey on protection of property rights which is second after right to fair trial (705 suits)³⁰. This statistics show that, during urban growth state intervened private property some ways like nationalization and displacement practices. The number of suits can create curiosity about why Turkish governments (both local and central) choose such an intervening way to plan or zone which threatens private property rights. Was it really impossible to open new areas for development so instead reproduction of lands had preferred and governments continue to act in this way? One of the answer of this question is the possibility of high rent ratio that either state or market does not want to leave it nor share it evenly. Furthermore, urban land rent has a very complex character that we cannot face equally in every city and each district in the city. For example, according to Keskinok there is not any rent problem in Hakkari, and even if there is, it does not show any

²⁸ European Human Rights Court

²⁹ Altaban, Özcan; Duyguluer Feridun; CRP class notes, METU. 15.12.2011

³⁰ European Court of Human Rights, Statistics on Judgements by State 2010. (04.03.2013)

similarities to the rent in İstanbul because absence of production relations of capitalist market system in Hakkari (2006, 190). Hence, there is a difference on rent ratios between different districts in cities so the actors who want to get a share from this rent reproduce the space. The process of reproducing space is an important factor to regulate the relationship between different actors.

3.2 Types and Transformation of Urban Land

The value of land shows some differences in rural and urban context as well as property of land in cities shows minor differences types of land such rural, urban, build land.³¹ Figure 2.2 and figure 2.3 is borrowed from İlhan Tekeli in order to explain the transformation process of land.

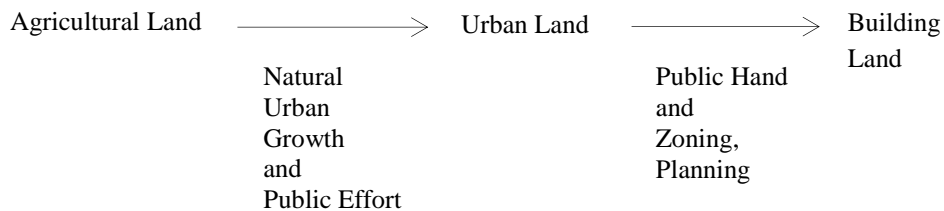


Figure 3.1 Transformation process of land

³¹ Kırsal toprak, kentsel arsa, kentsel arazi.

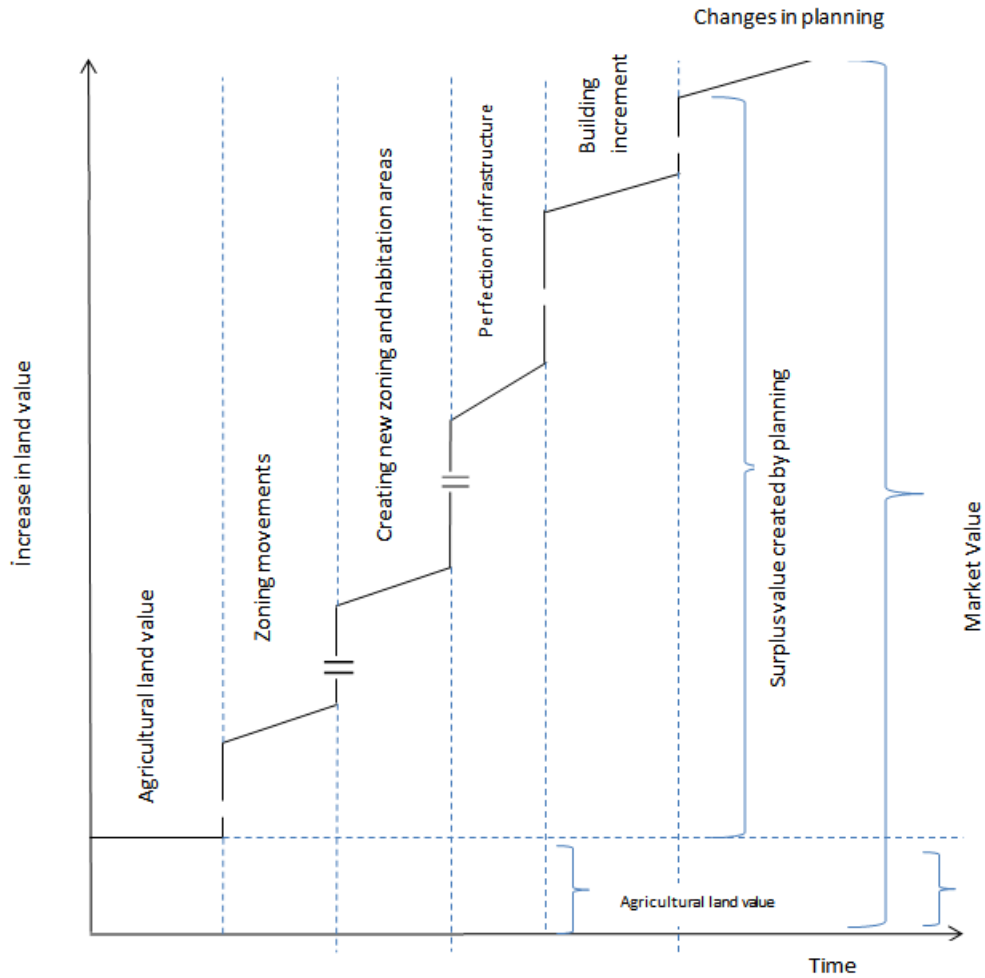


Figure 3.2 Differences between types of land

In order to understand transformation process, an explanation is necessary to draw differences between forms of land. Firstly, agricultural land is the classical land where the agricultural capitalism begins and the land also used to explain the starting point of private property. Basically, agricultural land occurred when it is became a subject to private property. Urban growth naturally turned agricultural land into urban land³² and public initiatives such as planning and zoning turns urban land into building land.³³

³² Kentsel toprak.

³³ Different usage of land as explained here showed in the following page.

However, central and local governments do not prefer to produce urban land for some reasons which causes shortages in the center of cities and by making changing in precedents or urban planning (2B lands, squatter and development site releases) redistributes urban land rent unequally. Karayağın, says that today it is not necessary to give examples of urban land rent, because urban land rents are ranking often by daily newspapers specifically for İstanbul (2009, 96). Furthermore, İlhan Tekeli draws two figures to understand land rent created by public and private property handovers (2011, 282-283).

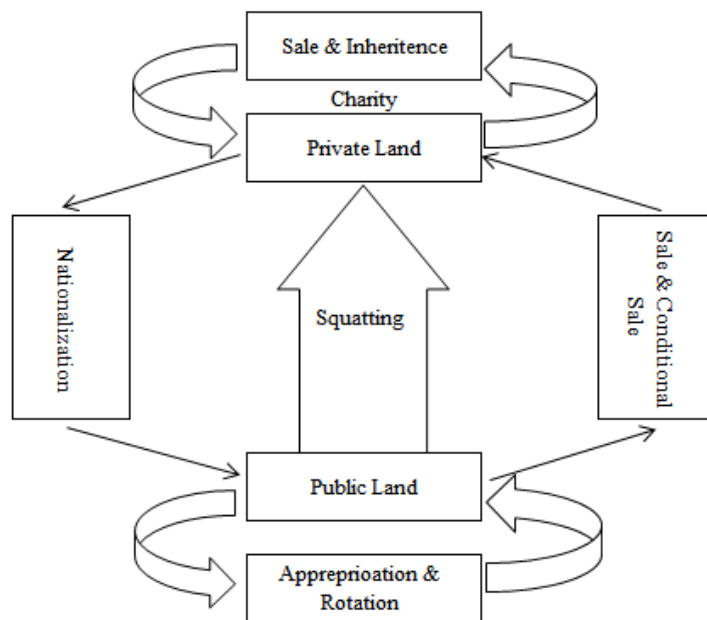


Figure 3.3 Land properties in metropolitan space.

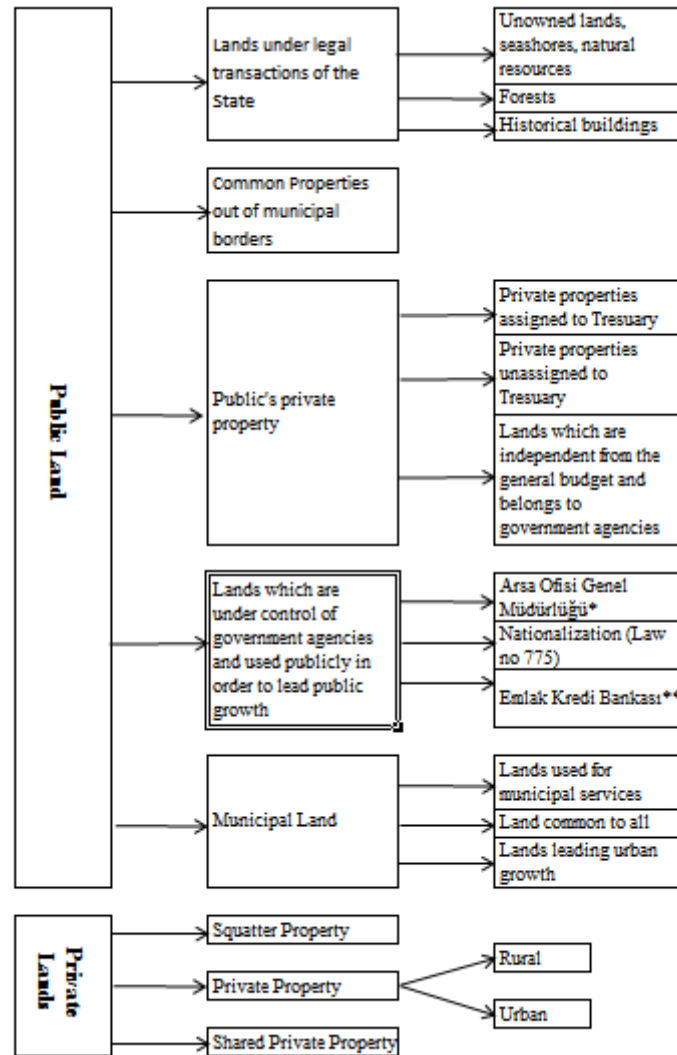


Figure 3.4 The ways of hand-overs on land

These figures prove that state, in terms of center and local governments, is the main actor in the urban land transformation. Namely, governments intervene in transformation process in two ways; first of all, because population and urban growth it has to bring infrastructure and urban services which has an effect on urban land rent, secondly as showed in the previous diagrams, public institutions and governments act like a private actor in the land sector. For example, Sultanbeyli district in İstanbul is located in so called 2B forest land. Almost none of the owners or dwellers of properties

did not have title deeds until the amendment³⁴, today they can buy the property of land by paying current value which is determined by central government but the houses and worksites build on that land still has no title deeds, and in case of a following scenario, central government can announce those areas urban transformation zone³⁵ by a cabinet decree, this time those people who paid for land (mostly as shared title deeds) are going to pay for title deeds of their houses. Even if they buy the horizontal property, they still do not have vertical property of their houses.

Urban transformation process is not a natural process; it is a result of an outside intervention mostly done by economic and political actors (Keleş, 2010, 373-374). Since 1953, central government play the main role in urban transformation by making legal amendments that since urban transformation has not been serving for better housing and living conditions rather it serves as a tool of changing property ownership. These amendments first done in order to prevent squatters in the periphery of the cities specifically in İstanbul, Ankara and İzmir but they never worked as planned rather they became the source of unearned gain for some. Some examples of amendments are law no 6188 (1953), 775 (1966), 1990 (1976), 2805 (1983), 2981(1984), 2985 (1984), 3290 (1986), 3336 (1987),4684 (2001), 4966 (2003), 5162(2004), 5216(2004), 5366 (2005), 5014 (2004), 5392 (2005), 5706 (2010), 6306 (2012), 6444 (2013); and statutory decrees 644, 648, 661(2011).³⁶ Sues opened against Turkey, as mentioned previously, reasoned by these amendments, because implications and applications of these amendments caused and resulted displacement, thus early peripheries

³⁴ Orman Köylülerinin Kalkınmalarının Desteklenmesi ve Hazine Adına Orman Sınırları Dışına Çıkılan Yerlerin Değerlendirilmesi ile Hazineye Ait Tarım Arazilerinin Satışı Hakkında Kanun ile Orman Kanununda Değişiklik Yapılmasına Dair Kanun. No:6444 Date: 2013

³⁵ Afet Riski Altındaki Alanların Dönüştürülmesi Hakkındaki Kanun. No:6306 Date:2012 Thanks to this law central government can announce any area urban transformation zone

³⁶ For more information www.mevzuat.gov.tr

of cities became new centers of cities. Shared properties occurred with squatters and small property developers in 1950s, second era started with housing estates bigger firms came into the picture and the third era starting with 1999 earthquake became the era of strong actors such, central government, TOKİ (Housing Development Administration of Turkey), GYOs (Real Estate Investment Companies).

Within these 60 years, private property first fragmented and turned into shared properties, and then in the last decade these fragmented lands and properties unified again and with the absolute power of nationalization right, none of the private properties are guaranteed.³⁷ The aim of all these regulations is to attempt to attend market mechanism. But state or governments are not the only ones to blame, the squatters and land mafia³⁸ was also demanding to attend market. All of the inputs suited zeitgeist, the process was slow and slinky many clientelist relationships were developed³⁹ others cities were expanding and experiencing “suburbs” whereas, in İstanbul and Ankara we were experiencing urbanization without industrialization resulted and implosion which caused inevitably monopoly rent resulting with many property problems⁴⁰.

Behind the story of the housing history of Turkey, amendments, suits opened against state, different types of lands and property, changes in urban planning and increasing urban transformation projects, emerging urban movements, clientelist relations behind the doors, property regime and state’s role in fragmenting unifying title-deeds are the invisible actors.

³⁷ Tekeli İlhan, İstanbul Konferansı, Yıldız Teknik University 12. 04.2013

³⁸ See Erman, 2011; Şengül, 2009.

³⁹ Güvenç, Murat. İstanbul Konferansı, YTU 12.04.2013

⁴⁰ In order to give an example, urban transformation Project going on in Fikirtepe has stopped in May but people who cannot able to afford new housing projects in the same area had already sold their properties, shared title-deeds unified and already re-shared.

Type of property has a crucial role in shaping political as well as its social and economic importance within the society. Legal interventions made by State shows the importance of property in urban land rent that transfer of property from one person to another is not simply a transfer, it is a way of economic restructuring and regulating flow of capital to build environment where urban space became the center land rent and capital accumulation feed by this rent (Şengül, 2009; Hall, 2013; Harvey, 2003).

For that matter urban space is re-produced by transformations but some spaces are not able to transform because of planning procedures and property rights. Okmeydanı is one these spaces despite the repeater efforts of the state. As mostly ignored by the project executers, urban transformation projects not only tools for changing hands in property but also a social phenomenon which affects lives of thousands that people in Okmeydanı resist urban transformation for years.

3.3 Public Authority and Resident Relations

Urbanization process of Turkey or in other words urban policies in Turkey has been shaping around informal settlements since the post second war period and property issues lie at the bottom of these policies which cause tension within society as well as between individuals, interest groups and state, that which demands for legalization in terms of private property rights such as title deeds and infrastructure. Clientelist relations and rent seeking urban policies became permanent heritages of basic units of the politics of urban.

Early Republican years till 1950s considers as urbanization of nation-state (Şengül, 2009; Scopetta, 2011). Urbanization of Ankara as being the new capital city of Republic became prominent whilst İstanbul were ignored in every sense that all investments and developments made by state transferred to Ankara thus capital started to accumulate at urban scale. Dissimilarly to

following periods, private property rights perfectly guaranteed by state unless the rights of exchanged population does not taken into consideration.

Mechanization of agricultural production and import substituting industrialization opened a new era and gecekondu buildings begin to pop-up at urban peripheries in late 1940s. During 1950s massive migration flows became the providers of cheap labor in the cities. These migrant populations overcame the housing shortage by building gecekondu houses on public or private lands.

First violations of private property rights encounter 1950s which challenges state's hegemony who is supposed to protect private property rights. The first generation migrants claim possession on land for the purpose of building a shelter by doing so they not only challenge hegemony of the state but also hegemony of the middle class people in cities. These practices of possession turned into a phenomenon which occasionally ranges between conflict and collaboration.

In 1960s, the tension between state and gecekondu people decrease that; state went into effort of internalization and articulation process, also people living in gecekondu also started to be seen as consumption units (Şengül, 2009; Şenyapılı, 1982). In the first five-year development plan a positive approach is followed towards gecekondu housing. Housing cooperatives and mass housing also enter in the housing sector that in the second five-year development plan, it is projected that the idea of mass housing is supposed to be provided by municipalities and private sector. Also the Condominium Law in 1965 that legally enables making apartment flat ownership created a partnership between landowners, individual buyers, small capital, entrepreneurial groups and contractors (Öncü, 1988; Scopetta, 2011). Many sectors also pop-upped after this progress as Öncü narrates; for example the number of entrepreneurial groups and contractors has increased due to the rising share of state investments which caused a rapid but uneven growth

because of bifurcation as well as the sector of manufacture of home furnishing has emerged as an attractive area of investment.

The period during 1950s and 1960s, peripheries where *gecekondu* houses were build included in the land market that even the informal and illegal ownership of land worked as private property regime which turns land into a commodity that can be bought and sold (Neuwirth, 2006). Because of this characteristic of urban land, *gecekondu* houses redefined with the help of interests groups as a second land market rather than shelters or innocent possessions. Squatter people were building capital every day, there were an active market that people buy and sell squatter houses, advertise apartments and stores for rent but this market was totally informal (Neuwirth, 2006). So, this secondary land market has also provided a channel of accumulation for the urban poor that population of this group became an important client group in urban politics (Öncü, 1988). The ambiguities surrounding urban land tenure patterns gave Turkish state an unusual opportunity to build clientelist relations and politics by exchanging rights in return for votes (Buğra, 1998). Not only urban land market but also changing system of Turkish politics played crucial role on opts for clientelist politics. Transition to multi-party system in 1950s and Republican People's Party's shift to redefine party grassroots in 1970s are two milestones of the clientelist nature of Turkish politics at urban scale as a result of competitive elections. A person lives in Sultanbeyli, İstanbul Neuwirth interviews says that "Sultanbeyli is not part of İstanbul, it is part of Ankara" which means that there are enough votes and voters in Sultanbeyli in order to get benefits directly from Ankara.

In 1970s by regulations on credit opportunities for housing cooperation caused the transfer of public lands into housing development areas by labor insurance fund and Turkish Real Estate Credit Bank so that large construction firms also enabled to enter the housing market. With these regulations civic improvements shaped around land speculations that urban

land became an economic guarantee against system that mostly squatter areas and urban poor who enclosed those lands and build their gecekondu houses maximized their interests in terms of land values since they are connected to the city centers (Şenyapılı, 1982). Thus, civic improvements and infrastructure services became the key politics of clientelist relations that local elections in 1970s shaped around these politics. In 1970s clientalism became a form of political participation and dominant form of political organization which works as a mass- distribution mechanism which have an unlimited resource and fund for patronage expenditures in terms of regulations and codes such relaxation of buildings, zoning and planning (Öncü, 1988).

It was a two sided relationship, because each elected official represents a certain district squatters were aware the power of their votes. The numbers of squatters were multiplying and legislators were in need of their votes and squatters' votes were an important tool for their needs as Danielson and Keleş quotes Karpat's explanation (1985) as follows:

The right to vote has acquired in the squatter settlement[...] both symbolic and practical meaning as an ideal avenue for transforming the communal opinion into a political will and as an instruments for participating in politics to secure some benefits.

The most promised form of patronage was offering titles to the land, legalization of dwellings, governmental recognition, and provision of public services or selective relaxation in return for votes (Öncü, 1988; Danielson & Keleş, 1985). The pragmatic approach towards urban newcomers and squatters became the permanent character in local politics that two-fifths of the males in gecekondu dwellers switched parties when they voted in İstanbul (Danielson and Keleş, 1985). Even if today the legacy of populist politics towards squatters stays in power at urban transformation spaces.

The economic shift in 1980s, end of import substitute industrialization policies and entering market oriented policies era has caused change in

mode of accumulations that investments have shifted from public to manufacturing as well as increasing tendency of private sector to invest in build environments as large scale mass housing projects and the attempt to attract foreign investors for the future of cities, and urban transformation are the most featured characteristics of urbanization process in the last decade (Kahraman, 2008; Scopetti, 2011; Şengül, 2009).

Not only economic but also administrative and legislative regulations also made such as the tax reform in 1982 that municipalities gain authority to collect real estate taxes, establishment of Ministry of Reconstruction and Settlement in 1983 which aims to supply construction needs of the country including infrastructure services as well as obtaining building land and establishment of metropolitan municipalities in 1984 and restored positions of municipalities and amnesties in 1981,1984 and 1985 to legalize illegal housing market by improvement plans and 4 floor permits. Till 1980s the expansion of the city driven mostly by informal occupation of public or private lands or squatters' possessions on land that creation of new level of built environment to gain "global city" status to attract international capital was a necessity that new spaces were needed (Keyder, 2008). This policy of redefining cities caused a new level of commodification of land and the state became the main actor who redistributes land and rent based on market values by regulating and legalizing the illegal housing market that when enclosed lands and illegal properties gain a legal status they are no more dead capitals, they automatically became a commodity and gain greater values in the urban land and housing market.

Since then, commodification of gecekondu housing and areas are provided by renewal projects that 2000s are like synonyms of urban transformation projects in urban politics. According to Kahraman today there are three types of settlements targeted by urban transformation projects in İstanbul (2008). The first group is gecekondu settlements established before 1985; mostly they have legal status due to amnesties enacted during 1980s. The

history of the first group dates back to early 1950 and can be evaluated as the first generation dwellers and squatter houses. The second group is gecekondu settlements established after 1985, these gecekondu houses were also build by the first generation of urban new comers and used as a commodity rather than shelter and rent to second and generation urban newcomers or urban poor who were not able to enclose land and build their own houses because of strict rules as a result of market state cooperation. The last target group is the slums in the historic city centers which are the places of extreme poverty and victims of new desire to rehabilitate “Ottoman neighborhoods”.

Table 2.1 Squatter housing in Turkey (State Planning Organization Plan reports. (Table prepared by the author)

Years	Urban Population	Number of Squatter Houses (in units)	Urban Population Living in Squatter Houses (%)	İstanbul	Ankara	İzmir
1950	5 324 397	50 000	4,7	8239 (Number of Squatter Houses)	-	-
1960	7 307 816	240 000	16,4	61.400 (Number of Squatter Houses)	70 000 (Numbers of Squatter Houses) 364 000 (Population Living in Squatter Houses) 45% (Percentage of Population Living in Squatter Houses)	18% (Population Living in Squatter Houses)

Table 2.1 (continued)

1965	9 395 159	430 000	22,9	120.000 (Number of Squatter Houses) 45 % (Population Living in Squatter Houses)	59 % (Population Living in Squatter Houses)	33% (Population Living in Squatter Houses)
1967	10 437 233	400 400	-	-	-	-
1968		450 000	-	-	-	-
1969	12 037 000	-	23,2	-	-	-
1970	12 805 000	600 000	23,6	195 000 (Numbers of Squatter Houses) %32,5 (Population Living in Squatter Houses)	144 000 (Number of Squatter Houses) 748 000 (Population Living in Squatter Houses) 25% (Percentage of Squatter Houses compared Turkey)	60 000 (Number of Squatter Houses) 10% (Percentage of Squatter Houses compared Turkey)
1972	-	700 000	-	-	-	-
1975	17 200 000	-	-	195.000 (Approximate Numbers of Squatter Houses)	-	-
1980	-	1 150 000	26,1	-	275 000 (Number of Squatter Houses) 1 450 000 (Population Living in Squatter Houses)	-

Table 2.1 (continued)

1983	21 600 000	1 500 000	-	208 000 (Numbers of Squatter Houseses)	-	-
1984	22 600 000	-	-	-	-	-
1989	28 054 000	-	-	-	-	-
1990	-	1 750 000	33,9	-	350 000 (Number of Squatter Houses) 1 750 000 (Population Living in Squatter Houses)	-
1994	35 089 000	-	-	-	-	-
1995	37 800 000	2 000 000	35	-	450 000 (Number of Squatter Houses) 2 250 000 (Population Living in Squatter Houses)	-
2000	43 300 000	-	-	-	-	-

The table shows the development of gecekondü houses and numbers of people living in these houses at three biggest cities in Turkey since 1950s but unfortunately data on number of squatter houses and population living in these houses did not collected effectively that many statistics are missing

and this makes hard to evaluate the development of informal housing within years, also there are not any official statics on the number of squatter houses and the population living there after the 2000 on city and nation base. Missing data on squatters is important because urban transformation projects in Turkey ideally aim to construct healthier and quake-resistant buildings however without knowing the exact numbers; necessity of ongoing and future projects steers away from objectivity.

It is also impossible to find *gecekondu* as a term in documents provided by state offices. In 2008, estimated population of people living in *gecekondu* houses was at least half of the total population in İstanbul; the population was 12.5 million for 2008, and explained population of İstanbul for 2013 is over 14 million.

The numbers on housing and existing policies on urban and land regime management up to today discussed in the previous sections that the roots of the tension caused by illegal and informal constructions by violating law of property and property rights evolved something more complex. The relationship and tension fed by transfer of property on land exists in two forms. One of the forms is the tension between the state and the squatters; the second form of relation is the tension the state experience with herself. Because the land is one of the limited sources on earth and different type of ownerships have been experiencing in Turkey, any minor violation of any kind of type of property splashes other fields like rent management, housing right, right to city and so on. The state wants to protect housing rights and right to city and rights of the citizens who are both the reasons and result of rapid urbanization as an output of the State's industrial and financial policies, and at the same time the State wants to both protect the properties under her ownership and want to present those lands to the capitalist market that the *Okmeydanı* case is the recent example of this tension.

CHAPTER 4

CASE STUDY: OKMEYDANI

4.1 Geographical Location of Okmeydanı

Okmeydanı is very close to many centers of the city and many residential areas in European side. For example Beyoğlu, Levent, Gayrettepe and Mecidiyeköy are 15 minutes distance and very close to bridge and freeway. D-100 is not only the most important highway in the area which forms the northern border of the region but also evaluated as the most important transportation axis in İstanbul at both national and regional scale.

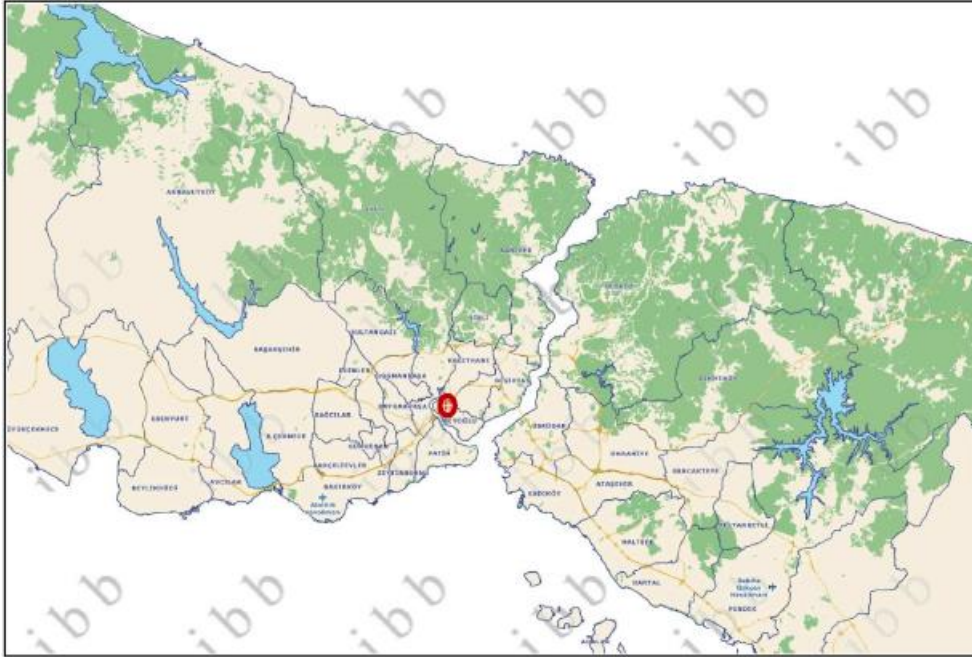


Figure 4.1 Location of Okmeydanı in İstanbul (source: İstanbul Metropolitan Municipality)

Piyalepaşa Boulevard on the east side, Kasımpaşa Avenue on the south side and Hasköy Avenue on the west side which follows Bosphorus as a parallel line are curial parts of highway that connects Bosphorus and Fatih Sultan

Mehmet Bridges. The most important axis in the planning zone is Fatih Sultan Mehmet Avenue which divides Okmeydanı vertically and continues as Kulaksız and Kasımpaşa Kabristanı Avenues; other axis divides planning zone horizontally via Müverrih and Baruthane Avenues.

These axes are important in names of Okmeydanı's own transportation network. Because of its central location, it is easy to reach public transportation such Metrobüs, bus and jitney. Okmeydanı bus stop is on the route of 3 metrobüs and 33 İETT buses⁴¹, 1 jitney.

Golden Horn ferry route is an alternative to land route that, it is also easy to reach any address at Okmeydanı by using Kasımpaşa and Hasköy ferry bridges.



Figure 4.2 Borders of Okmeydanı UTP (source: İstanbul Metropolitan Municipality)

⁴¹ <http://www.iETT.gov.tr/tr/main/hatArama/durakhatlari/OK%C3%87ULAR-TEKKES%C4%B0-dura%C4%9F%C4%B1ndan-ge%C3%A7en-hatlar/&durak=%C5%9E0206B>
<http://www.iETT.gov.tr/tr/main/hatArama/durakhatlari/OKMEYDANI-dura%C4%9F%C4%B1ndan-ge%C3%A7en-hatlar/&durak=%C5%9E0157C>



Figure 4.3 Neighborhood borders⁴² of the six neighborhoods of Okmeydanı UTP in Beyoğlu (Source: wikimapia.org prepared by author)

⁴² Red lines represents 5 neighborhood remains in municipal borders of Beyoğlu district and blue lines represent Mahmut Şevket Paşa neighborhood in Şişli Municipality



Figure 4.4 Okmeydanı UTP borders within Okmeydanı district (Source: wikimapia.org, prepared by author)

On the question of location and importance of Okmeydanı in Beyoğlu and İstanbul, Beyoğlu City Councilor Şerife Geniş⁴³ said that:

Geographical center. By being geographical center it deploys in the heart of the city. If we look from the perspective of Beyoğlu, it is historical and cultural center, if we can link tourism too, it will become center of the center. Okmeydanı is very close to center, it has to show development parallel to center.

⁴³ Member of Justice and Development Party.

Zabit Akbaş⁴⁴ another Beyoğlu City Councilor said that:

Okmeydanı is in the heart of İstanbul. [...]It is parallel to everywhere; it is easy to go across Anatolian side, airport, Yeşilköy Airport.

İstanbul Metropolitan Municipality and Beyoğlu City Councilor Ertuğrul Gülseven⁴⁵ said that:

Today, Beyoğlu is the heart of İstanbul and the distance between İstiklal Avenue and Okmeydanı is more or less takes 10 minutes. 10 minutes distance, on the very margin of Golden Horn.

Ali Çoşkun defines Okmeydanı as:

Okmeydanı is the center of İstanbul, even sometimes we joke that Okmeydanı is the center of earth. If you want to go to Tuzla, Take 500T, you are at Tuzla in one hour. You have metrobüs, Şişli, Mecidiyeköy is at your foot, Taksim as well. Marvelous location, I live in there. In other words I can easily go everywhere. I am a lawyer, I have lawsuits in Kartal, in one maximum one and a half hour I am at Kartal. Çağlayan is 10 minutes away, then I am at home. My office is in Taksim, I arrive in ten or fifteen minutes. In short, such place in İstanbul is marvelously valuable.

I-18 tradesman at Fatih Sultan Mehmet Avenue defines location of Okmeydanı as follows:

It is İstanbul's heart. In my opinion Okmeydanı is center of Constantinople. Golden Horn, Kasımpaşa, Beyoğlu is in front of us, in other words at the top of Golden Horn. Namely, it integrates with Haliç Port, Galataport⁴⁶.

In the interview published in the Spot magazine⁴⁷, a citizen named Engin answer the question "How do you evaluate Okmeydanı as a tradesman?" as follows:

⁴⁴ Member of The Republican People's Party

⁴⁵ Member and Group Deputy Cahirman of The Republican People's Party.

⁴⁶ Two mega-port projects of İstanbul.

⁴⁷ Issue:4 December-January

From of old, this is a strategic place, almost in the heart of İstanbul. Because of its location it is easy to arrive anywhere, thus everybody wants to live here.

Resident I-15 from Piyalepaşa neighborhood said on the location of Okmeydanı that:

Rent exists here. After Taksim, Here is the most beautiful place of İstanbul. There is no space left in Taksim to do something, so they came here. at present this place is the most beautiful. Golden Horn is cleaning; you see how beautiful the sea side is. This place connects everywhere; there are roads to everywhere, near the E-5 highway. There is a very close road here to E-6. Who does not want this place?

4.2 Historical Background of Okmeydanı

In the context of ownership of land and the correlation between property and hegemony which has debated in the previous chapter, the strongest definition of property is about power relations between classes in history whereas the weakest definition is about right to possess and right to control of possession and there are various conditions to claim possession and to gain property (Arıcanlı, 2012, 132-133). The case in Okmeydanı district (Beyoğlu, İstanbul) mostly takes part in the weakest definition of property which can be classified as the clash between citizens who possess right on land and the buildings they build by their own initiative and count as gecekonu housing and the state whose role is to take possessions under control.

The history of Okmeydanı goes back to conquer of İstanbul in 1453 and historically has an important character. Okmeydanı described by Jane Taylor as follows (2007, 192) :

On hills above Aynalıkavak Kasrı are the remains of the Okmeydanı, the place of the arrow, the imperial archery field which still has marble preserving for posterity the distance achieved by the Sultan's most remarkable shots. No Sultan, it

seems was more intent on demonstrating his skill than Mahmut II. The etiquette was strict: first the Sultan would shoot his arrow, followed by the paşas and other invited dignitaries in their turn, all of whom doubtless took care not to exceed the Sultan's shot. And in order not to have to break off too long for prayers, a namazgâh, an alfresco mihrab niche, was erected on the Okmeydanı in the 17th C. by Sultan Murat IV.

It has been told that Fatih the Conqueror command as “Nobody should not erect a building in this place”⁴⁸ and Sultan Beyazıd II registered Okmeydanı as a charity land in name of his father's charity. Okmeydanı was also the first sports area build by Turks in İstanbul and also one of the oldest, biggest and richest arrow monuments (Güven, 1995, 14; Avcı, 1976). Kemankeşler-Okçular Tekkesi was the one and only constructed building in the neighborhood till 1950s⁴⁹ and the field was used as gardens and truck farm by intruders (Ünver, 1995, 40).

Although Okmeydanı was one of the historical places in İstanbul, it is almost impossible to find a document about its alteration both in terms of urban growth and historical change. The information about Okmeydanı mostly takes part in history of archery literature but does not provide the information about urbanization of the space. In this respect “Beyoğlu: From Past to Present” prepared by Beyoğlu Municipality and Monument, Environment and Tourism Values Conservation Charity of Turkey⁵⁰ has inclusive information of Okmeydanı.

According to historian H. Necdet Şişli, the history of Okmeydanı starts with the conquest of İstanbul. In 1938, General Directorate for Foundations register Okmeydanı as the charity land as Sultan Beyazıd II did, officially. The historical importance and privilege of Okmeydanı is caused not only

⁴⁸ Kimse buraya bina kurmaya

⁴⁹ <http://okcularvakfi.org/haber/42/Vakfin-Tarihi.html>

⁵⁰ Türkiye Anıt Çevre Turizm Değerlerini Koruma Vakfı

because of archery and related monuments such as *namazgah* and *nişan taşı* but also by the fact that during the capture of the capital of the Byzantine Empire the ships built and rolled from the hill of Okmeydanı across to Golden Horn.

During the Ottoman Empire, Okmeydanı not only used as archery practice area but also host many events such as asylum during earthquakes and fires and circumcision feasts of Sultans sons. This characteristic of Okmeydanı continued in the Republican era and hosted important organizations such Türk Kuşu⁵¹ in 1936, and 500th anniversary of the conquest of İstanbul in 1953.

However, Okmeydanı could not be kept as Fatih the Conqueror commanded. According to Işli, the breach of Okmeydanı privilege corresponds to Balkan Wars in 1912-1913. The Muslim population escaping from the war took refuge in Ottoman Empire. As opposed to contrary belief Okmeydanı was opened to settlement long before the 1950s. Although, this information could not be confirmed by the state authorities, stories told by Okmeydanı residents are in this direction. Interviewee I-6 and I-14 have information about Albanians as the first settlers for example Ali Coşkun, lawyer from Okmeydanı Halkevleri⁵² said that:

That place is charity land. Albanians were migrating, were coming. State assigns them this charity land and says take and settle down here.

In the article of Miyase İlknur from Cumhuriyet Newspaper gives more detail on Albanians in Okmeydanı, she writes that⁵³:

Albanians coming from Bitola (Manastır) and farming vegetable gardens and dairies in Okmeydanı is after Balkan Wars in early 20th century.

⁵¹ First School of Flight Training established by Mustafa Kemal Atatürk in 1935.

⁵² Community centers, Turkish Institution for public education and spreading Kemalism

⁵³ www.cumhuriyet.com.tr/haber/turkiye/85783/okmeydani_ndan_rant_meydanina...html

During those years, even if it was forbidden to construct any type of buildings however this prevention did not work. Graveyards had dug to left a memory on this holy land because of its role during the conquest and also the land had cleared in order to grow garden grocery. These kinds of structures and clearance of land damaged historical characteristics of Okmeydanı that today it is impossible to see any monuments from those days.



Figure 4.5 Historical Milestones at Keçecipiri Neighborhood (Archive of Şinasi Acar-
http://www.mimarlikmuzesi.org/Gallery/okmeydani-nin-son-nisantaolari_10.html)

Sedentarization of Albanians to Okmeydanı is also an example of corruption of land and property regime in Ottoman Empire. As elaborated in the previous section of Ottoman Empire Era. The type of land owned by Fatih Sultan Mehmet Foundation was *mîrî* because the foundation established by Sultan or with the permission of Sultan. Although *mîrî* land started to be used as *mülk* land since 1912, transformation of land did not recognized on paper.

Tolerance of State and Foundation clear the way for next settlements during Republican period. With the rapid urbanization of İstanbul in 1950s, Okmeydanı had become one of the districts where migrants invade and build their gecekondu houses near historical stones and monuments.

Okmeydanı, as well as other gecekondu districts in Beyoğlu which are evaluated as one of the spaces contrasting with normal life conditions in Pera region that it is also noticed that the requirements of Beyoğlu can be counted as luxury for these low-income neighborhoods.⁵⁴

Concerning increasing population, illegal and irregular buildings and settlements on charity land, High Commission of Old Real Estates and Monuments⁵⁵ took the very first decision which defines borders of Okmeydanı and introduces ban to new settlements and buildings to protect Okmeydanı dated 06.05.1961 and numbered 1576. Many similar decisions taken by Cultural and Natural Heritage Preservation Boards but none of them could not able to protect Okmeydanı from new settlements and buildings and Okmeydanı got its share of squatting movement in Turkey.

According to Işli, because of the dense housing building in Okmeydanı, even if the total numbers of monuments are unknown, it is predicted that only 60 monuments survived in 1985 out of 170.

4.3 History of Legislative Regulations and the Legal Statu of Land in Okmeydanı

As informed before, Okmeydanı was property of Fatih Sultan Mehmet Foundation. In Ottoman foundations had a crucial regulatory role that law of inheritance, legacy and land was the main subjects of foundations. The foundation established by Beyazid II with the testament of his father Fatih the Conqueror which makes the foundation a legacy foundation and because the foundation established by a Sultan, the type of land was *mîrî* land that cannot be sold or privatized. Fatih Sultan Mehmet Foundation is an example of social-civic intentional foundations that Fatih the Conqueror legated his

⁵⁴ İstanbul Metropolitan Municipality, 2007-2011 Strategic Plan, p. 23.

⁵⁵ Gayrimenkul Eski Eserler ve Anıtlar Yüksek Kurulu

personal wealth to Ottoman society. The first law of Foundations Law no. 2762 had enacted in 1935 in Turkish Republic era. With a change in 1938, the foundations established before 1926 namely before acceptance of Turkish Civil Law, law no. 743, recognized and classified as *mazbut* (fused) foundations. Mazbut foundation means that, there is not left any person who can run the foundation so General Directorate of Foundations carries on this type of foundations. Foundations have two types of properties according to Law of Foundation⁵⁶; *hayrat* and *akar* goods. *Hayrat* and *akar* are defined in the 3rd article of Law of Foundation. *Hayrat* means, good or services which is served freely and directly to public use by *Mazbut*, *mülhak* (appendant), *cemaat* (community), tradesmen and newly established foundations. *Akar* is defined as movables and immovable which have to be utilized to gain income in order to fulfill the aims and performance of services of foundations. So, the main different between *hayrat* and *akar* goods is; *akar* used to generate income to foundation where as *hayrat* has assigned for public good and services.

Because of the reason that Fatih Sultan Mehmet Foundation was established by a Sultan and the land owned by the foundation was *mîrî* land, the land owned by foundation in Okmedaynı registered as *hayrat* because intended use of the land was public good.

According to 15th article of the same law, *hayrat* properties are non-seizable, non-hypothecate and on these fixed properties lapse of time does not work for right of ownership and easement. On the other hand, the fixed properties against public order or lost its function of allocation and the ones which are not possible used partially or completely as *hayrat* properties can be transformed other or closer *hayrat*, can transferred *akar* or realizable by Foundation Council.

⁵⁶ Law No: 5737

According to 12th article of Law no 5737, because *akar* goods are aimed to use in purpose of income, foundations able to sold, change and exchange *akar* properties by decision of Foundation council.

During all those years, the status of Okmeydanı land was *hayrat* because the land was used to practice archery by janissaries, but in the course of time neither archery nor janissaries remained, so the region lost its *hayrat* characteristics and transferred to *akar* before the barter between Dictorate Generals of Foundation and Undersecretariat of Tresury narrates Beyoğlu Municipality Director of Legal Affairs.⁵⁷

The main reason behind the complexity of Okmeydanı case caused because of the ownership status and property type as explained in the previous paragraphs.

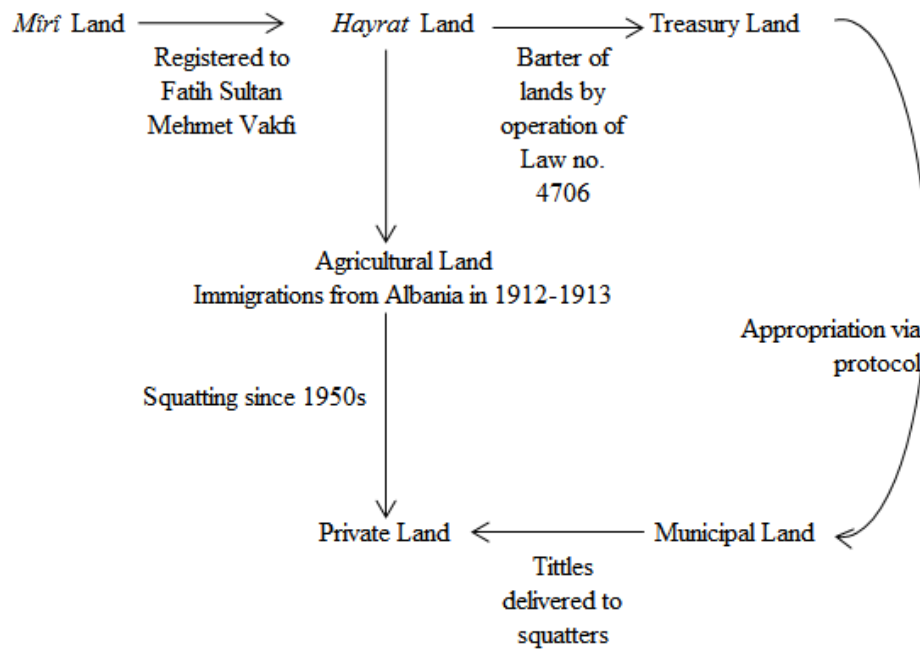


Figure 4.6 Ways of hand-overs of land property in Okmeydanı

⁵⁷ During a short interview about cancelation of 1/1000 scale implementation plans on 26th August 2014.

The problem of legal position between foundation lands and squatter people became a mare's nest because of handovers on land, construction of multi-story buildings and sharing of inheritances every passing year

According to Isli, first cadastral work made in 1952 and first rehabilitation plan made in 1964 for Okmeydanı⁵⁸ but because the whole Okmeydanı area declared preservation area in 1961 rehabilitation plans could not be implied. Purposely or un-purposely state condoned the new settlements in Okmeydanı and even suggests Okmeydanı to Van quakes victim in 1976.

In the article “*Beyoğlu ilçesi Okmeydanı Mıntıkasındaki Fatih Sultan (Mehmet) Vakfı Arazisi, Mülkiyet Sorunu ve İlgili Hukuksal Düzenlemeler*”⁵⁹ Kara claims that some of the residents in Okmeydanı is settled by the state after 1976 Van earthquake and various disasters.

In 1995, weekly magazine *Aksiyon* published article “*Kendi Evlerini İşgal Ediyorlar*”⁶⁰ and mentions 1976 Van earthquake:

For some being far from home is an obligatory result. Just as, experienced after 1976 Van quake which demonstrates Çaldıran and Muradiye. Bedri Maral father of seven is one of them. After 7.2 magnitude earthquake, resulted 3 840 people's loss, around 400 household placed in Florya, İstanbul. After staying 6-7 months in Florya, earthquake victims of Van transferred to abandoned “council estates” built in Piyalepaşa, Okmeydanı for civil servants. Bedri Meral said that “With broken doors and fractured walls council estates were not desirable after comfortable flats in Florya.

The example of Van quake shows that, not only migrants from Anatolia did reproduce the space, but also the state got involved the reproduction process

⁵⁸ These regulations cannot be confirmed either by Municipality Officials or any clue on these regulation cannot be found in the literature review during the research. But because the article published in the book “Beyoğlu” by Beyoğlu Municipality, the information given by İşli is trusted.

⁵⁹ Kara, Ufuk. www.turkhukuk sitesi.com/makale_1036.htm

⁶⁰ Gülmez, Sedat.
www.aksiyon.com.tr/aksiyon/newsDetail_openPrintPage.action?newsId=14844

by violation of property rights which is also under control of state hegemony; by not only connivingly let the informal housing but also knowingly and purposely let settlement in Okmeydanı.

During those years people continue to come, construct and buy housing in Okmeydanı. Handicaps on buying and selling issues because of the legal ownership status of land and buildings solved through notarial or mukhtar⁶¹ deeds, and sometimes people did not see necessity of any documents about selling. People use the properties they bought de facto. According to Turkish Civil law article 973 right of possession or passion title occurred that the residents used those properties just like its legal proprietor. Right of possession defined as the actual control over something. In order to give example apart from the infrastructure services residents of Okmeydanı uses, they also have legal obligations such as paying real estate and building taxes during the municipality of Haluk Öztürk Atalay⁶² and Hüseyin Arslan⁶³ constructions of multistory buildings allowed.

Even if the physical appearance of Okmeydanı has changed with construction of multi-storey apartment blocks, there are still single-story gecekondü houses in the area. The residents who did not demolish their single storey houses to build apartment blocks gave financial conditions as reason; tenants also gave the same reason when the question “Why did not you build gecekondü during those years?” asked to them.

⁶¹ In other words village or neighborhood headman

⁶² Elected in 1984 local elections from Motherland Party (ANAP) and remain in the Office between 25 march 1984 and 16 March 1989.

⁶³ He was Beyoğlu Municipality city councilor from Social Democratic Populist Party (SHP) Group between the years 1984 and 1989. Elected Mayor in 1989 from Social Democratic Populist Party and remain in the Office between 26 March 1989 and 27 March 1994.



Figure 4.7 A View of apartmants from Fetihtepe Neighborhood (Source: Personal Archieve)



Figure 4.8 A view of a street in Fetihtepe (source: personal archive)

Occupants of Okmeydanı, recognized first time in history by Özal Government⁶⁴ as holders of property rights. First planning pardon made in 1984⁶⁵. Even if the law involves all of the constructions built contrary to legislation concerning constructions in municipal and adjacent area borders,

⁶⁴ 45th Government of Turkish Republic formed on December 13th, 1983 by Motherland Party (ANAP) and served until 21 December of 1987. Turgut Özal is the prime minister of 45th and 46th governments. 46th government of Turkish Republic also known as the 2nd Özal Government and served between 21 December 1987 and 9 November 1989. Turgut Özal is the 8th President of Turkish Republic between 9 November 1989 and 17 Nisan 1993.

⁶⁵ Law No: 2981, *İmar ve Gecekondu Mevzuatına Aykırı Yapılara Uygulanacak Bazı İşlemler ve 6785 Sayılı İmar Kanununun Bir Maddesinin dEğiştirilmesi Hakkındaki Kanun* also known as Amnesty Law, or Özal Affi, accepted in 24.02.1984

except İstanbul and Çanakkale straits and military forbidden zones, foundation lands did not count in exceptions.⁶⁶



Figure 4.9 View from interviewee I-3's window. She shares the garden with two other single-storey gecekondü houses. Her neighbors are their tenants of her brother in laws from eastern part of Turkey. (Source: Personal achieve)

The land and the buildings constructed on land, which are against legislation concerning constructions and permits, under control of treasury, municipality, provincial special administration or General Directorate for Foundation included the second chapter of the Law no 2981 with an amendment⁶⁷ made in 1986. In addition, the structures constructed by gecekondü owners on the lands under control of General Directorate for

⁶⁶ 3rd and 4th articles of Law No: 2981

⁶⁷ 22.05.1986 via Law no 3290- article 2.

Foundations defined as the ones who can get “tapu tahsis” in the 10th article⁶⁸ of law no 2981.

But the residents of Okmeydanı could not get benefit from this amnesty law even if they deposit 2.000TL in Ziraat Bank to get their *tapu tahsis* documents. Because of the suits opened more than 3000 for the *actio negatoria, adequate pay* by Foundations.⁶⁹

Another initiative was the Decree of the Council of Ministers dated back to 07.09.1994⁷⁰. The Decree numbered 1994/6518 provides sales of 4310 foundation sites to occupants in Okmeydanı. However, the decision⁷¹ or the opinion delivered on possibility of the sale of *hayrat* land belongs to Fatih the Conqueror Foundation examines whether the sales are regal or not, decides that according to 10th article of Law of Foundations⁷² the sale of *hayrat* goods only possible just in two cases. Firstly, when it is detected that, they have not been used according to mission they have assigned or they are not suitable for public order. Secondly, the foundation should become functionless. In any case that the goods must be sold, it would be transferred to another foundation. On the other hand, the foundations are under protection of state and in the case of Okmeydanı, third parties namely occupants found bad intentioned rather than with good faith. So, with the decision number no: 283 dated 20.12.1993, the legal impossibility of the sales submitted to Danıştay⁷³.

⁶⁸ this article changed in 22.05.1986 via Law no 3290-article 4.

⁶⁹ Same article written by Kara.

⁷⁰

www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d21/c067/b123/tbmm210671230732.pdf
www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d21/c067/b123/tbmm210671230731.pdf

⁷¹ www.milliemlak.gov.tr/documents/10326/23940/2762.doc

⁷² Law no: 2762, dated 03.06.1935

⁷³ Council of State

First parceling and planning of Okmeydanı made in 1985 but because it is mostly a charity land master reclamation plan cancelled due to sue against it. Administrative court cancelled master plan in procedural terms because law was not led either any buildings or private property on glebe. Because of the fact that Okmeydanı remain as foundation land until 2010, master plans could not be done almost for 60 years.

For example in the expert report⁷⁴ prepared for the suit opened to İstanbul 6th District Administrative Court for cancelation of 1/1000 scale plans defendant writes in plea of defense that:

In spite of, the area in the borders of *Okmeydanı Tarihi Sit Alanları Koruma Amaçlı ve Etkileşim Geçiş Bölgesi*, exists in 1/1000 scale Dolapdere Piyalepaşa Bulvarı ve Çevresi Uygulama İmar Planı approved by İstanbul Metropolitan Municipality on 15.12.1997, subjected plans cancelled on 11.10.1999 according to decision number: 1999/1310 by İstanbul 5th District Administrative Court.

On the planning initiatives Rüstem Karakuş from OÇKD said that:

Recep Tayyip Erdoğan was the Mayor in 1997-1998. In that time they approved a plan in 1997 which was originally made in 1985 they just reconsidered some parts of it. We wanted approval and implementation of the plan which made in 1985. When in the first times of Okmeydanı, single-floor gecekondü houses tolerated by accepting bribe or by penalties; by means of penalties because this place does not have titles, municipalities were doing so. There was storey problem, population was growing but there were no response, TOKİ did not exist, nothing. Because of the fact that state did not take any responsibility; because state was not able to solve nation's housing problem municipalities had difficulties, they had to tolerate. The plan made in 1985 was better than none; even if it had parts to criticize it was better than construction without planning in Okmeydanı. [...] however, when plan was improved in 1997 during Recep Tayyip Erdoğan period with minor changes, but this time when plan has approved it was too late. The plan was no

⁷⁴ The report and decisions of suits opened against for 1/1000 and 1/5000 scale plans are provided by Beyoğlu Municipality Dictorate of Legal Sffair

longer suitable for new conditions; it was suitable for the previous conditions.

Till act no. 4706 in 2001 many steps had taken in order to solve property problem of Okmeydanı but because of the specific condition of Okmeydanı as mentioned and explained, process extend up until 2014 and many decisions had taken in order to protect Archeological and Foundation land in Okmeydanı from construction. These decisions are listed below and many opinions additionally received from different associations like architecture departments of universities, professional chambers, and regional directories of related government agencies.

Table 4.1 Protection Orders (Source: İstanbul Metropolitan Municipality, table prepared by the author)

	Date	Decision No.	Institution	Explanation
1	06.05.1961	1576	Gayrimenkul Eski Eserler ve Anıtlar Koruma Yüksek Kurulu	1.Borders of Okmeydanı determined 2.Construction has forbidden within the Borders of Okmeydanı
2	10.01.1976	8885	Gayrimenkul Eski Eserler ve Anıtlar Koruma Yüksek Kurulu	Okmeydanı declared as Historical Site which is supposed to be preserved as it was because of its documentary, spirituraal and natural characteristics
3	01.08.1984	824	Gayrimenkul Eski Eserler ve Anıtlar Koruma Yüksek Kurulu	Decided to continue decision number 1576
4	13.03.1986	2047	Taşınmaz Kültür ve Tabiat Varlıkları Koruma Kurulu	1.Decided to form greenbelts around milestones 2.Borders defined by decision numbers 1526 and 824 accpedted as valid borders of Okmeydanı

Table 4.1 (continued)

5	11.11.1988	857	Taşınmaz Kültür ve Tabiat Varlıkları Koruma Kurulu	<p>1. Even if one the milestones are removed, any construction or occupancy permit will be forbidden in the areas defined in decision number 857</p> <p>2.Okmeydanı will be evaluated as open-air museum after enough stones put on the original borders of Okmeydanı</p> <p>3. The borders defined with the decision number 1576 will be offered to cancel and instead the greenbelts defined in decision number 2047 will be accepted as new borderline of Okmeydanı</p>
6	24.02.1989	63	Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulu	Advisory decision
7	07.07.1993	4720	İstanbul 1 Nolu Kültür ve Tabiat Varlıkları Koruma Kurulu	Advisory decision determined as valid
8	06.01.1999	10574	İstanbul 1 Nolu Kültür ve Tabiat Varlıkları Koruma Kurulu	Borders of interaction site of Okmeydanı saved to maps for future construction plans
9	30.05.2007	1079	İstanbul 2 Nolu Kültür ve Tabiat Varlıkları Koruma Kurulu	Decided the decisions taken in 1961, 1976 and 1986 are still valid
10	20.08.2009	2863	İstanbul 2 Nolu Kültür ve Tabiat Varlıkları Koruma Kurulu	Decided to necessity of a physical site visit to Okmeydanı in order to see real estates which are subject to transfer or sale
11	08.01.2010	3135	İstanbul 2 Nolu Kültür ve Tabiat Varlıkları Koruma Kurulu	Borders of Okmeydanı Historical Site rearranged

Table 4.1 (continued)

12	08.01.2010	3136	İstanbul 2 Nolu Kültür ve Tabii Varlıkları Koruma Kurulu	Transfer or sale of various real estates
13	19.01.2010	754	Gayrimenkul Eski Eseler ve Anıtlar Koruma Yüksek Kurulu	Borders of Okmeydanı Historical Site rearranged
14	24.02.2010	3280	İstanbul 2 Nolu Kültür ve Tabii Varlıkları Koruma Kurulu	Accurate borders of Okmeydanı Historical Site has defined
15	15.09.2010	3770	İstanbul 2 Nolu Kültür ve Tabii Varlıkları Koruma Kurulu	1. Borders of Okmeydanı Historical Site rearranged, only 14 zone defined as Okmeydanı Historical site 2. Necessity to sanitisation of Okmeydanı in case of a quake because of the high risk caused by unplanned construction and overpopulated urban fabric
16	26.07.2012	627	İstanbul 2 Nolu Kültür ve Tabii Varlıkları Koruma Kurulu	1/5000 master plans approved

Table 4.2 List of decrees, laws and plans related to Okmeydanı (Source: the sources used in thesis, prepared by the author)

	Date	Decision Number	Authority	Explanation
1	1453	-	Fatih Sultan Mehmet	Conguest readiness
2	15th century	-	Bayezid II	Okmeydanı registered as charity property
3	1938	-	Vakıflar Genel Müdürlüğü*	Okmeydanı registered as foundation land which belongs to <i>Mazbut</i> Fatih Sultan Foundation
4	1950s	-	-	First Migration wave from Anatolia and first settlements
5	1952	-	-	First cadastral work

Table 4.2 (continued)

6	1976		Demirel Government	Van quake victims had placed in council houses in Okmeydanı
7	1984	Law no: 2981	Özal Government	Specialization offices opened for Tapu Tahsis Documents
8	1985		Beyoğlu Municipality	1/1000 plans
9	1989-1990a		Beyoğlu Municipality	Construction of multi storey apartment blocks
10	1993	283	Milli Emlak	Legal possibility of real estate (belongs to foundation) sales in Okmeydanı
11	1994	6518	Bakanlar Kurulu	Sale of 4013 parcels (belongs to foundation) in Okmeydanı
12	1997		Beyoğlu Municipality & İstanbul Metropolitan Municipality	1/1000 plans (did not approved or implemented)
13	1999	1310	İstanbul 5. Bölge İdare Mahkemesi	Cancel of 1/1000 plans
14	2001	Law no: 4706	Ecevit Government (Coalition with ANAP and MHP)	Barter of real estates between foundations and treasury became possible
15	2004		Vakıflar Genel Müdürlüğü & Hazine Müsteşarlığı	Protocol on barter of real estates in Okmeydanı
16	2005		İstanbul Metropolitan Municipality	Building demolitions

Table 4.2 (continued)

17	2010		Beyoğlu Municipality & İstanbul Metropolitan Municipality & Hazine Müşerşarlığı	Protocol on transfer of real estates from Treasury to Municipalities
18	2012		Beyoğlu Municipality & İstanbul Metropolitan Municipality	1/1000 & 1/5000 plans
19	2013		Beyoğlu Municipality	First shared title deeds (private property) delivered in Okmeydanı
20	2014	48	Beyoğlu Municipality	Okmeydanı declared as risky area under law no:6306
21	2014	1135	İstanbul 6. Bölge İdare Mahkemesi	1/1000 plan cancelled
22	2014	333	İstanbul 6. Bölge İdare Mahkemesi	Issue of stay order for the 1/5000 plan

The most important and common point of protection orders is decisions on protection such as adjustment of historical site borders and readjustment of borders or ban on construction comes after an attempt to open historical area to construction or an attempt of development plan. The decisions on protection mostly taken when the government agencies requested an opinion on the policies related to Okmeydanı, this also shows that since 1984 Okmeydanı is tried to be legally open to construction and zoning.

Contemporary master plans prepared and approved in 2012 however after, four suits opened against 1/5000 scale master plans, one suit against both for 1/1000 and 1/5000 scale master plans, five suits against 1/1000 scale master

plans and one suit opened against the enforcement of 18th article⁷⁵ of Law no: 3194.

The delivery of title-deeds in Okmeydanı has been done in accordance with the 18th article of the Turkish Construction Law, so the title deeds have been arranging on parcel bases that all shares on that parcel unite together and moved to north⁷⁶ then the shares in same parcel are relocated and redistributed in the same parcel. So both parcels and the shares in the parcels are relocated, and because shares are united and redistributed the type of title-deeds are shared title deeds (hisseli tapu) rather than detached title-deeds (müstakil tapu) which means that the title holders will not be able to renew their houses or deal with a constructor on their own, they have to agree with the majority 2 out of 3 according to Law No: 6306. Majority of 2 out of 3 is able to take any kind of decision and sign any kind of contract whereas the rest, 1 out of 3 has no voice or right, they have to agree with the majority which means there is a violation of property rights in the application of decision making process. Proprietors only have right to sue against the contract to claim their rights are underestimated with the condition of signing the contract that if the proprietor does not sign the contract s/he does not have right to open sue for issue of stay order and sue against the contract.

1/1000 scale master plan cancelled and suit for 1/5000 scale master plan has issued of stay order by Istanbul 6th District Administrative court because of the following reasons; the plan does not consider living spaces of the residents such as neighborhood relations etc. plan clears all the trading areas in community's living space; and does not bring any solutions on the

⁷⁵ Known as *hamur* because subdivision and integration of parcels regulated through this article.

⁷⁶ The information on the move directions of parcels is not shared neither in documents related to title-deed delivery process nor in Okmeydanı UTP Plans however a municipality officer who required confidentiality showed the maps of Okmeydanı which they work on move directions of parcels during the planning process, and did not permit to take a copy of their works.

housing problems of massive tenant groups until new structuring order has prepared.

The borders of contemporary master plan and Okmeydanı UTP are the borders of Okmeydanı Historical Preservation Site adjusted in 1961 and resumed until 2007; Christian, Jewish and Muslim Cemeteries at north, Piyalepaşa Boulevard at east, Kasımpaşa Hasköy Avenu at west and Kasımpaşa Kabristan Street at south are main lines of borders.

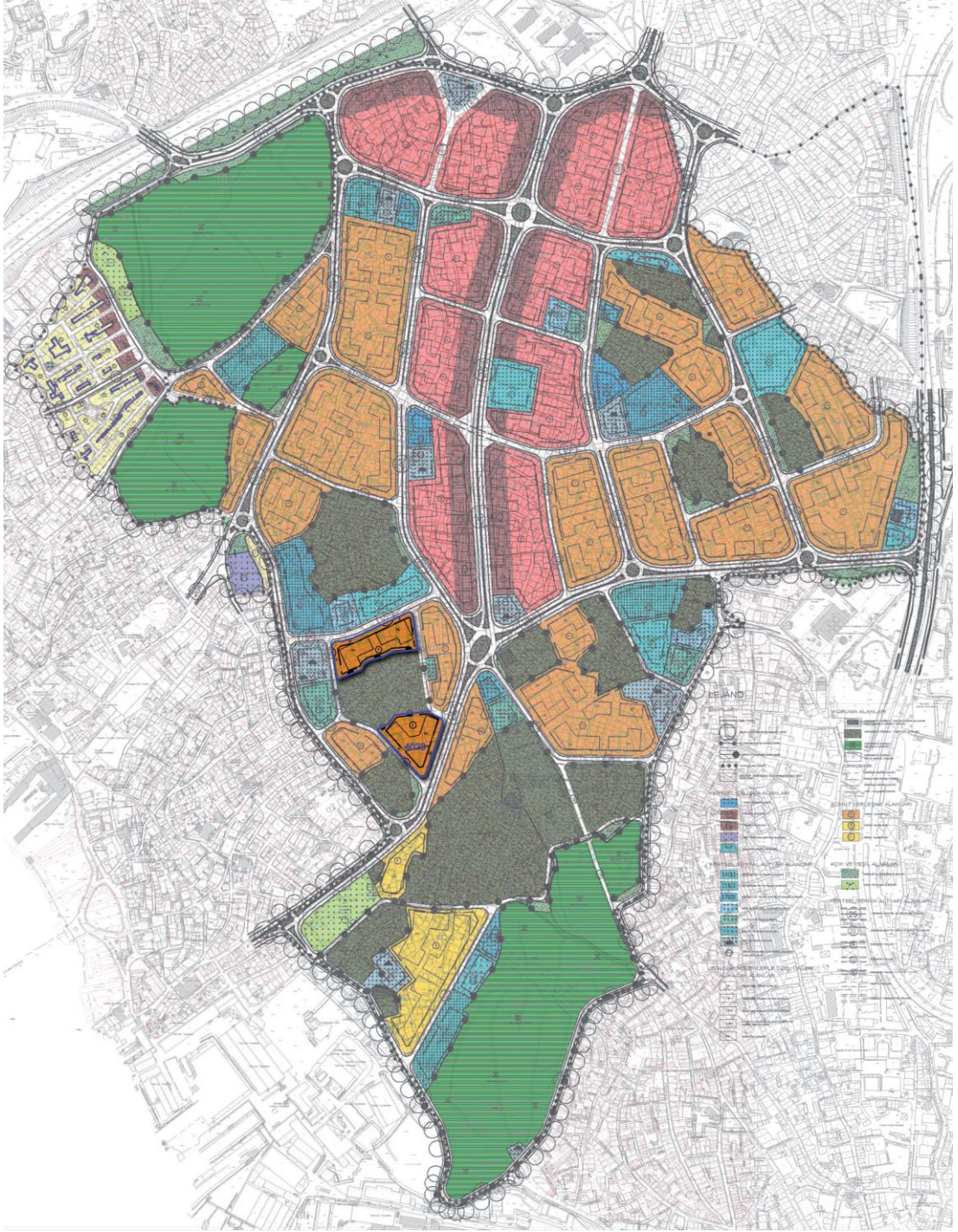


Figure 4.10 1/1000 scale master plan- Okmeydanı Tarihi Sit Alanları Koruma Amaçlı ve ETKileşim Geçiş bölge Uygulama İmar Planı

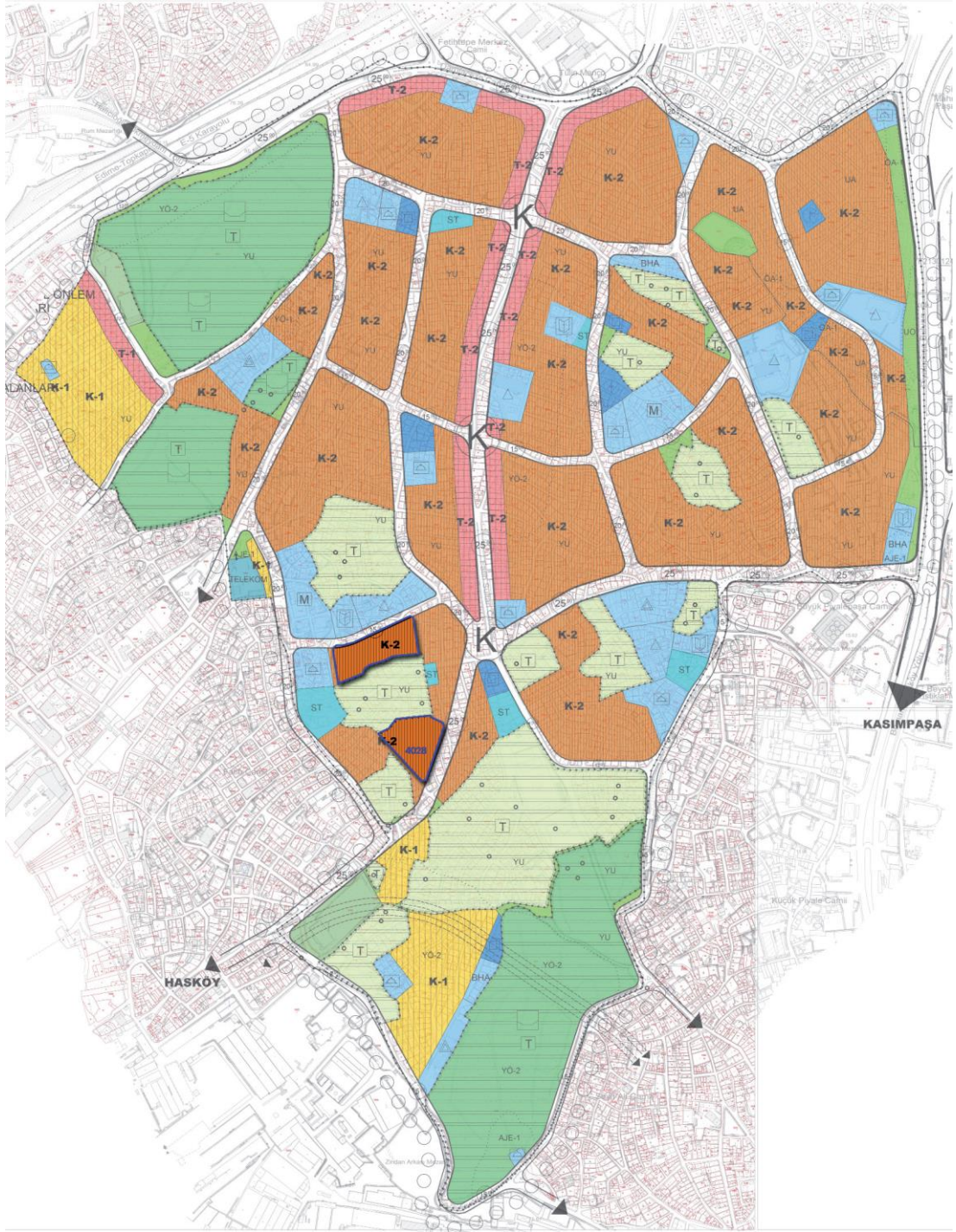


Figure 4.11 1/5000 scale master plan- Tarihi Sit Alanları Koruma Amaçlı ve Etkileşim Geçiş Sahası Nazım İmar Planı

4.4 Settlement and Housing

Today, there are 45 neighborhood units in Beyoğlu. Okmeydanı consists of Piri Paşa, Halıcıoğlu, Fetihtepe, Piyalepaşa, Mahmut Şevket Paşa, Kaptan Paşa, Keçeci Piri, Kulaksız and Kadı Mehmet Efendi neighborhoods. However, the border of planning area involves some parts of, Piri Paşa, Kaptan Paşa, Keçeci Piri Paşa, and whole of Fetihtepe and Piyalepaşa neighborhoods. Seven of these are in the borders of Beyoğlu district, and Mahmut Şevket Paşa neighborhood is located in Şişli district.

The population of Okmeydanı in Mahmut Şevket Paşa neighborhood is 14.000. Number of buildings in Şişli side is 589 and space of Mahmut Şevket Paşa is 15ha, average density is 933 people per hectare. Suitable space for settlement is 14.25 ha, non-suitable space is 0.35 ha, and protected area is 0.40 ha.

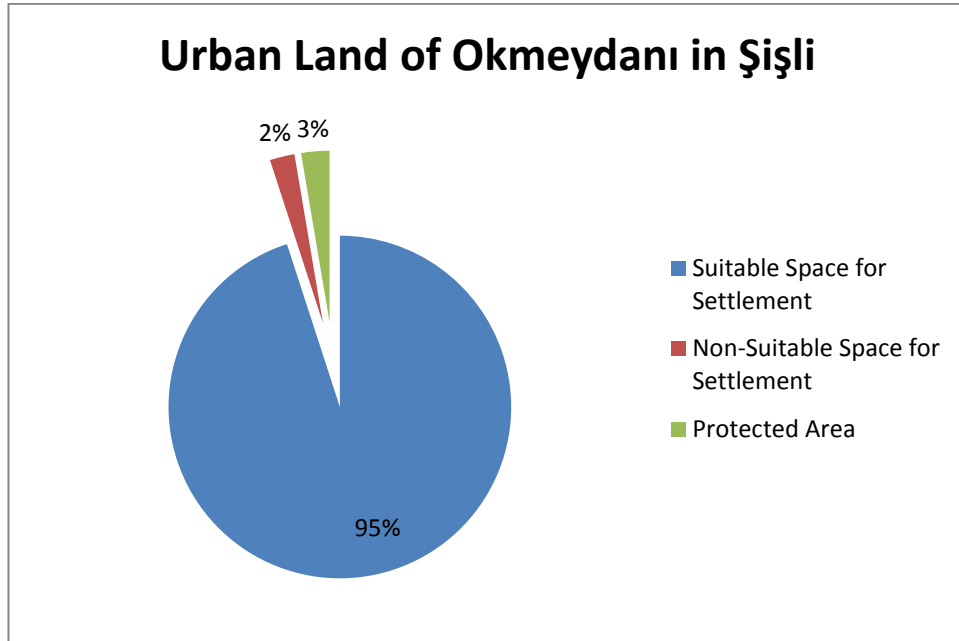


Figure 4.12 Urban land of Okmeydanı in Şişli Municipality

70% of property is on glebe and only 17% of property is subject of private property in Şişli side.

The population in Beyoğlu district is much more crowded with more than 70.000 people with average density of 855 people per hectare, average floor area ratio is 2, 15 meter and average story number is 4.

Table 4.3 Population and number of buildings in Okmeydanı

	Şişli	Beyoğlu	Archeological Site	Okmeydanı
Population	14.000	72.000	11.000	86.000
Space	15 ha	84ha	30,6 ha	160ha
Average Density	933	855	359	537
Number of Buildings	589	5603	814	6192

The population of Okmeydanı is one of the problematic issues of the project. For example in Gazete Beyoğlu, the given population of Okmeydanı is 75 thousand people⁷⁷, in the booklets delivered during the meetings at Okçular Tekkesi the settled population of Okmeydanı is counted as 86thousand, according to Vatandaş'ın Okmeydanı presentation⁷⁸ the given population of Okmeydanı is 74 thousand. According to another brochure titled as “Rüyaydı Gerçek Oldu⁷⁹” the population living in Okmeydanı is given as 86 thousand.

One another brochure prepared by Beyoğlu Municipality named “Artık Son Aşamadayız⁸⁰” writes that:

⁷⁷ February, 2014 Issue 25 page:3

⁷⁸ www.vatandasinokmeydani.com/images/Vatandasin-Okmeydani-Sunum.pdf

⁷⁹“Dreams Come True” The brochure downloaded from old version of www.vatandasinokmeydani.com at 04.01.2014 is not available at the new version of the web-site

⁸⁰ “We are at Last Stage” The brochure downloaded from old version of www.vatandasinokmeydani.com at 04.01.2014 is not available at the new version of the web-site

With the effort made in the planning area of Okmeydanı, we are at the last stage of the process which interest almost 100thousand people including you.

However, on the last page of the brochure the population in the scope of plan shown as 86 000; 14 000 people living in Şişli and 72 000 people living in Beyoğlu.



Figure 4.13 The brochure “Rüyayı Gerçek Oldu”

In the court decision no: 2014/1135⁸¹ the population presently living in Okmeydanı is recorded as asserted 78 000 -80 000 people that, even in the court decision the population of Okmeydanı remain in suspense. Different numbers of population is stressed so much because of two reasons. First of all, the residents of Okmeydanı are the main target of UTP and the number

⁸¹ Nurettin Çaykara prosecuted an annulment suit against Beyoğlu Municipality to cancel 1/1000 scale “Okmeydanı Tarihi Sit Alanları Koruma Amaçlı ve Etkileşim Geçiş Sahası” implementation plans at May 2013. İstanbul 6th District Administrative Court cancel the implementation plan in July 2014. Details are elaborated in following sections.

of population as well as the space width is the basic data should be known at the very first step of planning. Second reason is, hence the scope of Okmeydanı UTP is enormously big but the main authority in charge does not know the exact numbers of population that risks dependability of other type of data shared by the authority like distribution of property types and numbers of buildings.

İşte geleceğin Okmeydanı'ndan İpuçları



OKMEYDANI

► Planlama alanında toplam 86 bin vatandaşımız yaşıyor. Bu nüfusun 72 bini Beyoğlu, 14 bini ise Şişli ilçeleri içinde bulunuyor.

► Toplam konut alanı 841 bin metrekare. Toplam bina sayısı 5603. Şişli semtindeki 589 binaya bölünmüş bu rakam 6192'ye ulaşıyor. Koruma Kurulu Kararıyla Tarihi Sit Alanı ilan edilen 14 bölgede bulunan 814 binada ise yaklaşık 11.000 kişi bulunmakta...



- İmar parsellerinin büyük olması sağlanacak, bina oturma alanı büyük, çevresinde yeşil, altında otopark olan projeler üretilecek.
- Bu bölgede yaşayan herkes parkı olan, ulaşımı çözülmüş, okulu, hastanesi ve sosyal tesisleri bulunan, dayanıklı, depreme dayanıklı, bahçeli konutlarda yaşayacak.
- Kültür ve Tabiat Varlıklarını Koruma Kurulu kararıyla Tarihi Sit Alanı ilan edilen 14 bölgede kalan vatandaşlarımız, hakları korunarak mevcut yerlerine en yakın alanda yerleşecekler. Yani planlama, bölgede yaşayan yerleşik nüfusun yine bu bölgeye yerleşeceği hesaplanarak yapılıyor.
- Planda yerleri donatı alanında (yeşil alanda, yolda vs.) kalan vatandaşların mağdur olmamaları amacıyla tapu dağıtma işlemlerine İmar Planları onaylandıktan (yani haklar planla garanti altına alındıktan) sonra başlanacak.
- Planlama yapılırken vatandaşların mevcut ve kazanılmış hakları korunacak. Böylelikle mevcut şu kadar dairesi olan vatandaşımızı geri düşürmemek, zamanında arsasına çok da birşey yapamamış olana da geri bırakmamak istenmektedir.
- Bölge yine konut alanı olarak planlanacak; gelecekte bölgede sanayi, imalat ve depolama plan fonksiyonları verilmeyecek.
- Mevcut durumda yetersiz olan donatı alanları iyi bir planlamayla artırılacak. Binalar birarada toplanarak çevrede açığa çıkartılacak alanlarda yaşanabilir bir mahalle oluşturulacak.
- Nazım İmar Planı ile ekonomik, sosyal, kültürel ve ekolojik açıdan sürdürülebilir, yaşam kalitesi iyileştirilmiş, tarihi kimliği ön plana çıkarılarak sosyal çevresi ile bütünleştirilmiş sağlıklı bir yaşam ve şehir mekanları oluşturulacak.

Figure 4.14 Last page of the brochure “Artık son aşamadayız”

Okmeydanı region was almost empty till 1940s and 1950s, and was one of the neighborhoods migrates settled in İstanbul. After mass migration wave, Okmeydanı became housing zone build on foundation land. However, as mentioned before the settlements did not just start with integral migration from Anatolian side of the Turkey spesifically from Sivas, Erzincan, Gümüşhane and Erzurum provinces. This second migration after Albanian migration in 1912-1913 opened a new era for Okmeydanı that first hand-overs on land even if the land belongs to Fatih Sultan Mehmet Foundation occurred during 1950s and continued during 60s, 70, and 80s. In addition, Okmeydanı spesifically Kaptanpaşa neighborhood receive migration from eastern part of Turkey, more spesifically from Bingöl during evacuation of villages during 1990s.

In the same article of İlknur which is previously mentioned, narrates 1950s' Okmeydanı as follows:

[...] Till 1950's construction dynamism could not be observed at all. Until, at the end of 1950's. After Albanians, Pir Hüseyin, Yalınca, Akpıbar and İnköy villagers from Sivas province came to region as groups.

The sentences summarizing the situation in 1950s in an un-titled document given by a Beyoğlu city councilor as follows:

Since 1950's, with the dense migration to İstanbul, unavoidable structuring observed in Okmeydanı. The glebe used by citizens crowded with buildings.

Today, the residents of Okmeydanı are mostly the second and third generation, they born in Okmeydanı or their family migrated when they were new born.

For example, I-4 from Fetihstepe neighborhood tells her story as follows:

I was born and raised in İstanbul. Born and raised in here, even in the foundation of this house. My grandmother came from Giresun when my father was 6 years old. Now my

father is 67 years old, so they came around 1950s, they came in 1953.

Resident I-14's story is similar to, he said that:

I am from Erzincan. My father came in 1950's. I was born here. Make your calculation accordingly, I am 60 years old. I am here for 60 years.

The settlements continued during 60s, 70s and 80s.

I-10 from Kaptan Paşa also was born in Okmeydanı, he said that:

We are from Giresun, my family moved 35-40 years ago. I was born here. I born and raise from Kaptanpaşa.

Resident I-15 from Piyalepaşa neighborhood tells his story as:

I am 47 years old. My father moved İstanbul around 1960s. I am from Sivas, I was born in a village in Sivas. I came here in 1965-1968, around those years. Since then I live here. I was born and raised here, there is no elsewhere.

As mentioned before, Okmeydanı let in immigrants from eastern side of Turkey, it was very hard to get in touch with Kurdish people and they mostly did not accept talk. The ones spoken during this research was not so voluntary to give details about their migration story.

For example Hüseyin Bey⁸² from Kaptan Paşa did not let his voice recorded and avoided to answer the question why he moved from Bingöl to Okmeydanı, he said that:

I am from Bingöl and I came Okmeydanı in 1993. I did not move voluntarily, I forced to. I had to leave my village because of terrorism.

Resident I-6 from Kaptanpaşa neighborhood said on the question "When did you move from Bingöl?" that:

⁸² He bought his house in 2009 and has title-deeds. 1/1000 scale plan does not cover his house because it lies in the zoned area. Because the plan does not cover his property, interview did not completed but some basic information acquired. For example, he purchased his house 110.000 Turkish Liras and adds today the price of my house is 300 thousand Turkish Liras.

When did I leave Bingöl, do not ask it. I was forced to leave.
Only Allah knows who is right and who is not.

4.5 Use of Land

Graphics on land use in shows concentration on housing areas and increasing dense housing is also observable in maps at different dates. Shipbuilding yard in Haliç nearby Okmeydanı and many textile mills and other commercial and industrial workplaces play an incontestable role in settlement in Okmeydanı together with easy accessibility alternatives.



Figure 4.15 A view from 1946 Satellites (source:sehirrehberi.ibb.gov.tr, prepared by the author)

The urbanization process in Turkey gained its impetus from modernization in agriculture and it is no coincidence that newspapers from the late 1940s report on the extension of Marshall Plan aid to Turkey and also reproduce the first photographs of the gecekondu (Saraçgil, 1999, 104). Satellite photographs of Okmeydanı in 1946 shows shanty settlements has not started yet there parallel to general case in Turkey. Even, legal and illegal buildings

have not specifically counted in Okmeydanı, satellite photographs in 1966 and 1982 proves mushrooming of the gecekondu housing in İstanbul. Dense construction increasingly continued between 1960s and 1980s that almost there is no free space without a building on it.



Figure 4.16 A view from 1966 Satellites (source:sehirrehberi.ibb.gov.tr, prepared by the author)



Figure 4.17 A view from 1982 Satellites (source:sehirrehberi.ibb.gov.tr, prepared by the author)



Figure 4.18 A contemporary view from satellite dates 2010 (source:sehirreberi.ibb.gov.tr, prepared by the author)

Okmeydanı is a good example of produced urban land. Once upon a time it was raw land with historical monument, mass migration in late 1940s and 1950s worked as natural urban growth and land in Okmeydanı shaped as urban land. In the First Five Year Development plan municipalities charged with urgent infrastructure such water, sewer system and roads (1963-1967, 434).⁸³

Within time, housing problem in Turkish cities became a national problem and Second Five Year Development Plan (1968-1972, 274)⁸⁴ defined this problem as right to shelter and regard State as responsible by referring the Constitution. State, local governments transformed urban land to building land by constructing patterns of physical infrastructure. As seen in Figure 4.19 and 4.2, more than 30% of space assigned to roads and reinforcement areas.

⁸³ <http://ekutup.dpt.gov.tr/pla1.pdf>

⁸⁴ <http://ekutup.dpt.gov.tr/plan2.pdf>

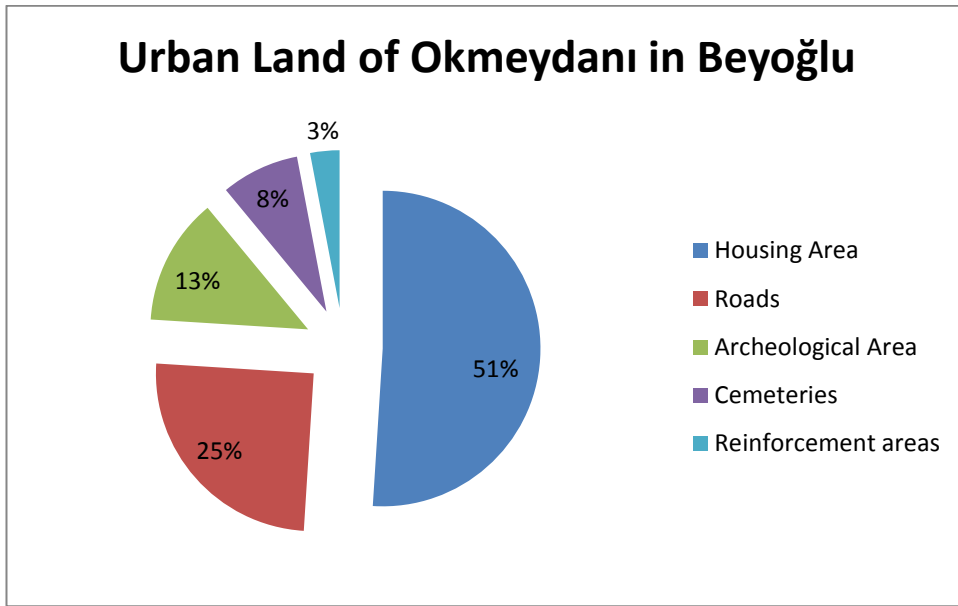


Figure 4.19 Urban Land of Okmeydanı in Beyoğlu Municipality (Source: İstanbul Metropolitan Municipality 1/5000 scale master plan information presentation, chart prepared by the author.)

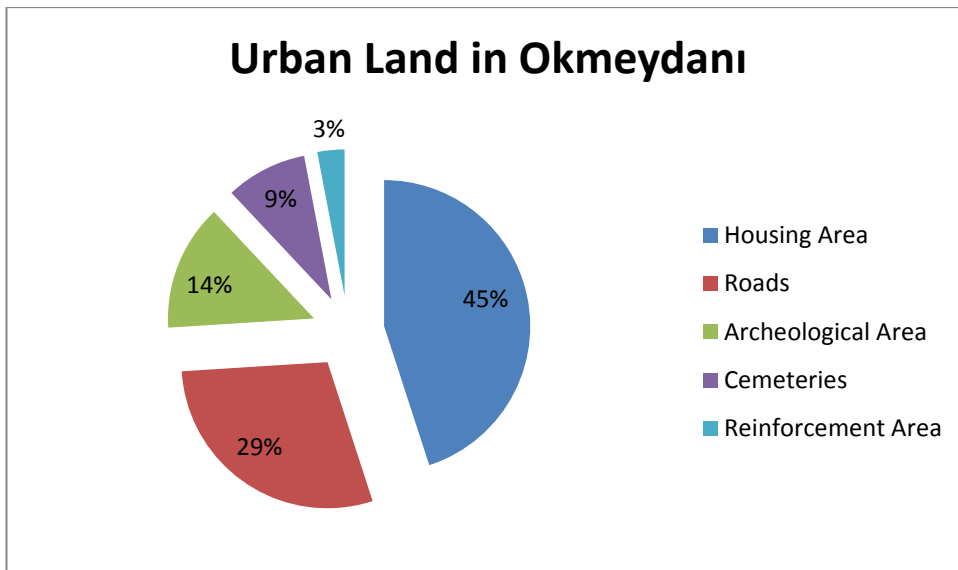


Figure 4.20 Land Use in Okmeydanı Beyoğlu (Source: İstanbul Metropolitan Municipality 1/5000 scale master plan information presentation, chart prepared by the author.)

By this way, urban land included to urban land market and became source of capital accumulation. Commoditized urban land has a price in relation to land rent it produces.

There are three factors that determine market value of urban land between 1950 and 1980 (Öncü, 1988). These factors are:

- Location within the physical fabric of city: the most durable feature.
- The provision of various types of infrastructure and social overhead facilities (roads, sewers, water, light, buses): they depend on large public investments and relatively long periods of time.
- Legal controls or restrictions such as zoning ordinance, building codes: administrative and political decisions, the most easily changeable feature of urban land in the short run.

These three factors are interlinked to each other and migrant flows, clientelist nature of politics, inflationary pressures, and weak financial sector were strong characteristic that affect those three factors.

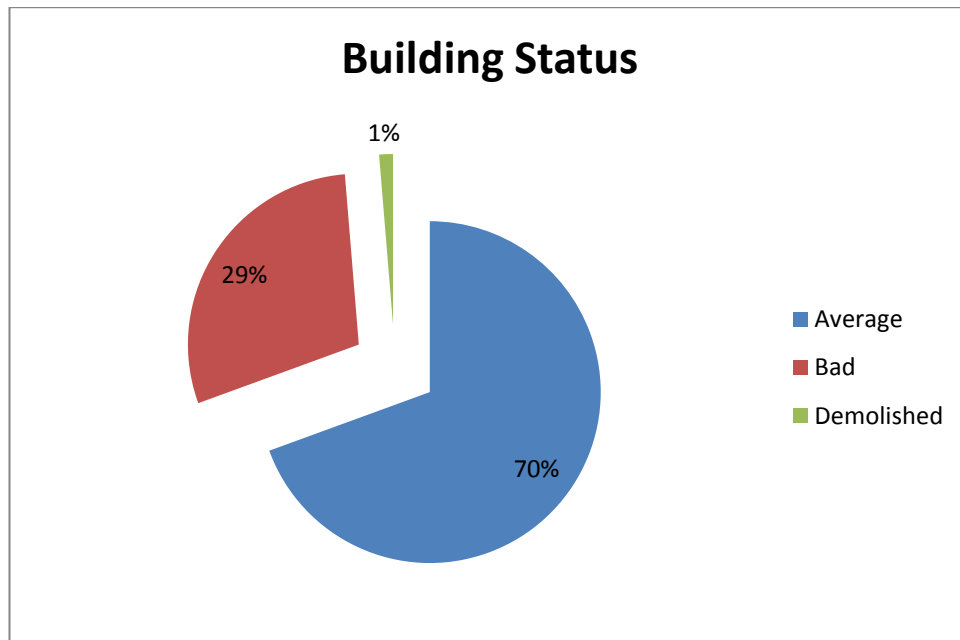


Figure 4.21 Beyoğlu (Source: İstanbul Metropolitan Municipality 1/5000 scale master plan information presentation, chart prepared by the author.)

As indicated to the contrary all decisions taken in order to prevent construction in Okmeydanı, today the region is densely constructed and according to İstanbul Metropolitan Municipality current situation of buildings divided into three.

Average Quality Buildings: These are low-rise condominiums and defined as “yiğma buildings” and does not fit city blocks, average parcel for this type buildings is 212m².

Attached Buildings: These are high rise buildings with common use of base floors and mostly suitable for commercial use. Average parcel for this type building is 222m².

Attacted Buildings: These are high dense buildings used mostly for housing. Average parcel for these buildings is 157 m².

Table 4.4 Current use of surface area of Okmeydanı (Source: İstanbul Metropolitan Municipality 1/5000 scale master plan information presentation, table prepared by the author.)

Total Area	160 ha
Archeological Area (14)	20,6 ha
Historical Cemetery Area (2)	13 ha
Total Historically Protected Area	33,6 ha
Total Housing Area	84,1 ha
Total Number of Buildings	5.603
Total Construction Area	198.7 ha
Reinforcement Area	4,3 ha
Roads	41,4 ha

Okmeydanı is like the nightmare comes true for State because from the very beginning of housing policy of the State as written in development plans the most important problem of gecekondü housing is the fact that they build on others private land and the aim was to solve this property issue of gecekondü housing. Even if property problem of the gecekondü had tried to be solved by numerous planning pardons and many dwellers got *tapu tahsis* documents, but because the gecekondü houses in Okmeydanı mostly build on foundation land, all of the legal actions in order to change hands on land failed. Law no 4706 remove legal barriers on selling foundation land and “problematic” lands transferred to related municipality. So differently from other urban transformation stories Okmeydanı case had Fatih Sultan Mehmet Foundation as an actor, but today the Foundation is out of picture.

Table 4.5 Distributions of Buildings according the use of purposed in Okmeydanı (Source: İstanbul Metropolitan Municipality 1/5000 scale master plan information presentation, chart prepared by the author.)

	Beyoğlu	Şişli	Total
House	2947	375	3322
House + Commercial	1292	74	1366
House +Industry	784	41	824
House +Depot	82	57	139
House+ Others	69	16	85
House + Associations	22	8	30
Commercial	159	8	167
Industry	120	1	121
Commercial + Industry	21	1	22
Religious	7	2	9
Education	3	1	4
Others	97	5	102
Total	5603	589	6192

Table 4.6. Okmeydanı Property Distribution (Source: İstanbul Metropolitan Municipality 1/5000 scale master plan information presentation, table prepared by the author.)

Type	Number
District Municipality	561
Foundation	634
Treasury	2414
Metropolitan Municipality	24
Individual (Private Property)	30

Table 4.76(continued)

Treasury + Foundation	56
Individual + Foundation	160
Municipality + Individual + Foundation	12
Metropolitan Municipality + Foundation	17
Other Shared Properties	17
Total	3943

The numbers of properties owned in Okmeydanı by different government agencies are known but the data before the protocol between Fatih Sultan Mehmet Vakfi and Tresuary are unknown; also there is no detailed information about the transfer of land from Treasury to Beyoğlu Municipality. The other unknown information is the location and square meter of properties owned by government agencies.

CHP Istanbul Deputy Haluk Eyidoğan gave parliamentary questions which can be found in Appendix A, about the parcel of lands transferred from Foundation to Treasury, a copy of the protocol of barter between these two agencies, and date of the transfer from treasury to municipality and the details about delivery of titles to be answered by Ministry of Finance and Ministry of Interior on 10.04.2014. However, these questions did not answered by the respondent on time and stayed unanswered.

Also in March 2014, Eyidoğan gave a parliamentary question to Vice-prime Minister Bülent Arınç on the properties owned by numerous Foundations in İstanbul. The question includes which foundation own how many real estates and lands, between the years 2002 and 2014 what kind of transfers have done between foundations and other institutions and which

real estates' and lands' transfer is still on process⁸⁵. However the answer of the question is so general that has only quantitative information.⁸⁶

Table 4.8 Number of Facilities and surface areas they take (source: Beyoğlu Municipality, table prepared by the author).

Before			After	
Type of Buildings	Number	Space (m2)	Number	Space (m2)
House & Commerce	5641	674.040	32 city blocks	619.116,94
Administrative Facilities	-	-	2	6.997,87
Municipal Facilities	3	629	3	8.640,40
Healthcare Facilities	2	371	4	8.001,21
Socio-Cultural Facilities	-	-	4	14.214,95
Sport Facilities	2	430	1	9.135,59
Historical Preservation Area	-	-	14	190.818,63
Greenery (Gardens)	1	4.536,00	27	22.228,44
Educational Facilities	4	5.959	8	60.185,38
Telekom Power Station	-	-	1	3.573,89
Religious Facilities	6	4.001,00	9	24.356,53
Graveyards	4	257.547	4	257.547
Social Facilities	-	-	5	14.883,09
Technical- Educational facilities	-	-	2	21.403,69
Total	5663	947.513	32 City blocks +84	1.261.103,61

If the 1/1000 scale plan was not cancelled, according to Beyoğlu Municipality the number of the buildings and the spaces they would take would be like Table 3.7

⁸⁵ www2.tbmm.gov.tr/d24/7/7-40424s.pdf

⁸⁶ www2.tbmm.gov.tr/d24/7/7-40424c.pdf

When types of buildings and properties relations analyzed the actors or interest groups in Okmeydanı occurs as follows: residents of Okmeydanı (beneficiaries/tenants and tradesmen), politivity makers, Fatih Sultan Mehmet/ Okmeydanı Foundation and non-governmental organizations. Because of the fact that, Fatih Sultan Mehmet Foundation is a *Mazbut* Foundation administrated and represented by General Directorate of Foundations and kept out of the picture after barter, the Foundation does not counted as an actor in the contemporary process followed in Okmeydanı during the field research.

CHAPTER 5

EVALUATION OF APPROACHES OF THE ACTORS in OKMEYDANI

5.1 Rent, Labor and Community Relations

5.1.1 Labor and property

The main problematic of the study is property, right to property and practices of hand-overs on properties. In this section of the case study, it is tried to be examined that how the squatters of Okmeydanı define their right to property on the land they bought and houses they built on the land belongs to Foundation. In case of Okmeydanı squatters mostly did not occupy the land at the first hand rather they bought the land or the houses or the houses with gardens from others.

One of the results obtained from deep interviews is that, Lockean proviso is still a valid justification. In accordance with the other result reached from the interview, which is the holder of rights getting their titles today did not the original invaders of the land; they have purchased the land and paid all building and real estate taxes.

According to an interview⁸⁷ published on Evrensel, Zarife Karadağ from Sivas says that they bought the land where they built their gecekondu, from Albanians.

Zabit Aktaş, Beyoğlu Municipality City Councilor said on the issue of ownership of right that:

⁸⁷ www.evrensel.net/haber/87823/okmeydaninda-kadinlar-kentsel-ranta-direniyor.html#.U7z83JR_vTp

This place is nearly an old accommodation unit. In the past, they gathered people together. They served electricity, they served water. They made people right holders, certainly there are other things, and there are places without title. However, the man paid his taxes in 1947, took receipt in 1947, it might be in the past too. I tell what I see. Until now, titles should have given the men who paid their taxes since 1947.

Okmeydanı Project coordinator Rukiye Canikli also live and growth in Okmeydanı said that:

I feel bad about, for example our elders, our fathers actually bought these places at one time. When there were gecekondu houses, scantily and with the money gotten from retirement they raised building. I want those people to this transformation because, they deserve it very much. They suffered a lot. They suffer from the first period. [...] There are old people who do not give power of attorney to their children. They say I will pursue myself. I will pursue, I want to get my title because inside they have this feeling. My place I want to get it. I made such an effort because I got in trouble until I construct that building. I had difficulties, I paid lots of money. They have such enthusiasms.

Ali Coşkun evaluates the contemporary process as follows:

[...] settled Albanians sold the land to late comers via notaries. Namely people from Sivas purchased, paid by money. But notary sale, not registered in the land office because it is property of the foundation. Normally, could not be sold by this way. [...] here, people already paid to notaries. When they were constructing their houses, municipal polices were coming, they paid bribes, they paid whatever. In 1984, they said we are certificating tapu tahsis, they said something. [...] people already paid ten times. Up to road, they build everything themselves. They pay taxes. The problem of title can only be solved if titles are given without charge. Unless, you sold title again, you are not solving to problem of title. [...] They could deliver titles freely; they could do a legal regulation about it and could say there are many title holders here, there is lots of labor.

Rüstem Karakuş defines the possession as follows:

One of the basic problems is ownership problem. As well as here we are the real owners, we do not seem the real owners legally, this needs to be fixed, this needs to be fixed on paper.

Even if they paid money in the past, İlknur Bektaş still defines themselves as occupants and normalize purchasing the lands. She said that:

We are the people who dispossess historical protected area. Well, we bought, our elders had bought but in a way we are on an enclosed area. If we are talking about rights and realities, there is such situation. [...] our elders, our relatives, mother-in-laws, mothers, fathers, and aunts, everybody bought from someone else. Anybody you see around did not actually enclosed anywhere. In a way or another everyone bough here by paying money, but before than the ones who sell, settled this place. In one way or another, they occupied here.

On the question of the ownership status, whether they own the house or tenants, people say even if they do not have titles, they are the owners. For example I-10 says that:

Ours, our family's. we say that we own the land but we do not have it, we do not have it as titled. But 35-40 years ago, our family came here, these places were like village, like farms, back in the days somebody perched here, somebody bought here, we had settled too. They bought from others; these places had used to be belonging of Albanians, back in times these places purchased zone-by-zone.

Resident I-15, from Piyalepaşa neighborhood tells those years as follows:

We bought the land from someone. We have tapu tahsis, in such a way that, back in days they gave it to ones, then they stopped. They said pay it, we will give titles to you, at that time 2-2.5 million Turkish Liras, but they did not give it, too. [...] Now, they say that the money is not the money of titles; Mayor says that during Ozal government they paid for no reason. It was impossible to find 2 million; they paid borrowing from him from her, from his paternal uncles. They sold the necklaces women were wearing, by taking it from her neck; it was not easy to find 2 million, they made us paid. And now I do not trust them at all. [...] This is because, they left us faithless. [...] By pinching and saving money; it was not easy to buy house in this place. In those days, these

places were farms; you could not go or pass alone. At that time, there was not any infrastructure. In the past, here was completely soil. During gecekondu times, there was not asphalt on roads, after and later turned into asphalt, sidewalks constructed, sewerage and water system had come. We did not have water; they carried water on their back from Kulaksız to here. We did not have water at homes; one bucket on one shoulder, one bucket for the other shoulder we were drawing water from wells in Kulaksız. Drink, cook or bath; in which purpose one could use the water, 2 buckets of water. There were no cars, nothing; on your back from Kulaksız. Cars could not be driven here, whole area was full of farms.

Tradesman I-18 who has optic shop on the Avenue Fatih Sultan Mehmet, even if he does not live in Okmeydanı and he is tenant at his shop; he wants to turn back to Okmeydanı in case of an urban transformation and said that:

I would very like to be here. Because we made great a great effort, we labor both materially and spiritually. We would like to get the results; we would like to be here. We are comfortable in here.

I-7 she is tenant at the same house at Keçeci Piri neighborhood. She is from Giresun, Alucra one of the dominant hometowns people migrated from. Her father came to Okmeydanı before she was born, after her birth her family turns back to Alucra, and because she got married she moved to İstanbul 28 years ago. She lives at the same single-floor gecekondu which does not have title for 20 years. She suddenly complained on the question “What is your expectations from municipality or the state?” She said that:

They are giving rights, titles to house owners; they do not give us anything. They surrounded the places which do not have titles, it is right of us, all of us. I am living at the same house for 20 years, it does not have title, it does not have anything; this is unfair, I have a right here, too. I do not want anything from the municipality. The municipality says that, we will recognize rights the ones who live at the same house for 15 years. I am living at the same place for 20 years, even I said to my house owner that this house is not yours, I am living here for 20 years, and I said this house is mine. But of course, I cannot do this.

In case of Okmeydanı, because property on land mostly changed hands in the past physical labor on land are not enough to claim right on property and titles. The money they saved and spend on land and houses, the financial outcome of the all the labor they performed is the most important thing determines the right to property. So, there is a direct link between human labor and property as claimed in the Lockean Proviso as explained in the second chapter of this study.

The residents of Okmeydanı justify and legitimize their ownership on labor and the relation between labor and private property reproduce itself not by grabbing the land in the previous centuries, but by purchasing it, adding their labor like to bargain the authorities for better infrastructure and the money they paid in the previous years like for tapu tahsis documents, building license for the stories and the taxes they pay. So the legitimization of residents on their right to property is can be summarized in three; first one is market mechanism they bought or rent the house and land, second is the investments made by public authorities and the last one is more personal and emotional that wherever their origin is they spent their life in Okmeydanı.

Because of specific condition unique to Okmeydanı, the power of hegemon is one of the main actors define the right of ownership. According to Hobbes, right to property or private property is about rights, civil law and sovereign. However, in this case state fails to protect the property which he supposed to. So, each time rights caused by ownership of any type of land or property whether belongs to a foundation or treasury has violated; it also means the fail of the state, as well as a challenge to his hegemony because of the reason quoted as “The Law of property comprehensively is the most important expression of the will of the sovereign authority” in the previous chapters.

5.1.2 Immoral economy of housing and rent

The relation between urban land and the market in Okmeydanı cannot be observed clearly, because urban transformation has not started yet. So, the capital and constructions firms still absent in the picture as actors. But the absence of construction firms does not mean that either the rent in Okmeydanı is low or attractive enough or they will not be included in the future. In order to understand the high potential of financial gain derived from any change on the ownership of the land in Okmeydanı, news⁸⁸ dated back 1995 can lead a good example that according to the news the income would gain on the sales of land in Okmeydanı as 78 trillion. In the light of this information it is not difficult to guess the income rate is at least doubled within last decade when the location of Okmeydanı in İstanbul has taken into consideration.

Spectacular developments and lack of housing policies for low-income families during mushrooming of irregular settlements developed a market economy (Buğra, 307). Commercialization of the enclosed land in Okmeydanı was not legally possible till the last amendments and regulations made after 2000s. It is possible to say that with the delivers of titles and the rumors about urban transformation project have already started speculations in Okmeydanı. Beyoğlu Municipality is aware of the commercial potential of Okmeydanı that, the Mayor and the Municipality tell citizens not to sell their properties until the process has completed. In order to give an example, in the booklet “Okmeydanı’nda 50 Yıllık Tapu Meselesini Çözdük⁸⁹” published by Beyoğlu, most asked 30 questions summarized and the 22nd question is “Mülkiyetini satmak isteyenler ne yapmalı?⁹⁰”, the answer given by the municipality is (p.21):

⁸⁸ www.zaman.com.tr/gundem_okmeydani-satiliyor_346689.html

⁸⁹ We solve 50-years-long title problem in Okmeydanı

⁹⁰ What should do the ones who want to sell their properties?

The solution of property problem in Okmeydanı has raised the value of every square meter in Okmeydanı at the very most. World-wide entrepreneurs, especially the construction sector; will lead their projects to Okmeydanı where there is a change of building a new city. Developing a common response to forthcoming proposals has significant importance for the future of Okmeydanı. It will be their benefit not to sell their properties till the end of the process and act in harmony when a project proposed.

The answer and guarantor position of the Municipality proves Buğra's claim, that "*the municipal control over land development and construction process is based on the legally defined powers and responsibilities of municipal governments*" (1998, 312). With the legal regulations on land, real estate rent will rise enormously in Okmeydanı which creates high possibility of dispossession of low-income squatters and people have concerns about it.

In order to understand the capacity of financial magnitude and the high rate of potential rent created by Okmeydanı UTP the words of Zabit Aktaş if his identity taken into consideration, he works and lives in Okmeydanı and he is elected as a city councilor, is crucially important. He said that:

Now, they charge gecekondü owner 100-150 thousand liras in such condition, when new flats built they will value 600-700 thousand liras, when they ask for the difference gecekondü owner cannot give that money, what will happen when they cannot pay the money, they will suffer there. [...] during İzfan, Ali Tekin Kotil and Haşim İşcan period; electricity, water, infrastructures serviced partially. There is a serious amount of rent here, there is serious source. This place is not like neither Fikirtepe nor Sulukule. Beyoğlu district can be seen, one side sees sea, and one side sees Anatolia. New buildings which will be constructed with urban transformation will sale at least 1 million dollars, 800 thousand dollars. The municipality is in power for 20 years, I do not believe that they perfectly think citizens. I live here for 10 years. 10 years ago, 5 years ago they did not say we think of you, your houses are unhealthy let's build new houses. As they did other places like Tarlabası, Sarıgöl, Sulukule, this place is rentable, too. They are opening spaces, spaces base

on rent. [...] The space is very huge, for example there is not a place that one constructor can overcome by himself, 50 constructors can earn their bread. 50 constructors, I mean on condition that building 300-350 apartments but what municipality will do, we do not know.

Ertuğrul Gülseven, city councilor whose youthhood spent in Okmeydanı, explains with an example of how the current values per square meter in Okmeydanı has changed by Municipality in his answer the question of “there are critiques on urban transformation projects like these projects cause displacement and indebtedness”. He said that:

[...] these critiques on displacement base on two reasons. The first one is Justice and Development Party and current government⁹¹. its local institutions say that, these places have very high rent values. Leave here and live in the places suitable to social life; they say gave this place to us. They approach from this perspective. In order to ensure this, they do not consider existing social life styles during renewals, so people do not obtain the possibility of living there. Because life gets expensive, I specifically say because our topic is the people living in Okmeydanı. The man who can drink tea at 75 kuruş at coffee houses; after change of social environment, even after the predicted structuring showed up, cannot drink tea at 5 liras, at those cafés. Because, the mayor personally says that I will make here Champs Elysees, in a place like Champs Elysees the prices will be suitable for it. It is not possible for low-income, proletarian and even poor citizens to live there at those prices; it is not possible for them to keep up with this life style. So naturally we think that, they will have to leave this place by selling their lands and will have to move somewhere else. [...] But this is organized before; 3-4 years ago current value for one square meter was 51 liras, today average current value for one square meter raised to 180 liras.

Lawyer of Okmeydanı Halkevi, Ali Coşkun mentions the perception of rent and rent as an example of contradictions of expectations, he said that:

⁹¹After this interview, Presidential elections hold in Turkey; the prime minister of 61th government (Recep Tayyip Erdoğan) elected as 12th President of Turkish Republic and 62nd government formed by new prime minister Ahmet Davutoğlu

The value of our house is 100 thousand liras, they will give us 500 thousand value house. They think that they will share the rent. My 100 thousand liras value house will become 500 thousand liras after urban transformation. If someone comes to me and says the same thing and if I have a house, to tell the truth I say that do it as soon as possible. However, this is not the truth.

On the other hand, city councilors from Justice and Development Party's group, the project coordinator and the Yeni Okmeydanı Association evaluate the ongoing project in Okmeydanı as an example of in-situ urban transformation. Although in-situ type of urban transformation is demanded in Okmeydanı people are not sure about the reality of this statements.

I-1, an anonymous authority who does not want to share his name because of his position at the municipality, said that:

Urban transformation projects should not change the space people live. Within this project, we are trying to keep neighborhood relations as it is, we should not only protect the physical space, and we should protect the social space, too. Our aim is to keep everyone living in Okmeydanı, stay in Okmeydanı and prevent anyone to lose of a right. [...] The project will arouse both national and international curiosity. [...] There is a need in Okmeydanı interesting 75 thousand people. We are trying to accommodate everyone in Okmeydanı and we are trying to do as flat for land basis.

Different approach of political party affiliations is very clear. For example, AKP's city councilor Şerife Geniş who is also a resident of Okmeydanı evaluates Okmeydanı urban transformation as different from any other projects, according her there will not be any occasion that resident of Okmeydanı do not approve. She said that:

Urban transformation should be in-situ, by this way transformation projects solve the social issues at the same time. Thus contributes, not only the current generation, but also the next generations. But renewal of buildings means that renounce some of our rights because there new buildings have manufacturing costs, and this needs to be shared. This is not indebting, this is renouncing a right. The source of project of title distribution is payments, deduction of existing

building stock. It is more important to stay at the same place rather than a transfer. [...] Tenants became holder of a right only with urban transformation, this is another surplus; their income will grow. [...] If we would give title to everyone according to their parcels⁹², 52 percent of people could not get their titles because of the reason that their spaces are becoming social facility areas. So, in order to protect their rights 20 percent cuts made on each square meter. This method, the purchase of title and land values and the raise of heights contribute financially, in order to run this project a financial source is necessary. There will not be any negative results. The basic issue was to make progress about titles and the come to an agreement among citizens. When citizens agree, they will know what their rights are. 70 percent of agreements is needed, 2 out 3 person should prove unless, there is nothing to do. We do not have power to take decisions on contrary to citizens.

Okmeydanı Project Coordinator Rukiye Canikli, does not agree the critiques like displacement and normalize the fear of displacement; she said that:

At the very first stage, when I hear about this criticisms I do not find it strange. If you ask why, In Turkey we started to talk urban transformation in the recent past. Implementations in other cities are very new. I wish there was a completed example that people are so glad. Actually there is an example; the example of Dolapdere. The tenants, who do not have rights, became house owners that TOKİ⁹³ show them houses at a certain place, now people pray for it. [...] If you ask me, at this stage every city, every district experience urban transformation will experience this fear because when we generalize there is not an example which serves as a model. I hope Okmeydanı is going to be good example.

İlknur Bektaş disagrees with the criticisms and said that:

[...] By supporting each other, we will have a new neighborhood. Because of this reason it is illogical to grouse about transfers like, I was transferred from here to there because we are creating a new map in an existing map without going anywhere else and taking space from

⁹² Titles are distributing according to implication of 18th article of law no:3194, at city block scales.

⁹³ Toplu Konut İdaresi, Mass Housing Administration

anywhere. We will do our transformation within our borders. People say that, it is impossible we will not pay any money for such an amazing project. They are missing something. The mayor has fear of Allah, so he acts according to this moral; he says that, pay the money of your land; the constructor who will built here will gave these lands back to you. You will give your land, and the constructor will gave the back the square meter you have. But people have fear that they will no longer be able to live here, there is no such thing. You are the holder of rights, you have title. There is no chance to victimize the ones who have tittles. [...] The most anxiety people feel about, who stands against urban transformation projects is the ones who are not convinced; such big and expensive apartments will be built with several balconies, with an amazing scene, with car parks, sport centers, mosques and djemevi; they will not let us sit such places. One says that, you are talking about 1 trillion value house; the value of my house is maximum 150 thousand liras. He cannot be convinced, he does not deem himself worthy. This makes me very sad, why do not you worth of it? Your land is so valuable, because your place is valuable they will give you a house.



Figure 5.1 An image of Okmeydanı after urban transformation (source: Beyoğlu Municipality, İlk Adım Presentation)

Although, the pro side of transformation give hopeful speeches about future; the perspective of the residents of Okmeydanı is a bit skeptical.

For example, 26- year old university student I-2, was born and raised in Okmeydanı, his parents were also born and raised in İstanbul. His grandparents are from Erzinca and Sivas, but he does not know when they migrated to Okmeydanı. He works at his father's grocery during holidays. They do not have any property, they are tenants both at home and work; on the question "What do you think about Okmeydanı being Champ Elysees after transformation" he said that:

Did they turned anywhere to Champ Elysees? But I want it, yesterday while I was on the road; I was in the car at our back street. I looked at the houses, one is like that, the other one is like this; I thought a decent system. I wish there was a decent system.

During the interview, there were friends of him at the grocery and they joined the conversation. One of his friends said that:

Urban transformation project would be positive, I mean in a way that; environment would be in tidy, there would be order if there was not any traffic jam but they think to make people not to live here. Namely, state is seeking rent here. No-one can live here; unless the state earns money. They will not ask for a small amount of money; people cannot able to pay that money anyway. If they want 100 thousand liras, people cannot pay that money so they will have to sell their places to the state. In the case, when people are not abused, everyone stand behind this transformation project.

Perception of the resident I-13 is similar, but because he is tenant, his concerns mostly about rentals. He said that:

Rentals will become so expensive, rentals will jumps, and houses will be very expensive. [...] If people will not be abused, urban transformation is something really good, they should transform whole İstanbul. Okmeydanı may become Champs Elysees but, we cannot live here, middle class cannot live here, because Okmeydanı will Champ Elysees. Who will be living here; Moneybags, high society and the ones who have lots of money will be living here. After urban transformation, Okmeydanı will high society's place and poor people will be reflected.

I-8 is from Antalya and he was born and lives in Kasımpaşa but has a coffee house at Kaptanpaşa neighborhood for 20 years. He does not have the property of his shop, he is tenant and in case of urban transformation he does not think that he can re-open his shop at anywhere, he says I probably will seek jobs, and he also said that:

Ones are seeking for rent; ones are trying to take people's bread from their hands and chasing rent. Where will they

exile us, they victimize people. [...] they will demolish and sell back citizen's own places, people feel offended.

I-10 supports urban transformation but said that:

I do not want to think about these (displacement and debts). Actually, we are paying our taxes for years; purchasing power of some would not be enough. You know many people are in financial difficulty. Because of these financial difficulties people may not afford. If they behave in a better manner and think more about those people, everybody gets happy. [...] I believe that Okmeydanı will become Champ Elysees, after all we have no difference from Europe, if our houses were more beautiful, which will be after urban transformation, we are not different at all.

Interviewee I-15's perspective differs from I-10. When the title condition of his house asked, he said that:

I do not have title, but they let us built for years. Now, he does not give us condominiums, he gives us land titles. It does not clear that in which place he will give titles, he does not sign a written contract too, and he says we will give, but he does not. If he signs a written contract, I will trust him. How can I pay 700-800 thousand liras for titles when the new blocks build tomorrow? Let's say they value my house 100 thousand liras, how can I pay the rest with 1000-1500 liras income? [...] For example, If want to sell my house, because I do not have title, nobody pays me 50-60 thousand lira. In all aspects, my house has 5 big rooms. The room in the middle (he means the entrance) is like a room, kitchen, toilet, bathroom are large. If I have title, I do not sell my house at least than 250-300 thousand liras, but because I do not have a title, I cannot find a client for 50-60 thousand liras. [...] I do not support urban transformation projects because it is a transformation for earning money or make some earn money from this place; the transformation is not for us.

Interviewee I-15 believes Okmeydanı can turn into Champ Elysees, however he said that:

Lux will be here, but we will not. Because of the reason that, the prices will begin at one trillion liras. They will tell us that, your place is that square meter take that money, take 50-100 thousand liras and leave. We cannot pay such amount of

money with 1.500 liras income, how can you pay. Your money will not be enough to pay the money of janitor; also you will not be able to sell your house unless you pay your debt. They will not give us freely, I do not believe.

Tradesmen I-18 also thinks that urban transformation is necessary but he adds as follow:

Urban transformation should be done at hundred percent but how should it be? The problems rise from this question. We want that, people should have been included the process. The transformation should not cause victimization of people, otherwise everyone supports urban transformation. Instead of a transformation that is done for constructors or a transformation that constructors gain rent; we think that a transformation should be done for citizens without victimization and displacement.

Tenant I-7 neither supports urban transformation project in Okmeydanı nor sees her future here, she said that:

They just talk to the house owners, are the rest dogs? They have solutions just for them, where will the rest go? We do not have any assurance. I do not have anything. [...] The ones who have house will get richer and live in a beautiful house. And we will live in the outer side of İstanbul; we will go under their foot. I do not have anything in order to support transformation. Because I will suffer, I do not support. Now in some way or other, I cheaply live. There is not any good side for me but there are many for house owners. If I cannot get benefit from anything, it is not beneficial for me.

Resident I-14 who prefers to live in his squatter is against urban transformation project because of the following sentences he said:

I do not believe the speeches given. The reason of why I do not believe is; my space is 200 m², they seize 100m² of my space and give me 100m². You also seize my 100m² space, from its right and left sides; you stole my 30-40-50 m², plus you are taking money from me for tittle. To me, it is a robbery, it is not proper. Am I right? This is seizure by violence. [...] There is something wrong about urban transformation. Why something is wrong? My address is here, he will give my title. I checked online, he gives me a place at the end of Okmeydanı. For God's sake! You will

give title to my place, to the land I bought. Why do you displace me? Since then, give title from my place, but he does not. He sent me to the end of Okmeydanı. [...] I have consent to live here, I do not want urban transformation. I more likely to live in gecekondu, it is better. If urban transformation happens, tomorrow there will be security, there will be janitors there will be this and that. I cannot support myself, how can I support myself there? I neither believe nor want Champ Elysees, I consent to gecekondu.

Although the Municipality officers announce the real respondent of urban transformation project in Okmeydanı as Beyoğlu Municipality and Dönüşüm A.Ş.⁹⁴; TOKİ still does not enter the picture but construction firms start to pop up. According to news⁹⁵ published on 29 August, 2014; Polat Holding started to have conversations with the residents of Piyalepaşa Neighborhood in June. According to same news, Polat Holding deal with 70 percent of right holders with titles and has deal only with 10 percent of the residents without titles. However, the number of independent units without titles is more than the ones with titles. Polat Holding also claims that they offer more than what Ministries can offer to them.

The ideas of the residents of Okmeydanı about with who they will transform their living space have similarities to Polat Holding that, they believe that construction firms will have better offers than municipality. The reason of asking the question “With whom do you want to transform” in the surveys that Beyoğlu Municipality made to the attendants at the meetings is Municipality wants to be top coordinator of the construction. While, none of the residents prefer TOKİ; they think that constructor can offer the best for their interest.

In addition during a ceremony about Tarlabası UTP, Mayor Demircan who defines Beyoğlu as the central district which whets appetite of investors and declares that as a future site of urban renewal, a project has already

⁹⁴ Construction firm of Beyoğlu Municipality

⁹⁵ www.emlakkulisi.com/polat-holding-piyalepasayi-donusturecek/283621

developed in Okmeydanı and says they as the Beyoğlu Municipality they are looking for the rights investor for Okmeydanı.⁹⁶

İlknur Bektaş says that the municipality is trying to inform people about not the sell their titles to construction firms. She said that:

People will not pay for nothing than the money they pay for their titles. The slogan of municipality is House for a House; Shop for a Shop that people will become richer because of the fact that there is no extra payment then titles. But some people tell them not to sell their titles to municipality; they are trying to create a land mafia here. I heard some of them but we repeatedly announce in everywhere like do not sell your property, do not sell your property either for big or small amounts of money.

Residents of Okmeydanı mostly prefer to deal with a constructor rather than the Municipality or TOKİ the reason behind their choice is they believe that constructors would submit much more profitable offers and in case of a competition between constructors their gain will be maximized, but also they would like to see the Municipality as standing behind themselves by so their rights will be under state guarantee.

I-2 prefers a transformation with a constructor because of the reasons that; the possibility of individual transformation and the fact constructor does not have power to impose anything.

I-10 says that he will think about when time comes, but he also said that:

In my opinion constructor is more logical. Hence, the municipalities have power to prevent something. For example, they give 80m² for 100m², if constructor gives one-for-one, I would like to deal with the constructor.

I-15 also prefers to deal with constructor, he thinks that the constructor at least tells what he will give to him but because of municipality does not tell, and because of uncertainties he does not believe the state.

⁹⁶ Central Istanbul district Beyoğlu needs 25,000 new buildings, mayor says. Hurriyet Daily News, 18.11.2014

I-18 said that:

The real problem bases on this. I think this should be done crystal clear. This place should be constructed by a constructor; MHA is the constructor of the present government. People, themselves deal with the constructors and the municipality should take initiative about this.

I-14 also prefers constructors in case of a transformation, he said that:

Today, in case of a transformation project and the municipality were doing it, did I have a chance or bargain? In order to give an example, the municipality says that your place is single-floor, I will give you 2 flats, and you cannot have more. They only 2 flats, seize 100m² of my space, demand money for title. How is this going to be, it is not convincing?

If the fact the type of titles taken on consideration, because the plans made according to 18th article and because the law no 2981 only used to determine the property owner, people in Okmeydanı not able to get their separate titles, Beyoğlu Municipality delivers shared titles that even if they want they do not have power on their land unless they do not deal with the ones who share the same city block.

So even today, informal housing sector cannot be discussed and studies without the state redistributive practices as Buğra claims (1998, 313). The commercialization of gecekondü and land still legally bounded to political decisions.

Economic results of urban transformation are the main result of handovers on properties which is defined by the relations between squatters and political authorities. Formalization and legalization of illegal housing areas also contribute in the formal economy that 1980's newly emerging market turned a rooted market in Turkish financial system that in time immorality of housing economy spread like a disease to all cities in Turkey.

5.2 The Power of Reaching Information and Having Knowledge

One of the results gained from the interviews is the answer “I do not know”. Even if the decision makers and representatives of non-governmental organizations are familiar with juridical and technical information about planning and the both processes of delivering titles and urban transformation projects; on the other hand, lack of information is common to citizens, the residents of Okmeydanı emerge when technical questions asked.

For example interviewee Yaşar Çetin, mukhtar of Piripaşa neighborhood is responsible to help, or answer the questions of the residents even if he has title and his house is not in the borders of Okmeydanı UTP. He said that:

Our knowledge is sufficient enough to enlighten people but our juridical knowledge is insufficient. [...] But I think I have enough information to make ourselves understood and enlighten citizens.

Participation level to OÇKD is very low compared to previous years and the main channel people get informed is thee meetings, booklets, brochures and other kinds of things organized by Beyoğlu Municipality.



Figure 5.2 One of the banners at Dört Yol location of Fatih Sultan Mehmet Avenue, Okmeydanı. It writes that “Congratulations Okmeydanı! We solve the fifty-year-old title problem” (source: personal achieve)

According to expert report given to court and the un-titled document given by Beyoğlu Municipality city councilor; 60 meetings hold with the attendance of residents, civil society organization and professional chambers by Beyoğlu Municipality. However, I-told the meeting process as follows:

More than 200 meetings hold, The Mayor personally gave speeches and chaired these meeting. The ones, who did not attend, detected and invited again and again, the aim was to zeroize the number of nun-attendants. The Mayor wanted people to get information from the first source.

On the contrary, Zabit Aktaş, City Councilor and member of residence and gecekondü commission says that there is not either a commission or commission meeting about Okmeydanı.



Figure 5.3 Information desk at a meeting in Okçular Tekkesi. In order to meeting place, one has to show the invitation letter which is accepted as a proof of s/he is holder of a right.⁹⁷. (source: personal archive)

The tenants have leaved out of the process; they are not invited to meetings.

But tenant I-13 said that:

Because of the reason I am tenant here, I do not get invitations from municipality but I am attending to meetings as a resident.

⁹⁷ Before entering the meeting place, people who called and invited base on their city blocks; people sign a document as a proof that they attend the meeting and against their signature Beyoğlu Municipality officers gave them a bag including a note book, a pen, the booklet of most asked 30 question, 1/1000 and 1/5000 scale zoning sheets, and a booklet about property distribution of their city blocks (the information in the booklet is who is where (parcel no., open address, etc), the function of the building, the title status, independent space (m²), gross floor area and new parcels according to plans), and a survey. In the case of you do not have an invitation letter, they kindly ask you to go to information desk and sign the sheet and get the bag they distribute. But if your name is not on the list, it is also impossible to get the bag. I personally tried to sneak in but neither municipality officers nor securities do not let me in. They also refused to give me one of the bags as an example to use in my study, I had to ask one of the angry attendents who is against signing the attendance sheet because he does not feel secure about why signature is an onligation. Today, the documents in that bag are available at www.vatandasinokmeydani.com because of the principle of transparency.

Coffee house owner I-8 says that because he is tenant, nobody informs me.

I-10 is one of the attendants of the meetings, he said that.

I attend the meetings. [...] I follow local TV channels, they discuss the subject but we cannot see this in national TV channels. But I do not think that I have enough knowledge. The thing I read or hear about, but I do not know how serious they are. We follow the things written or surveys, we follow such kind of things in a way or other but we do not know how real they are. I am glad to results of meetings but we do not want to stay as glad; we want something become real. We do not want them remain only on the agenda, remain unfulfilled. We hope so.

According to I-15, the meetings are not fair and because he is opposite; he is not let to speak, he said that:

A publicly open meeting did not happen, he calls base on neighborhood. So, I did not go, why should I go? He does not give me speech there. Give me right to talk and then say I will do this, I will do that; He does not say so. There is no meaning to go to the meetings. Talk to public, hold a public demonstration. [...] I do not have enough information. He says to whom I say, I will give (he means the promise of house for house, shop for shop), but he does meetings but there is no such outcome of the meetings. This man does not giving, he should give a written, signed, stamped contract regarding he will give, he should send it to all, but he does not do, too. I will give, then how will I trust you? [...] Newspapers do not write about, I will get information through OÇKD, they from neighborhood to neighborhood, they are making announces.



Figure 5.4 A photograph taken during one of the meetings at Okçular Tekkesi (Source: Beyoğlu Municipality İlk Adım Presentation)



Figure 5.5 Photographs taken during the meetings at coordination center at Fetihstepe Semt Konağı, Okmeydanı (Source: Beyoğlu Municipality, Rüyayı Gerçek Oldu (Dreams Come True) Brochure)

However, the meetings base on one-sided dialogues, the Mayor tells the projects and attendants passively listen. It has been observed that, during a meeting⁹⁸ at Okçular Tekkesi one of the attendants had evicted from the meeting place because of asking a critical question about the project.

⁹⁸ Meeting on 28th September, 2013 hold for city block no: 3564. Residents have invited according to new city blocks. The city blocks who will move to city block no:3564 are followings:3164,3165, 3166, 3167 from Keçeci Piri Neighborhood; 3189, 3190, 3191, 3192, 3193, from Kaptanpaşa Neighborhood; 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408,3507, from Piyalepaşa neighborhood; and 3452 from Fetihstepe Neighborhood.

Interviewees who takes a critical position against the projects have similar stories. For example Ali Coşkun said about that:

For example in the meetings we attend, the meetings base on city blocks, the municipality was making a special effort in order to prevent our talks.

Another interviewee I-19 also complains that, they not only cannot find a chance to speak at meetings but also he says that they declared as provocateurs. He said that:

The Mayor says that, around 100 meetings has been made, I attend almost 90 of them and I got a chance to ask questions in many of them. The mayor has already blacklist us, he says you are provocateurs, he says you ask questions in each meeting but as I said we cannot get logical answers to our questions, at least I cannot get the answers that satisfy or convince me that I still have questions in my mind. [...] I actually believe that they are trying to create an image and rumor of active participation in order to demoralize people. I do not believe a high ratio of participation, because the Mayor was saying when I get 60 percent participation rate, I will not recognize 40 percent. According to the Mayor the participation rate is 95 percent, but he is after that 5 percent. His first expression was in case of 60 percent of apply, I will not recognize the rest, but he is still chasing the 5 percent.

Not only Beyoğlu Municipality but also Okmeydanı Environmental Protection and Beautification (OÇKD) association holds meetings. However, the meetings do not base on continuity. These meetings hold by OÇKD are more like to action meetings like in cases of legal notifications send by municipality or on the topics what should we do in order to prevent the declaration of Okmeydanı as a risky area rather than the meeting the aim is purely giving information about what is what, they mostly have meetings after actions happens and they are more like to discuss what will we do next in order to make us heard by media, or the ones who support the actions of Beyoğlu Municipality. They have meetings mostly at village associations, fellow countryman associations and wedding ceremony halls. They mostly have meetings at their inner circle but they have also meetings and

organizations they act with other solidarities and associations that they invite the experts such as lawyers, architects.



Figure 5.6 Two protests⁹⁹ from 2013 and 2014 (Source: Zafer Ciğer and Fırat Şahin's personal archive)



Figure 5.7 A poster for a meeting hold by OÇKD, Halk Evleri and Haliç Solidarity. The title of the meeting is “What does Golden Horn Marina and Okmeydanı Urban Transformation Projects mean for Okmeydanı?” Date: 24.20.2013

⁹⁹ Firist picture is from a protest in Okmeydanı in May 2013, the day first title delivered by Recep tayyip Erdoğan, Prime Minister of 61th Government, at Okçular Tekkesi, Okmeydanı. The protest organized by Okmeydanı Tapu Takip Komisyonu (Okmeydanı Tittle Proceeding Commission) against shared titles, their demand detached title instead of shared titles. The second picture is a protests from June 2014 against municipal council decion of declaring Okmeydanı risky area, people gathered at İstiklal Avenue in order to make themself heard by national media and create a public opinion



Figure 5.8 A photograph of a meeting two days after the acceptance of Okmeydanı as a risky area by Beyoğlu Municipality at Çaltılı (Sivas) Date: 04.06.2014 Village Association (Source: Personal achieve)

Although the ones who is actively participate the ongoing process in Okmeydanı have knowledge of legal and technical details, lack of knowledge among interviewees during the interviews showed itself. Interviewees either do not know what does the concept that the question contains or do not know about recent decisions or occasions about the process. Some of the interviewees also do not know about the critical information such as the current value for one square meter of their houses or the newly calculated area (as m^2) of their places. Some of the interviewees also do not have the knowledge of course of proceeding, for example they do not know what happens when they do not apply for their tittles or even if they give their documents to get their tittles they do not know whether they will get their tittles or not.

For example, about risky area most of the interviewees evaluate the question only in the context of the strength of the soil, they do not know about the pros and cons of the law. As an extreme example, on the question of risky area; K2 does not know about the law no. 6306 and evaluates risky area as

the area with drugs and murders and she says that Okmeydanı is certainly a risky area in this matter.

There is also a lack of knowledge about their futures that most of the interviews do not know when and how the destructions will start and they also do not know what they will do during and after the urban transformation project. For example, when it is asked that do you think that you have enough information or informed enough by authorities about the ongoing process, I-8 said that:

I do not know anything. I am a shopkeeper here. My job is here, this line is full of tradesmen; but nobody know what will happen to tradesmen, where tradesmen will go, where they will move, nobody knows what will happen to us. This is a mystery, a worry in a way. For example, I want to paint my shop but I cannot paint because I do not know will there be a destruction, or I have things to fix but I cannot do either, because of the uncertainties, places are turning into ruined buildings. We cannot see tomorrow that we can act accordingly. Nobody informs us, during election time, they walked around with models at their hands, and they put up posters saying we solved the problems, we will not behave unjustly toward the tradesmen, and we gave everyone's titles. But they put them away, I do not know what happen to posters. Namely, we do not know, they do not inform us, we are waiting in a worry.

He also added on the question of critiques about urban transformation projects, because people are unconscious, because people left unconscious on purpose they are fooled.

One of the main reasons of lack of knowledge in the region is absence of professional chambers, civil society organizations or academicians who are in touch with ordinary citizens. Almost all of the residents interviewed said that they did not attend such a meeting with those kinds of experts mentioned; and the ones who have more information about technical issues are the ones who actively participate the process under a political party or a civil society organization and the municipal officers and councilors with

certain knowledge. That in case of Okmeydanı is like a living example of famous quote of Foucault which is “Knowledge is Power¹⁰⁰” which means that the knowledge is an instrument of power and who owns the knowledge can construct mechanisms for social control¹⁰¹. Because people do not have knowledge or cannot get the right knowledge about judicial and technical issues, they have to trust and follow what has told to them.

For example Ali Coşkun, because he is a lawyer has full knowledge of the judiciary side of the process, he said that:

As a legist, I can say that if the process has constricted as an issue of law, there is no case that we can win, but the courts and decisions also matters of political conditions. For example we have positive results on risky areas at Tozkoparan and Derbent; but if the conditions were a little different, we probably could not get the same result. Because the administrative courts and political hegemon at close interval, unfortunately there is such a picture in terms of decisions taken. [...] Our executives know the legal regulations as good as a legist.

Rüstem Karakuş’s example of how Beyoğlu Municipality shares information with the residents of Okmeydanı is an important example of how a support mechanism is constructed via the use of knowledge and how this mechanism strengthens municipality’s power. He said that:

They want to use all opportunities the law 6306 provides thus, they become more powerful which makes us weaker at the same time. While doing this, in order to legitimize their doings, they tell the opportunities that the law provides. For example, they are telling credit and value-added tax opportunities, housing benefits etc. they create an atmosphere that citizens give their consents to the law but the real aim is their own interests. [...] I can say that, the majority of Okmeydanı believe in Mayor because the majority of Okmeydanı listened to him. I can say that he had many meetings with more than 10 thousand, 20 thousand people for

¹⁰⁰ Gutting, Gary, "Michel Foucault", *The Stanford Encyclopedia of Philosophy* (Summer 2013 Edition), Edward N. Zalta (ed.),

¹⁰¹ O’farrel, Claire. “Key Concepts”

months, he arranges these meetings for years. The mayor of somewhere calls you, sends you legal notifications and says come, let's talk about this problem. People think that he is the mayor and attend the meetings. We also arrange meetings at wedding halls, we announce our meeting by making announcements on cars, and only certain amount of people who can barely fill the saloon attend our meetings. We can do this every two months at maximum, but the mayor had one meeting every day for a month, every day he gather as much as people we only can bring together for bimonthly.

So, in such cases like in Okmeydanı; people prefer to listen public or official authorities and because the projects and processes requires at least a basic judicial and technical expertise or knowledge, most of the time even if the fact that people attend the meetings, they cannot not get a solid grasp of what has been going on. Hence, knowledge all by itself is not enough to create a mechanism to create a control and support mechanism, in order to use knowledge as an instrument of power, ones also have other instruments to spread the knowledge they have.

On the other hand, the ignorance and lack of knowledge create an advocacy mechanism. Both of the groups the pro and con side of the project adopt an advocacy role to enlighten people in order to prevent any case which result an unjust treatment for the residents. In Okmeydanı, two different advocacy groups have observed. The two active associations; *Yeni Okmeydanı* and *OÇKD* play the advocacy roles. The role of con-urban transformation project OÇKD has been discussed and explained by giving examples and quotations. Yeni Okmeydanı Association has Pro-urban transformation project characteristics and its advocacy role is more about help people to get their tittles and inform people about the process like what the necessary documents, date of deadline are and why Okmeydanı needs an urban transformation. They have a website and publish newspapers and magazines to inform people about every detail even the address of the places. İlknur Bektaş and her husband Faruk Bey almost do the whole job. İlknur Bektaş tells the activities of their association as follows:

We inform people about meetings, via text messages and website, we also use Facebook efficiently. We say Congrats! to ones who get their titles. Because of the fact that we live in the same region, there is a high chance to meet in the street. [...] For example, The Mayor hold 200 meetings and he answered all the questions mostly asked by me like Dear Mayor, we do not understand this can you explain again. [...] We help people one by one both as person and as document; we get thousands of documents, we classify and direct each of them, even sometimes we take a cab with them and take them to the municipality building and we tell the officer help them.

The one who have the control both on knowledge and share of knowledge whether the circulating knowledge reflects the truths of lies; the owner of knowledge is one move ahead of the others, which is why the knowledge is power.

5.3 Divided City

Divided city defined as “a city in which special segregation is manifest in such a way that at least some of the residing population categories involved, and possible a broader range of people consider this a problem” in *Towards Undivided Cities: The Potential of Economic Revitalization and Housing Dedifferentiation*. So categorization and socio/spatial polarization are main characteristics of divided city. Although the literature on divided city is mostly about the results of globalization in terms of segregation and stigmatization between different immigrant, ethnic, racial groups at urban scale; gentrification, urban poor, low-income households, neighborhood inequality, socio-economic segregations are also fields of divided city literature¹⁰².

¹⁰² J. David Hulchanski, *Neighbourhood Trends in Divided Cities: Income Inequality, Social Polarization & Spatial Segregation*, 2010

Although İstanbul is not one of the divided cities of 21st century as Belfast, Jerusalem or Beirut in the book *Divided Cities* written by Jon Calame and Esther Charlesworth, it also cannot be said that there are not any segregated spaces in İstanbul.

Okmeydanı is one of the segregated places in İstanbul. Although the fact that most of the households in the region are low-income families and the number of international immigrants specifically from Syria, Turkic Republic and Africa rising; the division of Okmeydanı is mostly political and denominational. It has been observed that, this division is at the core of the relation with political power which also shows itself as matter of trust about titles and urban transformation projects.

When the problems of Okmeydanı and others the reasons behind the urban transformation project questions asked almost all of the interviewees mention the division in Okmeydanı as “aşağı- yukarı”. The discriminator words “aşağı-yukarı” define actually a physical discrimination referring to “down and upper” parts of a certain address that people can easily sketch the line. In order to give an example interviewee I-2 defined the borders as follows:

There is border line, the bus stop known as “çeşme” the down side of the bus stop extend all the way to Kasımpaşa, Kulaksız neighborhood known as the right-wing. The upper side of the bus stop extends all the way to Anadolu Kahvesi¹⁰³ known as the left wing. There is such a division.

The upper side not only identifies with left-wing but also identified with Alevis, but it observed that the interviewees live in the down side of the Okmeydanı does not emphasize on Alevis, rather they prefer to say left-wing; whereas the interviewees from the upper side of Okmeydanı use identity of Alevis as well as left-wing to define profiles. The majority of the

¹⁰³ Anatolian Coffee House is one of the main points in Okmeydanı, as the story goes when people migrated from Anatolia, they came this coffee house to look for jobs. There is also another coffee house on the left side of the same avenue, named as Şark Kahvesi (Orient Coffee House), many protest and attacks in Okmeydanı mostly around Şark Kahvesi.

upper side of Okmeydanı is from Sivas and Erzincan; the majority of the down side of Okmeydanı are from Giresun, Trabzon and Tokat.

Okmeydanı is also famous for the protest and conflicts increasing recently. Unfortunately some of the protests ended up with murder of innocent people; Berkin Elvan, Burakcan Karamanoğlu and Uğur Kurt. Berkin Elvan was only 14 years old when he shot in the head with a tear gas canister thrown by a police officer, after 269 days in come, he lost his life in 2014¹⁰⁴. 22 year old Burakcan Karamanoğlu shot in the head and lost his life during a conflict between a group from Okmeydanı and a group who were in Berkin Elvan's house on the day of Berkin Elvan's funeral hold, it has been told that DHKP-C took responsibility of murdering Burak Can Karamanoğlu¹⁰⁵. Uğur Kurt shot in the head by a police officer and lost his life when we was going to a funeral at Djemevi, in June 2014¹⁰⁶.

In addition to these murders in Okmeydanı, there are many conflicts happen between protestor groups and the police; practically the conflicts in Okmeydanı never end.

¹⁰⁴ <http://www.cnnturk.com/haber/turkiye/berkin-elvan-hayatini-kaybetti>
<http://www.cnnturk.com/haber/turkiye/berkin-elvanin-destekcilerine-hastanede-polis-mudahalesi>

¹⁰⁵ <http://www.hurriyet.com.tr/gundem/26104148.asp>
http://www.radikal.com.tr/turkiye/burak_can_karamanoglu_kimdir_burak_nasil_oldu-1181043

¹⁰⁶ <http://www.cnnturk.com/haber/turkiye/ugur-kurtu-vuran-polisin-polis-babasi-da-olay-gerindeymis>
<http://www.cnnturk.com/haber/turkiye/ugur-kurtu-vuran-silah-polise-aitmis>



Figure 5.9 A snap from the YÖK protest in Okmeydanı on November 6, 2014. (source: <http://www.hurriyet.com.tr/gundem/27528580.asp>)

The conflicts in Okmeydanı create a need for another study to analyze the dynamics because even for the calculation the number of protests, conflicts and attacks with Molotov is a field which should be studied. The region has been increasingly terrorizing every day and some of the interviewees evaluate urban transformation projects as a chance to create a new Okmeydanı with a new identity. A woman who has declined the interview request with her; but requested her sentences to be written. She said that:

I am tenant here; I do not know what will happen tomorrow, how can I predict the future? Let them demolish here so let's get rid of. This place has been conflicted, demolish as soon as possible.

Interviewee I-1 defines Okmeydanı itself as problem, he said that neither only terrorism, nor tittles on its own are not problems, the whole bit is a problem. Though, the most problematic issue about Okmeydanı is that the concepts and perspectives both on conflicts and urban transformation project have engaged. The aim of fixing bad reputation Okmeydanı also used as a legitimization instrument for urban transformation project; such it

has been said that Okmeydanı will be mentioned with a good reputation after realization of urban transformation project. Experienced conflicts and problems and even the objections against the process of title distributing and urban transformation problem identified as mostly political by interviewed local politicians and they certainly refuse these are not base on denominational differences.

Şerife Geniş said that:

There is not definitely a denominational reason behind the project, we have application both from Alevis and Sunnites, and we come down without facing any denominational difficulties, the objections base on political reasons. [...] As the people living in the region, we do not have denominational problems.

On the question that whether there is possibility for denominational or political reasons behind urban transformation project, Zabit Akbaş said that:

No, there is not such kind of a thing. Of course there are left wings, right wings and religious groups but they are different phenomenon. Our youngsters living here are short-temper. By saying so, their families think different, these youngsters think different. If the young is Marxist, he will of course defend his father or he is right wing in case of his father sent from here he will think so, he will defend his father. They connect each other. If there are people with different political view, does not the State know about it? I mean the state can easily clean out the left and right wings, if he wants. Does the state do so, no he does not.

On the same question only Ertuğrul Gülseven developed a different perspective and mentioned the socio-economic status of Okmeydanı as well as criminalization of the region and said that:

First thing a whet appetite is the rent which will be gathered here, because of this reason they have enthusiasm. Besides, they do not hide that they consider this region as criminal. They asked the same question you asked me, to the Mayor on the TV channel Sky360; when they asked him Okmeydanı is a criminal region, does this have an effect on urban transformation, his answer was crystal clear. He said that, yes

because if the social fabric changes in Okmeydanı, the criminal groups cannot survive here, he added that it will be beneficiary from this perspective. This is not my opinion, this is his. They handle Tarlabası in the same way as well as they did the same thing in Sulukule. They created perspectives like the Romans were causing disorder etc. In case of Tarlabası, they created an atmosphere like the migrant people mostly from eastern and south-eastern parts of Turkey have involved in terrorist and anarchist incidents. By doing so they provide an environment that people approved their actions by making people say “they do the right thing there”. As I understood from the Mayor’s speech, the perspective about Okmeydanı is not different, at all. But I have never think there is a denominational reason behind. In the borders of urban transformation project, there are people from Giresun Alucra, Erzincan, Sivas and Kastamonu; as well as Alevis, there are Sunnis too. This project is not society-specific; there are many kinds of people here but there is only one common characteristic. None of these people do not have any denominational, ethnical or any kind of problems. The people living here have problems about poverty. These people are facing economic rout. Attaching the protests which are caused by financial protests to ethnic and denominational reasons is not beneficiary for Turkey. [...] we should not talk about such discriminations, we should make people accept the fact that the common demand of people in Okmeydanı is to live in better financial and living conditions.

Most of the interviewees state that they tired of criminalization and bad reputation of Okmeydanı and believe that they will get rid of thanks to urban transformation that municipal officers do not hesitate to mention. In addition to that, the stigmatized part of Okmeydanı is the region known as the upper side, some of the interviewees believe that the reason behind the implication of 18th article of the Law 3194 is to mix and disarrange Alevis and left fraction in the region that the opponent character of these neighborhoods can dissolved. I-21 is one of the interviewees who think the government wants to dissolve Okmeydanı and finds this very problematic, he said that:

Of course, there is problem. They are trying to divide Okmeydanı in every way. This place has s neighborhood culture, people know each other from of old. By bringing

people from outside, for example Syrians came, drug dealers are here; everyone is here, by letting the scum of the earth here, they are trying to dissolve us. Because the most significant protests against the government happen here, when people make noises, the first noise come from here or Gazi neighborhood. They want to divide here to, their aim is to destruct all area via urban transformation project. [...] From of old days, an urban transformation is on the agenda for Okmeydanı, people were protesting in those years too. There is rent here. However, because people have lack of knowledge, they have are fooled by the promise of tittles.

A friend of I-2 in the grocery tells that Okmeydanı has been wanted to be destructed in the past, too but because of the revolutionary character of Okmeydanı people stand against it, and they did not able to reach their aim, today they discredit Okmeydanı in order to demolish.

Some of the interviewees also believe that, there always been protests in Okmeydanı but never been as much as today's, and believe that the process of urban transformation project speed up after the latest conflicts. Also there is a belief shared by some of the interviewees that media, on purposely or not, sharpens the division in Okmeydanı. For example interviewee I-10 who lives at the down side of Okmeydanı said that:

Many protests happen at the upper side of Okmeydanı and naturally we are uncomfortable about it. We are locals of Okmeydanı for 30-35 years; such kind of political conflicts, wars and fights make us uncomfortable.

He is also one of the interviewees who links the conflicts and urban transformation projects and uses a similar argument used by municipal authorities of Justice and Development Party. He said that:

We satisfy the expectations of the Municipality but cannot meet its expectations at the upper side because of the reactions. The process becomes difficult, at least because the upper side hinders. If you ask about our neighborhood, we give our support both to the Government and the Municipality rather than hindering the process. It is obvious from the results of elections.

Even the strongest argument of Beyoğlu Municipality is the results and re-election of the current mayor on the local elections hold in March, 2014. Beyoğlu Municipality legitimize its policies on titles and urban transformation projects by referring both the vote rate they get from Okmeydanı and the increase in the number of votes they get in comparison to previous elections.

The strongest political Parties in Okmeydanı are; Justice and Development Party, the Republican People's Party, The Felicity Party and Nationalist Movement Party. Numbers of ballot boxes were 204 for local elections in 2009, whereas the number of ballot boxes for 2014 local elections is 205. The numbers of registered number of voters were 61.891 for 2009 local election, while the numbers of registered voters are 64.974 for 2014 local elections. The changes for number of ballot boxes and registered in the neighbor number of voters base on neighborhoods as follow: İn Fetihstepe number of boxes decreased 2 units, whereas the number of voters increase 12 people in Kaptanpaşa number of boxed increase 3 units, whereas the number of voters increase 1324 people; in Keçeci Piri number of boxed increased 1 unit and the number of voter increase 529 people; in Piri Paşa number of boxes increase 3units, the number of voters increase 1452people; only decrease in the registered number of voters and number of boxes has observed at Piyalepaşa that the number of ballot boxes decreased 4 units and the number of voters decreased 234 people.

Although, there would be many reasons behind the changes in numbers of population that, the remarkable points should be taken into consideration are; only decrease experienced in Piyalepaşa where is famous for protests, conflicts, Alevis and leftist groups; the least increase has observed in Fetihstepe. These two neighborhoods leave each other by Fatih Sultan Mehmet Avenue. Highest increase in number of voters observed in Kaptanpaşa and Piri Paşa neighborhoods that the reason behind this change might be the fact that the lower ratio of the land under property of Fatih

Sultan Mehmet Foundation in compared to others, so the number of buildings with titles is more than other neighborhoods. These two down-side neighborhoods would be preferred also because of the absence of the protests and conflict. Nevertheless, these are the predictions about the changes, but yet they need to be tested to be proved which can be a field for another study, that it was impossible to measure within this study.

Table 5.1 Comparative results for 2009 and 2014 Local Elections (Source: Supreme Committee of Elections, graphic prepared by the author)

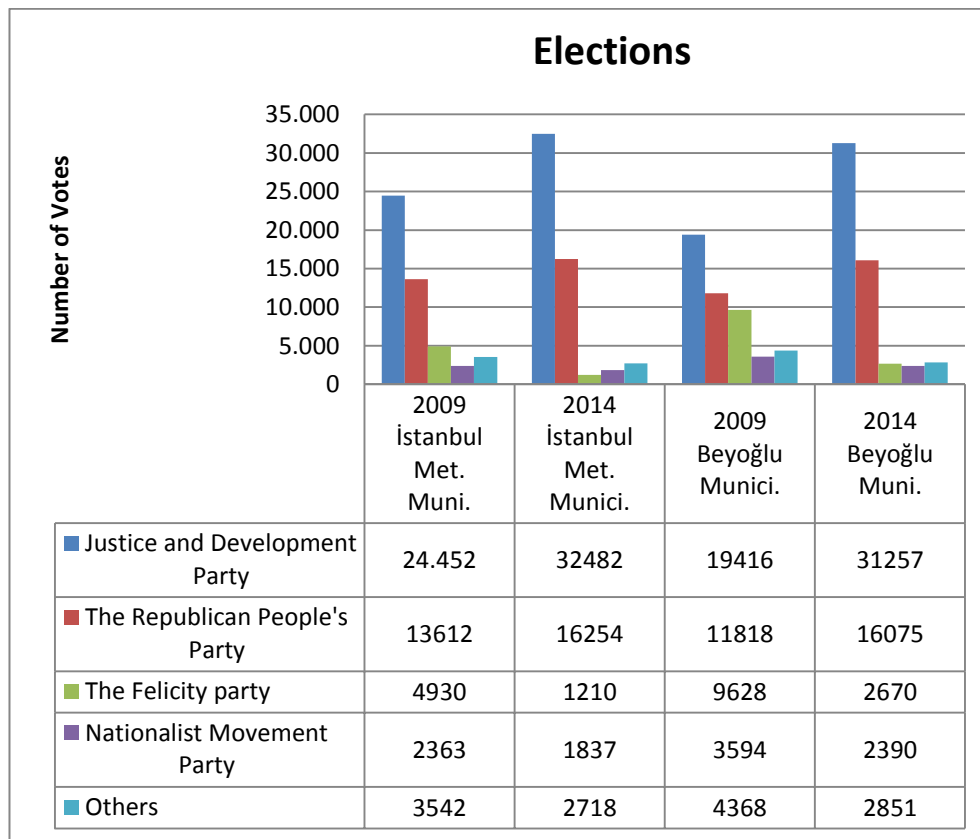


Table 5.2 2009 Local Election Results for the neighborhoods in Okmeydanı (Source: Supreme Committee of Elections, graphic prepared by the author)

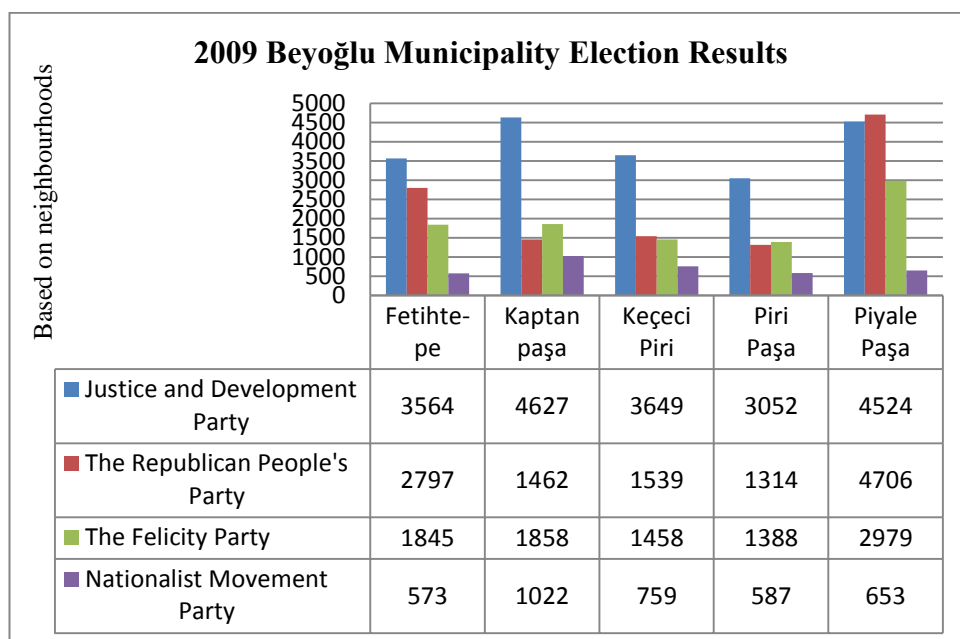
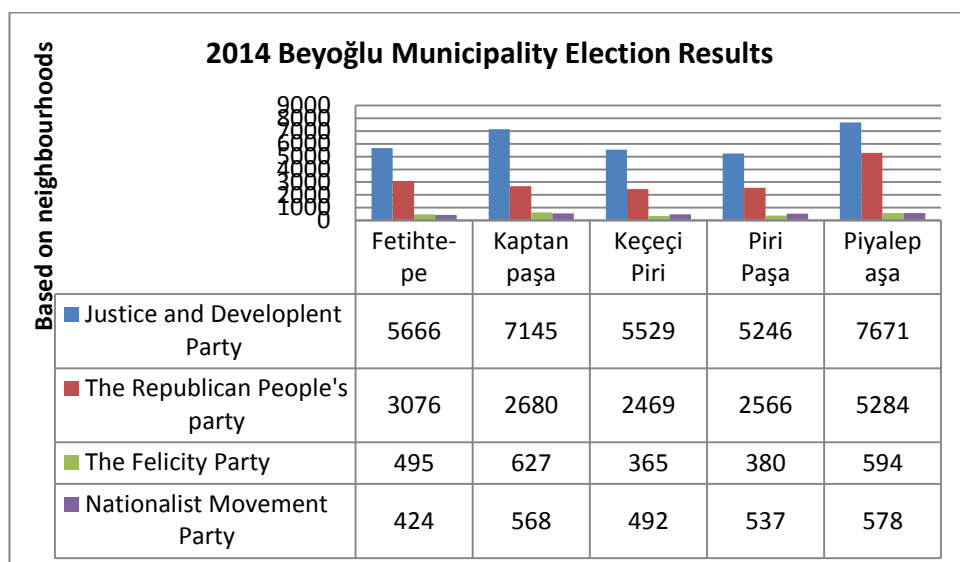


Table 5.3 2014 Local Election Results for the neighborhoods in Okmeydanı (Source: Supreme Committee of Elections, graphic prepared by the author)



The comparative results of local elections show that Justice and Development Party and The Republican People's Party strengthens their power in the region whereas Facility Party and Nationalist People's party

got weaken at very large extent. In 2014 elections Justice and Development Party did not fall below 50 percent of valid votes at any neighborhood, at got 56 percent of valid votes, whereas in 2009 local elections the percent of Justice and Development party for Beyoğlu Municipality was only 39 percent of valid votes in Okmeydanı.

It cannot be said that there is a homogenous distribution of votes for the Republican People's Party in Okmeydanı. The percentage of valid votes RPP ranks between 23% and 34% and got 29 percent of valid votes used in Okmeydanı in 2014 Local Elections for Beyoğlu Municipality, the percent RPP got in 2009 election for the same electoral district was 24 percent.

The percentage of valid votes The Felicity party declined from 19 percent to 4 percent from 2009 to 2014 local elections. Nationalist Party's votes declined from 07 percent to 4 percent from 2009 to 2014 local election in Okmeydanı for Beyoğlu Municipality.

If the other dynamics of local elections ignored, votes Justice and Development Party got in Okmeydanı means support and approval both for the Mayor and the policies he has followed. And the increase in the percentage of the votes from 2009 to 2014 local elections shows that there is a shift from other parties especially from the Felicity party. Even a shift and increase happened in the votes most of the interviewees declared that they had never changed and will never change their votes for promises given by the politicians because have lost their faith in political mechanisms. The main reason behind this attitude is previous experiences on distribution of titles as mentioned before; the other reason is that some of the interviewees do not believe the promises of politicians and their argument if the Mayor was able to solve this problem, he could solve in his previous terms¹⁰⁷. In addition to these reasons, some of the interviewees consider changing the

¹⁰⁷ Ahmet Misbah Demircan (JDP) elected his third term at local elections hold in 2014.

party they vote as selling themselves or their votes out, and handle the issue in moral context.

Chapter 6

CONCLUSION

This thesis aims to reveal the reasons and results of the tittle deed problem and in Okmeydanı and why the problem could not able to be solved during the past 60 years, even if Turkish urban history of gecekondu settlements contain many amnesty laws to solve illegal housing conditions and housing problem in Turkey. The study is structured in a linear process, from theoretical clarification to methodology and to the analysis of the case study.

The first chapter, a brief introduction on scope, structure and methodology of the thesis; the struggles and failures experienced during the field research and how these could be applied in urban space has discussed, a relation between theory and practice also tried to be established in this chapter.

The second chapter defines and discusses the main theoretical concepts of this study. The discussions in this chapter fundamentally aims to draw a relation between the core concepts of the study while clarifying what right to property and urban land is and what they mean for housing sector.

The third chapter narrates land and property regime in Turkey in historical context from Ottoman Empire to Turkish Republic. Types and transformation of land and differences between each type of land has explained. With relation to changing characteristics of land during urbanization process beginning from early republican years to 2000s, the tension and relation between public authorities and residents are also discussed.

The third chapter is followed by the case study in Okmeydanı. The fourth chapter deals with the transformation process of urban land in Okmeydanı and the roles played by the actors in the neighborhood in regard to direct comments of the interviewees.

The uniqueness of the case of Okmeydanı and the difference which separates Okmeydanı from any other urban transformation or gecekondu settlements is the type and legal status of land. Because the land owned by Fatih Sultan Mehmet Foundation and the legal characteristic of land did not let any sales or private property on it even if in the practice the whole area possessed and opened to settlement since Ottoman Empire era.

The contradiction between legislations and practices had been tried to be solved via numerous master and reconstruction plan attempts since the first attempt in 1960s. These attempts aim both protection of the historical characteristic of Okmeydanı and deliver the titles to right holders of gecekondu house owners, that enabling private property in Okmeydanı also enables to open Okmeydanı to capital investment. However, because of the reasons that Okmeydanı is historically protected area and the land in Okmeydanı was under control of General Directorate of Foundations any attempts like amnesty laws and master plans the legal statu of the land could not be transformed from public to private till 2001.

During those years the legal condition and characteristic of the land in Okmeydanı caused a tension within government agencies that municipalities and governments tried to change the legal status of land property whereas preservation boards and General Directorate of Foundations and General Directorate of Real Estate tried to stop those attempts and save the borders of Okmeydanı yet, the borders of historical site in Okmeydanı has been changed in time in parallel with master plan attempts. In 2001 due to a new law, barter of real estates from Foundations to Treasury became possible. With the protocol signed between institutions the ownership of lands

transferred from Foundation to Treasury in 2004 and the Treasury transferred the ownership to the Municipalities in 2010. The border of Okmeydanı UTP is also the border of the land previously owned by Fatih Sultan Mehmet Foundation and none of the residents have titles, they mostly have tapu tahsis documents. Hence, the residents of Okmeydanı have tapu tahsis documents, the municipality have to deliver titles to the right holders in Okmeydanı because tapu tahsis documents had delivered as a base to titles for future. So, it is not possible to ignore the existence of those documents and the ownership of right of the residents. By selling or delivering titles any kind of legal difficulties in future can be prevented before Okmeydanı UTP starts.

Finally, the findings of the field research discussed in the light of theoretical core concepts of the study in chapter five with the evaluation of comments of interviewees. At the end it is observed that irrespective of the perspectives of gecekondü dwellers capital finds its way to transform they type and legal status of land. On the other hand, because the urban transformation project is not started yet; the attitudes and reaction of the interviewees on the concepts of disposition and the change of societal environment could not be measured. Today in Okmeydanı most of the single-floor gecekondü settlements demolished during the 1990s, people do not hesitate moving to multi-story apartment blocks but new neighborhood relations like to whom with they will share the habitat and the cost they will pay to concierges are the main issues they worry about; although the authorities from Beyoğlu Municipality emphasize that the urban transformation will not start until all of the right holders registered with a tittle deed, and when urban transformation project is brought to agenda on the condition of a municipality-led transformation, people will know who will be their neighbors at the new apartment blocks.

The rent rate of Okmeydanı is really high because of the location and availability of the region, residents are aware of it, and they also aware of

the fact that the rents will be higher if they have their title-deeds; in addition to this if the economic geography of urban land rent in Okmeydanı taken into consideration, legitimizing settlement on land and privatization of foundation property in the core of İstanbul the cost price of urban land in Okmeydanı booms. So the rent gap in Okmeydanı resulted both from investments made by Municipalities and the legal status of land. With the labor of the gecekondü settlers and infrastructure investments of the municipalities the land value increased in time.

As in any other gecekondü settlement areas and urban transformation projects, the role of public authorities; administrative and legislative regulations predestinate the future of Okmeydanı that, current lawsuits brought against master plans and application of 18th article possibly will make it worse; neither Beyoğlu Municipality nor İstanbul Metropolitan Municipality do not act in accordance with the cancelation and stay of execution motions and continue to distribute title-deeds. Beyoğlu Municipality continues to sales of title-deeds; but the numbers are uncertain that according to website¹⁰⁸ the number of title-deeds offered for sale is 20.866; according to “*İlk Adım*” presentation which can be downloaded from the same website¹⁰⁹ the number of title-deeds offered for sale is 20.862; and according to another presentation which also can be download from the same website¹¹⁰ the number is 20.872; whereas the current number of rearranged title-deeds, in other words 438 of title-deeds sold until 04.09.2014.

The circulation of land property in Okmeydanı shows that Okmeydanı has experienced a very similar transformation process of land drawn by İlhan Tekeli that the only difference which is also the reason of the legal problems in Okmeydanı is the land in Okmeydanı did neither belong to public nor

¹⁰⁸ <http://www.vatandasinokmeydani.com/default.aspx> (03.09.2014)

¹⁰⁹ <http://www.vatandasinokmeydani.com/donusum/detay/Ilk-Adim-Sunumu/94/293/0>

¹¹⁰ <http://www.vatandasinokmeydani.com/images/Vatandasin-Okmeydani-Sunum.pdf>

private; that amnesty laws could not be applied in order to solve existing problem.

Although, Okmeydanı is one of the biggest and the largest projects there is not any other study or statistical data to compare and analyze the environmental change and the role of capital played, lack of such kind information about one of the largest gecekondu settlement area in İstanbul, also a very good example of how state led and did not took under control the use of land both legally and statistically. The same lack of knowledge is also valid for some of the interviewees that they do not know or remember the details like; when they first bought the land and how much money paid for that land, when they transformed their single floor gecekondu house in to multi-storey apartment block or the information about amnesties. For example most of the interviewees do not know how they could able to construct multi-storey apartment blocks like via an amnesty law or a master plan or regulation made by municipality that one of the residents said he forced his neighbors to demolish their gecekondu houses and build apartment blocks.

It should be drawn attention that the little contractors mushroomed in 1980, MHA work as the contractor of the state and large construction firms start to dominate the urban land and development, rent seeking role of capital in urban land construction become more obvious; and gecekondu dwellers accused gaining mesne profits and undeserved gain. People afraid of urban transformation projects results dispossession, gentrification and indebtment; people's thoughts on urban transformation projects show dualities. For example, they want to get a bigger slice of the cake but also they are aware of the fact that in the bigger picture there actors who are powerful than them, and they cannot get such big slices, their wish to deal with a contractor rather than the municipality or MHA proves that, because they believe that construction firms or constructors will have better offerings than state instruments. On the other hand, most of the residents are happy

with their houses in different to physical condition; it is also needs to be underlined that the interviewees who live in the apartments share the buildings with their family, a few of them has rental income from tenant, but they are not against beautification of the environment they live in.

Yet another factor that should be highlighted is public interest or in other words is Okmeydanı UTP seeking public interest or not? The continual planless developments up to the present in Okmeydanı caused possibility of unrighteous grabs on the properties produced on urban land as well as in other cases. However neither in 1/1000 nor 1/5000 plans, the term public interest is not included; there is not any clue on the public interest in Okmeydanı UTP, and because the plans are not implemented yet, and if the court decisions, 1/1000 plan is cancelled and 1/5000 plan is issued stay order, taken into consideration the future plan for Okmeydanı remains suspicious. Hence, it is difficult to tell and analyses what kind of public interest is pursued or not in Okmeydanı.

Whereas, this study has tried to illustrate the development process of Okmeydanı from past to up to date and outcomes of top-down governmental efforts; the case and the results of regulations still conflicted and an atmosphere un uncertainty dominates the region and actions of residents. Gathering further insights into the failures of governmental efforts and resident-politics trust relation may help to develop a better planning and policy making strategy to meet actors' needs and to bring an absolute result unless, the legal situation of gecekondü dwellers and urban land in Okmeydanı remain complicated and developing a solution will be difficult more than ever in case of continuity of conflicts that politically divided character of Okmeydanı will become deeper.

References

- Avcı, Cavit. Okmeydanı. TTOK Belleteni, Vol 51/330 January-February, 1976, İstanbul p.12-17
- Arıcanlı, Tosun. 19. Yüzyılda Anadolu'da Mülkiyet, Toprak ve Emek. Keyder, Çağlar & Tabak, Faruk (ed). Osmanlı'da Toprak Mülkiyeti ve Ticari Tarım. Tarih Vakfı YurtYayınları, 1998.p. 131-142
- Bonefeld, Werner. Primitive Accumulation and Capitalist Accumulation: Economic Categories and Social Constitution. The Commoner, No.2, 2001.
- Brenner, Neil; Marcuse, Peter & Mayer. Cities for people, not for Profit. *City. Vol.13, No.2-3, June-September 2009, Routledge p.176-184.*
- Buğra, Ayşe. 1998. The Immoral Economy of Housing in Turkey.
- Chatter lata; Harvey, David. Absolute Rent and the Structuring of Space By Governmental and Financial Institutions. *Antipode Vol.6 issue 1, pages 22-36 April 1974.*
- Clarke, Simon; Ginsburg, Norman. The Politicak Economy of Housing. homepages.warwick.ac.uk/~syrbe/pubs/ClarkeGinsburg_pdf
- Çiftçi, Murat. Osmanlı İmparatorluğu Döneminde Özel Mülkiyet ve Yapısal Özellikleri. *Turkish Studies Vol.6/3, Summer 2011, p.623-644.*
- Danielson, M. H.; Keleş, Ruşen.1985. Political Interests and Urban Development. *The politics of Rapid Urbanization. NY and London: Holmes and Meier. p.99-131*
- Deak, Csaba. *Rent Theory and The Price of Urban Land Spatial Organization in a Capitalist Economy.* King's College, March 1985, p. 16-98.
- Elpen, Levent. Arazi Rantının ve İşgalin Abidesi Fatih'in Vakfı Ok Meydanı. İstanbul.Vol.25 1998, Nisan İstanbul p 20-28
- Ercan, Fuat. *Toplumlar ve Ekonomiler.* Bağlam Yayıncılık, October 2011. p.72-89, 239-259.
- Erman, Tahire. Ankara Kent Çeperi Dönüşümüne Dönüşümüne İçeriden Bakmak. İdeal Kent. Vol.4 September, 2011.pp 185.

-Kent Çeperinde bir 'Devrimci' Mahalle: 1970'lerden 2000'lere Mahallenin Değişen Anlamı ve Mahalle Üzerinde Yaşanan Çatışmalar, Çekişmeler. *İdeal Kent* Vol. 2 December 2010, pp.170-195.

Ersoy, Melih (der.) , *Kentsel Planlama Kuramları*. İmge Kitabevi, 2008. – (der). *Kentsel Planlama, Ansiklopedik Sözlük*, Ninova Yayıncılık, 2012.

Ertürk, Hasan; Sam, Neslihan. *Kent Ekonomisi*. 3rd Edition, Ekin Yayınevi, February 2009, p. 148-183.

Evans, W. Alan. On Minimum Rents: Part 1, Marx and Absolute Rent. *Urban Studies* Vol.36 No.12 2111-2120, 1999.

Glassman, J. (2006). Primitive Accumulation, Accumulation by Dispossession, Accumulation by 'extra-economic' means. *Progress in Human Geography*, 30(5), p.608-625.

Gül, Murat. *Modern İstanbul'un Doğuşu: Bir Kentin Dönüşümü ve Modernizasyonu*. Sel Yayıncılık,2013.

Gülöksüz, Elvan. İnşaat Sanayiinde Uluslararasılaşma ve Sermayeler Arası İlişkiler. *Praksis*. Vol.19. 2009/1, p. 157-189.

Günay, Baykan. *Property Relations and Urban Space*.Metu Faculty of Architecture Press, 1999.

Güven, Özbay. Türk Kültüründe Kaybolan Miraslarımızdan İstanbul Ok Meydanı Spor Alanı. *Toplumsal Tarih*, Vol.3, Number 14, (February 1995) p. 14-19.

Güzey, Özlem. Türkiye'de Kentsel Dönüşüm Uygulamaları: Neo-Liberal Kent Politikaları, Yeni Kentsel Aktörler ve Gecekondu Alanları. *İdeal Kent*. Vol.7, September, 2012. pp. 64-83

Hall, Derek. (2013). Primitive Accumulation, Accumulation by Dispossession and the Global Land Grab. *Third World Quarterly*, 34(9), s. 1582-1604.

Harvey, David. *Sermaye Muamması*. Sel Yayıncılık, 2010.

-Sermayenin Mekanları. Sel Yayıncılık, 2011.

-The New Imperialism. Oxford University Press,2003. p.137-182

-Rebel Cities : From the Right to the City to the Urban Revolution. 2012. Verso p.27-66, 89-114.

- Land Rent and the Transition to the Capitalist Mode of Production. Antipode. Volume 14, Issue 3. Pages 17-25. December 1982

- The Future of the Commons. Radical History Review. Issue 109 Winter 2011 p.101-107

- The Geography of Capitalist Accumulation: A Reconstruction of the Marxian Theory pp.9-21 Antipode

- The Right to the City. New Left Review sep- oct 2008 p. 23-40

- Neoliberalism as Creative Destruction. The Annals of the American Academy of Political and Social Science, 610 March 2007 pp.22-44

- A Conversation with David Harvey. Logos. issue 5.1 Winter 2006

-In What Ways is 'The New Imperialism' Really New? Historical Materialism 15 (2007) 57-70

-“Yeni” Emperyalizm: Mülksüzleşme Yoluyla Birikim çev. Evren mehmet Dinçer Praksis 11p. 23-48

Hatt, Paul K & Reiss Albert J. Sovyet Kentinde Planlama ve Karar alma Süreci: Rant, Toprak ve Kent Biçimi. Duru B. & Alkan A. (ed), 20. Yüzyıl Kenti. İmge Kitabevi, 2002 p.173-205

Heywood, Andrew. *Property, Planning and the Market*, *Political Theory*. Palgrave, 2004. p. 316-324

İnalçık, Halil. Çiftliklerin Doğuşu: Devlet, Toprak Sahipleri ve Kiracılar. Keyder, Çağlar; Tabak, Faruk (ed.) Osmanlı'da Toprak Mülkiyeti ve Ticarî Tarım. Tarih Vakfı Yurt Yayınları. 2012, p. 15-35

Jacobs, Jane. Büyük Amerikan Şehirlerinin Ölümü ve Yaşamı. Metis Yayınları, 2011.p. 24

Kahraman, Tayfun. Kent ve Hukukun Yeni Yüzü: Düzenleyici Devletten Seçkin Devlete. Çavdar A., & Tan P. (ed), İstanbul: *Müstesna Şehrin İstisna Hali*. Sel Yayıncılık, 2013, p.17-46.

Kappeler, Aaron & Bigger, Patrick. Nature, Capital and Neighborhoods: “Dispossession without Accumulation”? Antipode vol. 43 No.4 2011 pp.986-1011

- Karaman Ozan. Urban Pulse- (re)making space for globalization in Istanbul. *Urban Geography*, 2008, 29,6 pp.518-525.
- Karayağın, Murat. *Konut Bunalımı Kent Rantları ve Proje Muhafızları*. January 2009, p.96
- Keleş, Ruşen. *Kentleşme Politikası*. 11th Edition İmge Kitabevi, 2010. p.272-278, 372-380.
- Keyder, Çağlar. Capital City Resurgent: İstanbul since 1980s. *Contemporary Turkish Studies*, LSE, 8 December, 2008
- Kentbilim Terimleri Sözlüğü. İmge Kitabevi Yayınları, 1998.
- Lefebvre, Henry. *The Production of Space*. Oxford: Blackwell, 1991. p. 26.
- Lopata, Benjamin B. Property Theory in Hobbes. *Political Theory*. Vol. 1 No:2 (May, 1973), p. 203-218.
- Locke, John. *On the Second Treaties of Government, Of Property*. Chp. 5
- Loveman, Mara. The Modern State and the Primitive Accumulation of Symbolic Power. *American Journal of Sociology*. Vol. 110, No.6 May 2005 p. 1651-1683.
- Marx, Karl, Capital Vol.3 (Engels, Frederick Ed.) *The Process of Capitalist Production as a whole* International Publishers, ch.38 [http://www.marxists.org/archive/marx/works/1894-c3/index.htm\(1 of 3\)](http://www.marxists.org/archive/marx/works/1894-c3/index.htm(1%20of%203)) [23/08/2000 16:00:19]
- Capital, A critique of Political Economy (Engels, Frederick ED.) The Modern Library, Charles H. Kerr &Company, New York, 1906. Part VIII.
- Mundy, M. , Smith R. S. Modern Devlet'e Giden Yolda Mülk Siyaseti: Osmanlı Suriye'sinde Hukuk Yönetim ve Üretim. Tarih Vakfı Yurt Yayınları,2008,
- Neuwirth, Robert. 2006. Proper Squatters, Improper Property. *Shadow Cities: A Billion Squatters, a New Urban World*. pp. 281-306.
- Nişanyan, Sevan. Rant. Sözlere Soyağacı: Çağdaş Türkçenin Etimolojik Sözlüğü. 6th edition. Everest Yayınları.2012 p.513.
- Öncü, Ayşe. *The Politics of the Urban Land Market in Turkey: 1950-1980*.

- International Journal of Urban and Regional Research, 12(1). 1988. p.38-63.
- Proudhon, Pierre-Joseph. Mülkiyet Nedir? Türkiye İş Bankası Kültür Yayınları, 2011. p.47-112. İmge Kitapevi, 2009. P.97-152
- Rousseau, J. J. Rousseau's Political Writings. (A. Ritter & J.C. Bondanella, Edt.) W.W. Norton & Company Inc. 1988. p,84-85,96-99
- Saraçgil, Ayşe. The Gecekondu and Turkish Modernity, Environmental Design: Journal of the Islamic Environmental Design Research Centre 1-2 (1997-98-99): 104-107.
- Sassen, Saskia. A savage Sorting of Winners and Losers: Contemporary Versions of Primitive Accumulation. Globalizations, 7:1, 23-50, 2010.
- When Complexity Produces Brutality? Sens Public <http://www.sens-public.org/spip.php?article721>
- Scopetta, Cecilia. The Essential Role of Informal Settlements in the Construction of Rent-Seeking Urban Policies. 2011. www.rc21.org/conferences/amsterdam2011/edocs2/Session_29/29-DP-Scopetta.pdf
- Smith, Neil. Gentrification and Rent Gap. *Annals of the Association of American Geographers*. Vol 77, No.3 (Sep.,1987), p.462-465.
- The New Urban Frontier- Gentrification and Revanchist City. Routledge. 1996 p.19-24, 38-86.
- Toward a Theory of Gentrification: A Back to the City Movement by Capital not by People. *Journal of the American Planning Association*,1979. 45:538-48
- Şengül, Tarık. Kentsel Çelişki ve Siyaset: Kapitalist Kentleşme Süreçlerinin Eleştirisi. 2nd Edition, 2009.
- Şenyapılı, Tansı. 1982. Economic Change and the Gecekondu Family pp.237-247
- Taylor, Jane. Imperial İstanbul: A Traveller's Guide: Includes İznik, Bursa and Edirne. Tauris Parle Paperbacks, 2007. p. 192
- Tekeli, İlhan. Kentsel Arsa, *Altyapı ve Kentsel Hizmetler*. Tarih Vakfı Yurt Yayınları, 2009. p.50-61, 68-78.

-*Kent, Kentli Hakları, Kentleşme ve Kentsel Dönüşüm*. Tarih Vakfı Yurt Yayınları,2011. p.279-285.

-*Konut Sorununu Konut Sunum Biçimleriyle Düşünmek*. Tarih Vakfı Yurt Yayınları,2010. p.107-111, 252.

-*Türkiye’de Yaşamda ve Yazında Konutun Öyküsü (1923-1980)*. Tarih Vakfı Yurt Yayınları, 2012.

Theodore, Nik; Peck, Jamie; Brenner, Neil. Neoliberal Kentçilik: Kentler ve Piyasaların Egemenliği (Tras. Geniş, Şerife) Vol. 7, September,2012. pp.21-37

Uzun, Bayram. *Avrupa İnsan Hakları Mahkemesi Bakışıyla Türkiye’de Arazi Kullanımında Yaşanan Temel Sorunlar*. Yıldız Teknik Üniversitesi, 21.05.2013

Ünver, A. Süheyl. İstanbul Risaleleri. Yayına Haz. Kara, İsmail. Cild.2 İstanbul 1995, s.40-50 Risale 8. İlim ve Sanat Bakımından Fatih Devri Notları I. s. 13-145, İstanbul 1947.

Weber, Marx. *Şehir, Modern Kentin Oluşum*. Yarıncı yayıncılık,2010. p.95-97, 123-130.

Weber, Rachel. Extracting Value from the City: Neoliberalism and Urban Redevelopment. Antipode p.519-540.

Wood Meiksins, Ellen. *Özgürlük ve Mülkiyet, Rönesans’tan Aydınlanma’ya Batı Siyasi Düşüncesinin Toplumsal Tarihi*. Yordam Kitap,2012. p.11-77, 173-183.

Qualitative Research Methods: A Data Collector’s Field Guide. “Participant Observation” Duke University. Web. <http://assessment.aas.duke.edu/documents/ParticipantObservationFieldGuide.pdf>

NTVMSNBC. “Okmeydanı’nda Otobüsüne Molotoflu Saldırı.” 2014. WEB. 2014, 8 June 2014. <http://www.ntvmsnbc.com/id/25520040/>

Samanyolu Haber. “Okmeydanı’nda Otobüse Molotoflu Saldırı!” 2013. WEB. 2013, 5 August. <http://www.samanyoluhaber.com/gundem/Otobuse-molotoflu-saldiri/1023077/>

- CNN Turk. “İstanbul’da Halk Otobüsüne Molotoflu Saldırı.” 2014. WEB.
2014, 19 August.
<http://www.cnnturk.com/video/turkiye/istanbul-da-halk-otobusune-molotoflu-saldiri>
- “Berkin Elvan Hayatını Kaybetti.” 2014. Web. 2014, 11 March.
<http://www.cnnturk.com/haber/turkiye/berkin-elvan-hayatini-kaybetti>
- “Berkin Elvan’ın Destekçilerine Hastahane Polis Müdahalesi.”
2014. WEB. 2014, 11 March.
<http://www.cnnturk.com/haber/turkiye/berkin-elvanin-destekcilerine-hastanede-polis-mudahalesi>
- “Uğur Kurt’u Vuran Polisin Polis Babası da Olay Yerindeymiş.”
2014. WEB. 2014, 25 July.
<http://www.cnnturk.com/haber/turkiye/ugur-kurtu-vuran-polisin-polis-babasi-da-olay-yerindeymi>
- “Uğur Kurt’u Vuran Silahın Polise Ait Olduğu Belirlendi.” 2014.
WEB. 2014, 30 May. <http://www.cnnturk.com/haber/turkiye/ugur-kurtu-vuran-silah-polise-aitmis>
- Radikal. “Burak Can Karamanoğlu Kimdir? Burak Nasıl Öldü?” 2014.
WEB. 2014, 30March.
http://www.radikal.com.tr/turkiye/burak_can_karamanoglu_kimdir_burak_nasil_oldu-1181043
- Legal Information Institute. “Public Property.” Cornell University. WEB.
http://www.law.cornell.edu/wex/public_property
- Cambiridge Dictionaries Online. “Public Property.” Cambridge University.
WEB. <http://dictionary.cambridge.org/dictionary/business-english/public-property>
- Oxford Dictionaries. “Rent.” WEB.
<http://www.oxforddictionaries.com/definition/english/rent?q=rent>
- “Ricardo: Economic Rent and Opportunity Cost.” WEB.
<http://www.economics.utoronto.ca/wwwfiles/archives/munro5/ECONRENT.pdf>
- “Arazi-i Mevkufe-i Gayri Sahiha, Arazi-i Mevkufe-i Sahiha” Vakıf
Deyimleri ve Terimleri Sözlüğü, Vakıflar Genel Müdürlüğü. WEB.
<http://www.vgm.gov.tr/sayfa.aspx?Id=30>

- Genim, M. Sinan. “Okçuluk Vakfın Tarihi ve Kuruluşu.” Okçular Vakfı. 2013. WEB. 2013, 6 May. <http://www.okcularvakfi.org/haber/42/Vakfin-Tarihi.html>
- İlknur, Miyase. “Okmeydanı’ndan Rant Meydanına...” Cumhuriyet Gazetesi. 2014. WEB. 2014, 22 June. http://www.cumhuriyet.com.tr/haber/turkiye/85783/Okmeydani_nda_n_rant_meydanina....html
- “Okmeydanı’nın Son Nişantaşları.” Yapı Endüstri Merkezi. 2014. WEB. http://www.mimarlikmuzesi.org/Gallery/okmeydani-nin-son-nisantaşlari_10.html
- Kara, Ufuk. “Beyoğlu İlçesi Okmeydanı Mintikasındaki Fatih Sultan(Mehmet), Vakfi Arazisi , Mülkiyet Sorunu Ve İlgili Hukuksal Düzenlemeler.” 2009. WEB. 2013, 7 May. http://www.turkhukusitesi.com/makale_1036.htm
- Keçeciler, Mehmet. Türkiye Büyük Millet Meclisi. 2001. WEB. 2013, 20 September. <http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d21/c067/b123/tbmm210671230731.pdf>
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d21/c067/b123/tbmm210671230732.pdf>
- “Okmeydanı’nda 50 Yıllık Tapu Meselesini Çözdük.” Beyoğlu Belediyesi. 2014. WEB. <http://www.vatandasinokmeydani.com/images/Vatandasin-Okmeydani-Sunum.pdf>
- “Tapuda Son Durum.” Beyoğlu Belediyesi. 2014. WEB. <http://www.vatandasinokmeydani.com/donusum/tapuda-son-durum/Tapuda-Son-Durum/93/299/0>
- Kalkınma Planları. Türkiye Cumhuriyeti Kalkınma Bakanlığı. WEB. <http://www.kalkinma.gov.tr/Pages/KalkinmaPlanlari.aspx>
- Eyidoğan, Haluk. Türkiye Büyük Millet Meclisi. 2014. WEB. 2014, 20 April. <http://www2.tbmm.gov.tr/d24/7/7-40424s.pdf>
- Arıncı, Bülent. Türkiye Büyük Millet Meclisi. 2014. WEB. 2014, 20 April. <http://www2.tbmm.gov.tr/d24/7/7-40424c.pdf>
- Güler, Muammer. Türkiye Büyük Millet Meclisi. 2013. WEB. 2014, 20 April. <http://www2.tbmm.gov.tr/d24/7/7-20386sgc.pdf>

- Menekşe, Başak. "Okmeydanı'nda Kadınlar Kentsel Ranta Direnitor." Evrensel. 2014. WEB. 2014, 8 July. http://www.evrensel.net/haber/87823/okmeydaninda-kadınlar-kentsel-ranta-direniyor#.U7z83JR_vTp
- Zaman Gazetesi. "Okmeydanı Satılıyor." 1995. WEB. 2014, 3 August. http://www.zaman.com.tr/gundem_okmeydani-satiliyor_346689.html
- "İlk Adım." Beyoğlu Belediyesi. 2014. WEB. 2014, 20 July. http://www.vatandasinokmeydani.com/images/pdf/ilk_adim_sunum.pdf
- "30 Soru 30 cevap." Beyoğlu Belediyesi. 2014, 20 July. <http://www.vatandasinokmeydani.com/okmeydani/planlama-detay/30-Soru-30-Cevap/85/220/0>
- Hürriyet Daily News. "Central Istanbul district Beyoğlu needs 25,000 new buildings, mayor says." 2014. Web. 2014, November 18. <http://www.hurriyetdailynews.com/central-istanbul-district-beyoglu-needs-25000-new-buildings-mayor-says.aspx?pageID=238&nID=74492&NewsCatID=341>
- Emlak Kulisi. "Polat Holding Piyalepaşa'yı Dönüştürecek." 2014. WEB. 2014, 1 September. <http://emlakkulisi.com/polat-holding-piyalepasayi-donusturecek/283621>
- Gutting, Gary. "Michel Foucault", The Stanford Encyclopedia of Philosophy (Summer 2013 Edition), Edward N. Zalta (ed.), 2014. WEB. <http://plato.stanford.edu/archives/sum2013/entries/foucault/>
- O' Farrel, Clare. "Key Concepts". 2007. WEB. 2014, 20 May. <http://www.michel-foucault.com/concepts/index.html>
- Hulchanski, David. "Neighbourhood Trends in Divided Cities: Income Inequality, Social Polarization & Spatial Segregation A Selected Bibliography." Neighbourhood Change Community University Research Alliance. 2010. WEB. 2014, 1 August. <http://www.urbancentre.utoronto.ca/pdfs/curp/tnrn/DividedCitiesSelectedBibliographyJune2010.pdf>
- Usta, Ayşegül. "Burak Can Cinayetinde İki Tutuklama." Hürriyet Gazetesi. 2014. WEB. 2014, 30 March. <http://www.hurriyet.com.tr/gundem/26104148.asp>

Özdabak, Mustafa. "Okmeydanı'nda Olaylar Çıktı." Hurriyet Gazetesi. 2014. WEB. 2014, 7 November. <http://www.hurriyet.com.tr/gundem/27528580.asp>

"Okmeydanı 1/5000 Ölçekli Tarihi Sit Alanları Koruma ve Etkileşim Geçiş Alanı Nazım İmar Planı" Beyoğlu Belediyesi. 2013. WEB. 2013, 20 August. http://www.beyoglu.bel.tr/popup.htm?/images/tr/okmeydani_plan_1_b.jpg

"Okmeydanı Tarihi Sit Alanları Koruma Amaçlı ve Etkileşimli Geçiş Sahası 1/5000 Ölçekli Nazım İmar Planı Plan Notları." Beyoğlu Belediyesi. WEB. 2013, 21 August. http://www.vatandasinokmeydani.com/download/plan_notlari_5000.pdf

"Okmeydanı Tarihi Sit Alanları Koruma Amaçlı ve Etkileşim Geçiş Sahası 1/1000 Ölçekli UYGulama İmar Planı Plan Notları." Beyoğlu Belediyesi. WEB. 2013, 21 August. http://www.vatandasinokmeydani.com/download/plan_notlari_1000.pdf

"1/1000 ölçekli Okmeydanı Tarihi Sit Alanları Koruma Amaçlı ve Etkileşim Geçiş Sahası Uygulama İmar Planı." İstanbul Büyükşehir Belediyesi. 2012. WEB. 2013, 20 August. <http://www.ibb.gov.tr/tr-TR/Pages/MecelisKarari.aspx?KararID=25441>

"Beyoğlu- Şişli İlçeleri Dolapdere-Piyalepaşa Bulvarı ve Çevresi II. Etap Okmeydanı Tarihi Sit Alanı Etkileşim Geçiş Bölgesi 1/5000 Ölçekli Nazım İmar Planı." İstanbul Büyükşehir Belediyesi. 2011. WEB. 2014, 5 January. http://www.beyoglu.bel.tr/download/okmeydani_ibb_toplantı_sunu_mu.pdf

"Beyoğlu- Şişli İlçeleri Dolapdere-Piyalepaşa Bulvarı ve Çevresi II. Etap Okmeydanı Tarihi Sit Alanı Etkileşim Geçiş Bölgesi 1/5000 Ölçekli Nazım İmar Planı." İstanbul Büyükşehir Belediyesi. 2011. WEB. 2014, 5 January. http://www.beyoglu.bel.tr/download/okmeydani_plan_sunumu_2109_2011.pdf

Wikimapia. 2014. WEB. 2014, 1 November. <http://wikimapia.org/#lang=tr&lat=41.039614&lon=28.985710&z=14&m=b>

“2014 Uydu/ Hava Foto. ” İstanbul Büyükşehir Belediyesi. 2014. WEB.
2014, 6 January. <http://sehirrehberi.ibb.gov.tr/map.aspx>

“1982 Hava Foto.” İstanbul Büyükşehir Belediyesi. 2014. WEB.
<http://sehirrehberi.ibb.gov.tr/map.aspx>

“1966 Hava Foto.” İstanbul Büyükşehir Belediyesi. 2014. WEB.
<http://sehirrehberi.ibb.gov.tr/map.aspx>

“1946 Hava Foto.” İstanbul Büyükşehir Belediyesi. 2014. WEB.
<http://sehirrehberi.ibb.gov.tr/map.aspx>

APPENDICES

Appendix A: Example of Parliamentary Question



T.B.M.M.
CUMHURİYET HALK PARTİSİ
Grup Başkanlığı
Tarih: 08/04/2014
Sayı: 23576



Prof. Dr. Haluk EYİDOĞAN
İstanbul Milletvekili

Bayındırlık, İmar, Ulaştırma ve Turizm Komisyonu Üyesi

42283

08/04/2014

TÜRKİYE BÜYÜK MİLLET MECLİSİ BAŞKANLIĞINA

Aşağıdaki sorularımın Maliye Bakanı Sayın Mehmet ŞİMŞEK tarafından yazılı olarak cevaplandırılmasını Anayasa'nın 98, İç Tüzüğü'nün 96 ve 99 uncu maddeleri gereğince saygı ile talep ederim.

Prof. Dr. Haluk EYİDOĞAN
CHP İstanbul Milletvekili

29/6/2001 tarih ve 4706 sayılı Hazineye Ait Taşınmaz Malların Değerlendirilmesi ve Katma Değer Vergisi Kanununda Değişiklik Yapılması Hakkında Kanununun Geçici 4 nci maddesinde "Vakıflar Genel Müdürlüğüne veya mazbut vakıflar ile kamu kurum ve kuruluşlarına ait, üzerinde toplu yapılaşma bulunan taşınmazlar, Hazineye ait taşınmazlar ile trampa edilebilir" hükmü ile aynı maddenin ek fıkrasında "...hazine adına tescil edilen taşınmazlar, büyükşehirlerde öncelikle büyükşehir belediyelerine, büyükşehir belediyelerinin talebinin olmaması halinde ilgili belediyelere, diğer yerlerde ilgili belediyelere bedelsiz olarak devredilir" hükmü verilmiştir. Bu hükmü istinaden, İstanbul Beyoğlu İlçe Belediyesinin beyanına göre Okmeydanı semtinde kentsel dönüşüm ve yenileme adına yapılan çalışmalar çerçevesinde Fatih Sultan Mehmet Vakfı mülkiyetindeki vakıf arazilerinin Vakıflar Genel Müdürlüğü'nden Hazineye (Milli Emlak Genel Müdürlüğü'ne) devredilmesine ilişkin protokol yapılmıştır.

Buna göre;

1. İstanbul İli Beyoğlu İlçesi Okmeydanı semtinde Fatih Sultan Mehmet Vakfına ait arazinin (taşınmazın) Hazine mülkiyetine geçen miktarı alan (metrekare) olarak nedir? Bu taşınmazlarla ilgili olarak 4706 sayılı kanuna göre Fatih Sultan Mehmet Vakfı'na herhangi bir taşınmaz trampası (takası) yapılmış mıdır? Trampa yapılmışsa trampa türü ve miktarı ne kadardır? Hazinesinin söz konusu vakfa trampa ettiği taşınmazlar nelerdedir?
2. Bu taşınmazlarla ilgili olarak Fatih Sultan Mehmet Vakfı'nın Hazine'yle ve Hazine'nin Beyoğlu Belediyesi ile anlaşığı trampa (takas) işlemleri için yapılmış protokollerin bir kopyası tarafınıza iletilebilir mi?
3. İstanbul Beyoğlu Belediyesi'nin Okmeydanı semtinde Fetihtepe, Kaptanpaşa, Piripaşa ve Piyalepaşa Mahallerinde yürüttüğü ve 3194 sayılı İmar Kanununun 18. Maddesine göre yaptığı kentsel dönüşüm/yenileme uygulamaları için hazırlanan Tarihi Sit Alanları Koruma Amaçlı Etkileşim Geçiş Sahası Uygulama İmar Planlarına yönelik araziler Hazine mülkiyetinden Beyoğlu Belediyesine ne zaman devredilmiştir ve devredilen miktarı metrekare olarak ne kadardır?
4. İmar planlarında dönüşüm ve yenileme için gösterilen parsellerde hak sahiplerine tapu dağıtım için İstanbul Defterdarlığı'nın bugüne kadar 4706 sayılı yasanın 5. Maddesine göre hak sahipleri tarafından bedeli ödenen hisselerin toplam sayısı ve toplam hisse alanı kaç metrekaredir? Hak sahiplerinin kaç tanesi peşin, kaç tanesi taksitli ödeme yapmıştır. Hak sahiplerinin bireysel olarak ödedikleri meblağ en fazla ve en az ne kadar olmuştur?

Appendix B: Sample Questionare of In-depth Interviews with Municipal Authorities

1. Kentsel dönüşüme genel olarak nasıl bakıyorsunuz?
 - Kentsel dönüşüm projelerinin halkı yerinden ettiği, borçlandığı gibi eleştirilere ne diyorsunuz?
2. Sizce Okmeydanı İstanbul ve Beyoğlu içinde nasıl bir özgün konuma sahip?
3. Okmeydanı'ndaki sorunu nasıl tanımlıyorsunuz?
4. Okmeydanı'nda geçmişten bu yana sürekli gündeme gelen bir kentsel dönüşüm var, bu zamana kadar süreç Belediye açısından nasıl ilerledi?
 - sorun tanımı - özel mülkiyet meselesi - geri adım atılan durumlar - geliştirilen çözümler
5. Geçmişte merkezi hükümetlerin çıkardığı imar afları Okmeydanı'nda tecrübe ettiğimiz süreçte nasıl rol oynadı?
6. Belediye Okmeydanı sakinlerinden (ev & iş yeri sahipleri & kiracılar) neler bekliyor?
 - Beklentiler nasıl farklılaşıyor - Beklentilerinin karşılığını bulabiliyor mu?
 - Bulamıyorsa nasıl bir uzlaşma öngörüyor?
7. Okmeydanı sakiniyle belediye arasındaki görüşmeler nasıl gerçekleşiyor?
 - Nasıl sorular ve sorunlarla karşılaşıyorsunuz?
8. Geçmişte karşılaşılan sorunlar ve bugünkü süreçte karşılaşılan sorunlar arasında ayrılan ve halan daha ortaklık koruyan benzerlikler var mı?

9. Gelecekte karşılaşmayı beklediğiniz sorunlar var mı? /Gelecekte ne tip sorunlarla karşılaşılabilir?

10. Okmeydanı bu süreçte geliştirdiği bir duruş var. Bu duruşun sürece etkisini nasıl değerlendiriyorsunuz?

- Olumlu - Olumsuz tarafları

11. Belediye Okmeydanı projesini yürütülen diğer (kentsel dönüşüm) projelerden farklı görünüyor mu?

12. Belediye nasıl bir Okmeydanı yaratmak istiyor? / Hayalinizdeki Okmeydanı nasıl bir yer?

- Bunun önünde nasıl engeller görüyorsunuz?

13. Belediye'nin dönüşümde gözettiği bir öncelik sırası var mı?

- Öncelikle dönüştürülmek istenen mahalleler ve sebepleri

14. Belediye Okmeydanı dönüşümündeki kamu yararını nasıl tanımlıyor?

15. Dönüşümün 4706 ve 3194 sayılı kanunlar yerine 6306 sayılı kanunla gerçekleştirilmesi Belediye'ye ne gibi kolaylıklar ve zorluklar çıkaracaktır?

16. STK'lar, mimar /şehir planlama odalarıyla etkileşiminiz var mı? Ne tür sorunlar yaşıyorsunuz?

17. Merkezi yönetim, TOKİ konuya nasıl yaklaşıyor? Görüş ayrılıklarınız var mı?

18. Büyükşehir'in yaklaşımı ile sizin yaklaşımınız arasında bir fark var mı?

19. Müteahhitler Okmeydanı'na nasıl yaklaşıyor?

20. Siz bu yaklaşımları nasıl görüyorsunuz?

21. Okmeydanı'ndaki dernek ve diğer kuruluşlara nasıl bakıyorsunuz?

22.Okmeydanı'ndaki mülkiyet sorununu belediye nasıl tanımlıyor?

23. Medya konuya nasıl yaklaşıyor? Medyanın gösterdiği yaklaşımlar farklılaşıyor mu? Sorunlar var mı?

Meclis üyelerine ayrıca sorulabilecek sorular

1. Belediye meclis üyesi olarak bu süreçte sizin oynadığınız rolü nasıl tanımlarsınız?

2.Dönüşüm bittiğinde Okmeydanı sakinlerinin yerinden edilme sorunu yaşama ihtimalini nasıl değerlendiriyorsunuz?

3.Okmeydanı dönüşümünde bu derece ısrarcı olunmasının altında başka sebepler olabilir mi?

4. Dönüşüm konusunda belediye ve diğer kamu otoriteleriyle yaşanan sıkıntıların kaynağında dönüşüm beklentileri dışında siyasi/ mezhepsel nedenler olduğunu düşünüyor musunuz?

Appendix C: Sample Questionare of In-depth Interviews with NGOs

1. Kentsel dönüşüme genel olarak nasıl bakıyorsunuz?
-Kentsel dönüşüm projelerinin halkı yerinden ettiği, borçlandığı gibi eleştirilere ne diyorsunuz?
2. Okmeydanı 'nında ki sorunu nasıl tanımlıyorsunuz?
3. Okmeydanı'nda geçmişten bu yana sürekli gündeme gelen bir kentsel dönüşüm var.
-Okmeydanı halkının bu dönüşüme karşı sergilediği bir duruş var. Okmeydanı halkının bu konudaki tutumu nasıl farklılaşıyor?
-Ne tür farklı tutum alış var?
- 4.Siz bu süreçte nasıl bir tutum aldınız ve halkla nasıl ilişkilendiniz?
5. Okmeydanı halkının sergilediği bu duruşun sürece etkilerini nasıl yorumluyorsunuz?
- 6.Halkın sürece aktif katılımı bir sorun mu?
-Sorunsa nedenleri neler?
7. Siz kentsel dönüşüme ilişkin Okmeydanı halkından neler bekliyorsunuz?
-Görüşmeler nasıl gerçekleşiyor
8. Seslendiğiniz Okmeydanı sakinlerinin beklentileriyle sizin beklentileriniz arasında bir fark var mı?
-Bu nedenle çelişkiye düşüldüğü oldu mu? -Nasıl aştınız ya da aşamadınız?
- 9.Okmeydanı sakinleri ile sizi ayrıştırmaya yönelik belediye ya da diğer devlet kurumlarının bir çabası oluyor mu?
-Bu amaca yönelik ne yapıyorlar?
10. Siz belediyeden ve merkezi hükümetten kentsel dönüşümle ilgili süreçte neler bekliyorsunuz?
-Beklentilerinizin karşılığını bulabiliyor musunuz?
-Bulamadığınız durumlarda nasıl bir uzlaşma gerçekleşiyor?

11. Halkla belediye arasında nasıl bir rol oynuyorsunuz? Halk ve belediye arasındaki ilişkiyi nasıl değerlendiriyorsunuz?
12. Kentsel dönüşüm sürecinde muhatabınız olarak yerel yönetimleri mi yoksa merkezi hükümeti mi alıyorsunuz?
- Yerel yönetimler ile merkezi hükümetin tutumlarında bir farklılaşma var mı?
13. Mimar, şehir plancıları odaları gibi uzman kuruluşlarla bir etkileşiminiz var mı?
- Bu tür kuruluşlarla beklediğiniz ölçüde iletişim kuramıyorsanız nedenleri neler?
14. STK nız Okmeydanı projesinin yürütülen diğer kentsel projelerden farklı buluyor mu?
15. Dönüşüm konusunda belediye ve diğer kamu otoriteleriyle yaşanan sıkıntıların kaynağında dönüşüm beklentileri dışında siyasi/ mezhepsek nedenler olduğunu düşünüyor musunuz?
16. Okmeydanı'nda gerçekleştirilmek istenen dönüşüm üzerinde bu denli ısrarcı olunmasının altında başka sebepler olabilir mi?
17. Belediye nasıl bir Okmeydanı yaratmak istiyor?
18. Dönüşümden sonra Okmeydanı halkını neler bekliyor?
- Yerinden edilme -Mali yük -Zenginleşme vb.
19. Dönüşümün 4706 ve 3194 sayılı kanunlar yerine 6306 sayılı kanunla gerçekleştirilmeye çalışmasını nasıl değerlendiriyorsunuz?
20. Medya Okmeydanı dönüşümü sürecine nasıl yaklaşıyor?
- Yaklaşımlar nasıl farklılaşıyor? -Medyayla etkileşiminiz nasıl?

Appendix D: Sample Questionare for In-depth Interviews with Residents and Tradesmen

1. Bireyin Hikâyesi (- Memleket - Yaş - Medeni Hal - Eğitim Durumu - İş Durumu)
2. İstanbul'a göç ediş tarihi /yeri /kökeni
3. Arsanın elde edilme biçimi
 - Hazineyi çevirdim - özel şahıstan satın aldım - emlakçıdan aldım
 - özel şahıs çevirmişti ondan aldım
 - Miras kaldı - muhtardan aldım - diğer - yanıt vermek istemiyorum
4. Konutun edinilme biçimi
 - Yaptırdım - satın aldım - kendim yaptım - miras kaldı - ailecek ortak yaptık
5. Konutunuzu hangi yıl edindiniz? Bundan Önce hangi bölgede oturuyordunuz?
6. Konutun türü ve kat sayısı
 - gecekondulu veya kaçak yapı - tapulu apartman dairesi - baraka
 - müstakil ev
7. Oturduğu konutunu nasıl tanımlıyor /tapusu yoksa oturduğu evi gecekondulu olarak görüyor mu?
8. Konutun sahiplik durumu (- kira - kendi evi)
9. Konutun belge durumu
 - Belgemiz yok - Müstakil tapu - Hisseli tapu - Kat mülkiyeti tapusu
 - Tapu tahsis belgesi - İskânsız toprak tapusu
10. Belgeniz varsa ne zaman aldınız?
11. Eğer tapunuz yoksa tapu almak için belediyeye başvurduunuz mu?
 - Kaç kez ve hangi tarihlerde?
12. Bu zamana kadar çıkarılan herhangi bir imar affından faydalandınız mı?
 - Hangi tarihte çıkarılan imar affından ne amaçla yararlandınız?

13. Bu zamana kadar yapılan imar afları/ yerel ya da ulusal siyasetçi söylemleri oyunuz üzerinde belirleyici rol oynadı mı?,
14. Okmeydanı'ndaki sorunu nasıl görüyor/ tanımlıyorsunuz?
15. 50 yıllık tapu sorununun çözülememesi ve tapularınızı alamamanızı neye bağlıyorsunuz?
16. Bu süreçte ne gibi reaksiyonlar geliştirdiniz? Dernek üyeliği, örgütlenme biçimleri ve eylemler vb.
17. Beyoğlu Belediye'sinin tapu dağıtım sürecini nasıl değerlendiriyorsunuz? Bu toplantılara katıldınız mı? Katıldıysanız kaç kez?
18. Halkın aktif katılımı sizce bir sorun mu?
- Sorunsa nedenleri neler?
19. Süreçle ilgili yeterli bilgi sahibi olduğunuzu düşünüyor musunuz?
- Hangi kanallar aracılığıyla bilgi ediniyorsunuz?
20. Toplantıların sonuçlarında geliştiren politikalardan/çözüm yollarından memnun musunuz?
21. İzlenen sürece ilişkin hukuki bir başvurusu var mı? Toplu ya da bireysel dava açmış mı?
22. Size karşı belediyenin ve kamu kuruluşlarının bir ön yargısı ya da cezalandırıcı bir tutumu olduğunu düşünüyor musunuz?
-Böyle bir tutum varsa; bu kentsel dönüşüm sürecini nasıl etkiliyor?
23. Belediye'nin ya da devletin sürece ilişkin size bir dayatması oluyor mu?
24. Sizce belediye ve devlet sizden ne bekliyor?
- 25.Mimar, şehir planlama odaları gibi uzman kuruluşlarla bir etkileşiminiz var mı?
- Bu tür kurumlarla beklediğiniz ölçüde iletişim kuramıyorsanız nedenleri sizce neler?
26. Kentsel dönüşüm sürecine genel olarak nasıl bakıyorsunuz?
-Belli bir kesimi zengin etme aracı -Mülkiyetin el değiştirmesi -Apartmanın/ yapılı çevrenin değişmesi/ güzelleşmesi -Yaşayanların evlerinden edilmesi
-Yerinden edilme, borçlandırma eleştirilerine ne diyorsunuz?

27. Kentsel dönüşümü destekliyor musunuz?
- Destekliyorsanız sizce dönüşümün olumlu yanları nelerdir?
 - Sizce dönüşümün olumsuz yanları nelerdir?
28. Müteahhitle mi yoksa belediye /TOKİ kanadıyla mı evinizi dönüştürmeyi tercih edersiniz?
29. Okmeydanı'nda kentsel dönüşüm adı altında neler yaşanıyor?
30. Dönüşümden sonra Okmeydanı Şanzelize olacak diyorlar bu konuda ne düşünüyorsunuz/ bu söyleme inanıyor musunuz?
31. Okmeydanı dönüşümünde bu derece ısrarcı olunmasının altında başka sebepler olabilir mi?
32. Dönüşüm konusunda belediye ve diğer kamu otoriteleriyle yaşanan sıkıntıların kaynağında dönüşüm beklentileri dışında, siyasi/ mezhepsel neden olduğunu düşünüyor musunuz?
33. Okmeydanı halkının dönüşüm sürecinde geliştirdiği bir duruş var. Bu duruş sizce süreci nasıl etkiliyor?
34. Okmeydanı hakkında son dönemde kamuoyunda bir algı oluştu. Bu konuyu nasıl değerlendiriyorsunuz?
35. Dönüşümün size mali bir yük getireceğini mi yoksa size ekonomik avantaj mı (zenginleşme) sağlayacağını düşünüyorsunuz?
36. Geleceğinizi Okmeydanı'nda görüyor musunuz?
37. Dönüşümden sonra da bu muhitte mi oturmayı yoksa başka bir bölgeye mi taşınmayı düşünüyor?
- Neden burada oturmayı/kalmayı tercih ediyor/ istiyorsunuz?
 - Neden buradan gitmeyi/ taşınmayı tercih ediyor/ istiyorsunuz?
38. Taşınmayı düşünüyorsanız nereye taşınmak istersiniz?
39. Kentsel dönüşüm uygulanırsa komşuluk gibi buradaki yerel ilişkileri sizce nasıl etkiler?
40. Medya Okmeydanı dönüşüm sürecine nasıl yaklaşıyor?
- Medyadaki yaklaşımlar nasıl farklılaşıyor, etkileşiminiz nasıl?
41. 6306 sayılı Afet kanunu size ne anlam ifade ediyor?

42. Beyođlu Belediye Meclisi'nin Okmeydanı'nı riskli alan ilan etmesiyle ilgili görüşleriniz nelerdir?

43.Dönüşümün 4706 ve 3194 sayılı kanunlar yerine 6306 sayılı kanunla gerçekleştirilmeye çalışmasını nasıl değerlendiriyorsunuz?

44. Okmeydanı'nın riskli alan ilan edileceğini yerel seçimlerden önce bilseydiniz oy verme davranışınızda bir değişiklik olur muydu?

Esnafa sorulabilecek ek sorular

1. Bir esnaf olarak Okmeydanı'nı nasıl görüyorsunuz?
2. Geçmişten bu zamana burada birçok kez dönüşüm gerçekleştirilmeye çalışıldı, bu süreç bir esnaf olarak sizin için nasıl geçiyor?
3. Belediye iş yeri sahiplerinden sizce tam olarak ne bekliyor?

Kiracıya sorulabilecek ek sorular

- 1.Bu süreçte kiracılar ne tip zorluklarla karşılaşmakta?
2. Buradan önce nerede oturuyorsunuz?
3. Neden buraya taşınmayı tercih ettiniz?

Appendix E: List of Interviewees

Interviewee	Institution/ Neighborhood	Position
I-1	Beyoğlu Municipality	Senior Official
Şerife Geniş	Beyoğlu Municipality (AKP)	City Councilor
Zabit Akbaş	Beyoğlu Municipality (CHP)	City Councilor
Ertuğrul Gülseven	Beyoğlu Municipality (CHP)	City Councilor
Rukiye Canikli	Beyoğlu Municipality	Project Coordinator
Rüstem Karakuş	OKÇD	Vice President
Ali Çoşkun	Okmeydanı Halkevi	Lawyer
İlknur Bektaş	Yeni Okmeydanı Derneği	President
I-2	Fetihtepe	Tradesman + Resident (Tenant)
I-3	Fetihtepe	Resident (Gecekondu)
I-4	Fetihtepe	Resident
I-5	Fetihtepe	Craftsman + Resident
I-6	Kaptanpaşa	Resident
I-7	Keçecipiri	Resident (Tenant at gecekondu)
I-8	Kaptanpaşa	Tradesman (Tenant)
I-9	Keçecipiri	Resident (Gecekondu)
I-10	Kaptanpaşa	Resident
I-11	Kaptanpaşa	Residen (has tittle-deed)
I-12	Kaptanpaşa	Tradesman +Resident
I-13	Kaptanpaşa	Tenant
I-14	Piripaşa	Resident (Gecekondu)
I-15	Piyalepaşa	Resident
I-16	Piripaşa	Resident
I-17	Piripaşa	Resident
Yaşar Çetin	Piripaşa	Resident (Muktar)
I-18	Piyalepaşa	Tradesman (Tenant)
I-19	Piyalepaşa	Tradesman +Resident
I-20	Piyalepaşa	Resident

Appendix F: Turkish Summary

Bu tez Okmeydanı'nda ki tapu probleminin sebepleri ve sonuçları ile mülkiyete ilişkin sorunların çözümüne yönelik birçok imar affı kanunu çıkarılmasına rağmen geçen 60 yılı aşkın süre zarfında Okmeydanı'nda ki tapu problemin tarihsel gelişimini açığa çıkarmayı amaçlamaktadır. Çalışma, çizilen teorik çerçeveden yola çıkılarak saha çalışmasının analiz edildiği bir yöntemle doğrusal bir düzlemde kurgulanmıştır.

Birinci bölümde tezin amacı, kapsamı ve yöntemi hakkında giriş yapılmış; saha çalışması esnasında deneyimlenen zorluklar ve bunların kentsel mekâna nasıl yansıdığı ile teori ve uygulama arasındaki bağ da bu bölümde kurulmaya çalışılmıştır. Yapılan literatür taramasının ardından ortaya çıkarılan teorik çerçeveye ek olarak derinlemesine mülakatların yapıldığı, harita, dergi, gazete, broşür gibi yazılı materyallerin değerlendirildiği niteliksel araştırma yöntemi benimsenmiştir. Bu süreçte yarı katılımcı gözlem modeline de, yapılacak derinlemesine mülakatlar esnasında aktörlere doğru soruları yöneltebilmek amacıyla başvurulmuştur. Görüşme yapılan kişilere kartopu ve rastgele seçim yöntemiyle ulaşılmıştır.

İkinci bölümde, çalışmanın ana kavramları olan mülkiyet, rant ve kamu yararı kavramları teorik olarak tanımlanmış ve tartışılmıştır. Bu bölümdeki tartışma temel olarak çalışmanın ana kavramları arasındaki ilişkiyi ortaya koyarken, mülkiyet hakkı ve kentsel arsa ile bunların konut sektörü için ne anlam ifade ettiğine de açıklık kazandırmayı amaçlamaktadır.

Üçüncü bölümde Türkiye'nin toprak ve mülkiyet rejimi Osmanlı İmparatorluğu'ndan Türkiye Cumhuriyeti dönemine tarihsel bağlamda incelenmiş ve damıtılmaya çalışılmıştır. Bu kapsamda toprak türleri ve değişimi ile bu toprak türleri arasındaki farklar açıklanmıştır. Erken Cumhuriyet döneminden 2000li yıllara kadar geçen kentleşme sürecinde toprağın kullanımından ve yapılan yasal düzenlemelerden kaynaklı değişen

karakteristiđiyle ilişkili olarak bölgede ikamet edenler ve kamu otoritesi arasındaki ilişki ve gerilim de ayrıca bu bölümde tartışılmıştır.

Dördüncü bölüm Okmeydanı'nın coğrafi konumu, tarihsel arka planı, Okmeydanı'na ilişkin yasal düzenlemeler ve toprağın yasal durumu ile Okmeydanı'nda ki yerleşim ile toprak kullanımına ilişkin bilgileri içermektedir. Dördüncü bölümle birlikte, çalışmanın saha çalışmasını değerlendirme kısmına geçmeden bölgenin tanıtılması ve Okmeydanı'ndaki toprağın geçirdiđi dönüşümün ve bu süreçte aktörlerin oynadıđı rolün tanımlanması amaçlanmaktadır.

Okmeydanı, İstanbul'un Avrupa yakasındaki konut ve ticaret merkezlerine çok yakın bir konumda olup; Beyođlu, Levent, Mecidiyeköy'e 15 dakikalık mesafede olup ana ulaşım arterleri üzerinde yer alır. Merkezi konumu sayesinde Metrobüs, otobüs, dolmuş ve vapur gibi toplu taşıma araçlarına ulaşmak son derece kolaydır. Kentsel dönüşüme konu olan ve Okmeydanı olarak anılan alan altı mahalleden meydana gelmekte, Mahmut Şevket Paşa Mahallesi Şişli ilçesi sınırlarında kalırken; Piri Paşa, Fetihtepe, Keçeci Piri, Piyalepaşa ve Kaptanpaşa mahalleri Beyođlu ilçe sınırları içerisinde kalmaktadır. Mülkiyet ve tapuya ilişkin sorunla Beyođlu ilçe sınırları içerisinde kalan bu beş mahallede yaşanmakta olup özellikle Fetihtepe ve Piyalepaşa mahallerinin tamamı bu sorundan mustaripken diđer üç mahallenin dördüncü bölümde yer alan Figure 4.4'te görülen kısımları mülkiyet problemi ve kentsel dönüşümle karşı karşıyadır.

Okmeydanı sahasını emsalsiz yapan ve diđer kentsel dönüşüm projelerinden ve gecekondular yerleşim alanlarından farklılaştıran özelliđi toprağın tipi ve yasal statüsüdür. Bölgedeki toprak Fatih Sultan Mehmet Vakfi mülkiyeti olduğundan ve her ne kadar toprak Osmanlı İmparatorluğu döneminden beri şahıslar tarafından sahip olunmuş ve yerleşime açılmışsa da, toprağın yasal statüsünün hayrat mal olmasından dolayı satışı, devri ya da özel mülkiyete konu olması belli bir tarihe kadar mümkün değildir.

Uygulama ve teori arasındaki bu zıtlık 1960lı yıllardan beri birçok imar ve koruma amaçlı imar planı yapma girişimleriyle çözülmeye çalışılmıştır. Bu girişimler hem Okmeydanı'nın Osmanlı'nın fethinde karadan denize yürütülen gemilerin inşa edildiği alan olması, hem de Okçuların talim yaptığı yer olması sebebiyle barındırdığı nişan taşları sebebiyle sahip olduğu tarihi sit alanı statüsünü korumak hem de bölgede bulunan gecekondü sahiplerine mülkiyet haklarına ilişkin tapularını vermek amacıyla yapılmıştır. Okmeydanı'nda özel mülkiyete izin vermek aynı zamanda Okmeydanı'nı sermayenin yatırımına açmak anlamına da gelmektedir. Ancak, Okmeydanı'nın tarihi koruma alanı olması ve Okmeydanı'ndaki toprak mülkiyetinin Vakıflar Genel Müdürlüğü sorumluluğu altında olması sebebiyle 2001 yılında çıkarılan 4706 sayılı kanunla birlikte Vakıflar Genel Müdürlüğü'nün mülkiyetinde olan taşınmazların Hazine'ye devrine ilişkin kanun çıkarılıncaya kadar tüm bu girişimler sonuçsuz kalmıştır.

Bugün Okmeydanı Kentsel Dönüşüm Projesini de kapsayan ve tapu satışının yapıldığı, Beyoğlu ilçe sınırları içerisinde kalan, Fatih Sultan Mehmet Vakfı'na ait alanın mülkiyetinin neden Vakıflar Genel Müdürlüğü sorumluluğu altında olduğunu anlamak Okmeydanı'nda süre gelen tapu ve mülkiyet sorununu anlamayı da kolaylaştıracaktır. Fatih Sultan Mehmet Vakfı, Sultan II. Beyazıt tarafından babası adına, babasının vasiyeti üzerine kurulmuştur. Vakıf bir Sultan tarafından kurulduğu için, vakfın sahip olduğu toprak türü *miri* yani hazine toprağıdır, hazine toprağı olması sebebiyle de satılamaz ya da özel mülkiyete dönüştürülemez özelliğindedir. Osmanlı'da vakıflar yönetimindeki miri araziye verilen ad *arazi-i mevkufe* olup, *arazi-i mevkufe-i sahiha* ve *arazi-i mevkufe-i gayri sahiha* olmak üzere iki farklı tip vakıf toprağı bulunmaktadır. Bu iki tip arasındaki temel fark, toprağın tipi, toprağın kullanımı ve toprağın kullanımından elde edilen gelirin ne şekilde kullanılacağı yönündedir. Eğer toprak mülk cinsindense yani kiralanabilir ve miras bırakılabilir cinstense bu toprağa verilen ad *arazi-i mevkufe-i sahihadır* ve bu topraktan elde edilen gelir, vakfın önceliklerine göre

değerlendirilip kullanılabilir. Eğer vakıf mülkiyetindeki toprağın cinsi miri ise, bu toprağa verilen ad *arazi-i mevkufe-i gayri sahiha*'dır, bu topraktan elde edilen gelire miri gelir denir ve nasıl kullanılacağı hazinenin yönetimi altındadır. Fatih Sultan Mehmet'in Okmeydanı'na hiçbir yapının yapılmaması hatta üzerinde kuş uçurulmaması üzerine verdiği vasiyet üzerine Okmeydanı tamamen halk yararına açılmış, mesire ve ok talim alanı olarak kullanılmıştır. Fakat yeniçerilerin ve okçuların orada kendilerine ait bir şey bırakma arzusu yüzünden ilk olarak mezarların yapılmasıyla bu yasak çiğnenmiş, 1912-1913 Balkan Savaşı döneminde bölgeye yerleştirilen Arnavutların bölgeyi bostan ve bahçeye çevirmesiyle birlikte de diğer kullanım ihlallerinin önü açılmıştır. Türkiye Cumhuriyeti'nde ilk vakıflar kanunu 1935 yılında çıkarılmış, 1938 yılında yapılan bir düzenlemeyle 1926 tarihli Türk Medeni Kanunu'nun kabulünden önce kurulan vakıfların mazbut vakıf olarak tanımlanması ve sınıflandırılması uygun görülmüş. Bu düzenlemeyle birlikte Fatih Sultan Mehmet Vakfı Mazbut vakıf statüsü kazanmış ve Vakıflar Genel Müdürlüğü'nün sorumluluğuna verilmiştir. Bu tip vakıflarda mülkiyete ilişkin kararlarsa Vakıflar Meclisi tarafından verilmektedir. 5737 sayılı Vakıflar Kanunu'na göre vakıf mülkiyeti hayrat ve akar olmak üzere iki cinstir. Hayrat, kamu yararı için kullanılan satışı ve devri mümkün olmayan mal ve hizmet anlamına gelirken; akar, vakfın amaç ve hizmetlerini karşılamak üzere gelir elde etmek amaçlı kiralanabilen, devredilebilen ve satılabilen taşınır ve taşınmaz olarak tanınmaktadır. Okmeydanı Osmanlı Döneminde miri toprak olduğu ve kamu yararı amacıyla kullanıldığı için kayıtlara hayrat arazi olarak geçmiş ve bu yolla üzerinde özel mülkiyet hukukunun kurulmasına ilişkin tüm yasal düzenlemelerin de önü kapanmıştır.

Her ne kadar özel mülkiyet hukukunun kurulması yasal olarak mümkün olmasa da ilk başta Arnavutlar tarafından bostan olarak kullanılan topraklar, 1950'li yıllardan itibaren İstanbul'a göç edenlere ev sahipliği yapmışlardır. Tarımda modernleşme ve ithal ikameci sanayileşme politikasının etkisiyle

kırdan kente gelen yoğun göçü karşılayacak yeterli konut stokunun kentlerde olmayışı, bu nüfusun barınma ihtiyacını kendi olanaklarıyla karşılamasına sebebiyet vermiş, resmi bir konut siyasasının olmayışı ve kurulan patronaj ilişkisiyle birlikte toprak mülkiyet ihlalleri kemikleşerek bu günlere kadar uzanmıştır. Bu bağlamda Okmeydanı ağırlıklı olarak Sivas, Erzincan ve Giresun illerinden göç almıştır. 1950’lerde göç eden ilk kuşağın toprağı çevirmekten ziyade Arnavutlardan satın aldığı ve zaman içinde birçok el değiştirmenin olduğu yapılan saha çalışmasında tespit edilmiş, özel mülkiyet hukukunun kâğıt üzerinde olmasa da pratikte zaman içerisinde kurulduğu gözlemlenmiştir.

Geçen yıllar boyunca Okmeydanı’nın yasal durumu ve karakteristiğı devlet kurumları arasında bir gerilime sebep olmuş; belediyeler ve gelen hükümetler toprak mülkiyetinin yasal statüsünü değiştirmeye yönelik girişimlerde bulunmuşlardır. Ancak bu girişimler koruma kurulları, Vakıflar Genel Müdürlüğü ve Milli Emlak’ın karşı girişimleriyle durdurulmuş ve her ne kadar Okmeydanı Tarihi Sit ve Koruma Alanı sınırları haritalara işlenmişse de, imar planı yapma girişimlerine paralel olarak bu sınırlarda da değişiklikler meydana gelmiştir. Bu değişiklikler ve koruma kurulu kararları dördüncü bölümde Tablo 4. 1 ve Tablo 4. 2’de detaylı olarak gösterilmiştir. Daha öncede bahsedilen 2001 tarihli kanunla birlikte, Vakıflar ile Hazine arasında taşınmazların takası mümkün kılınmış, 2004 yılında kurumlar arasında imzalanan ancak detayları ve içeriğı kamuyla paylaşılmayan protokolle birlikte Fatih Sultan Mehmet Vakfı’nın Okmeydanı’ndaki taşınmaz mülkiyeti Hazine’ye devredilmiştir. 2010 yılında ise Hazine’ye devri yapılan taşınmazların mülkiyet hakkı imzalanan ve bir önceki protokol gibi detayları ve içeriğı kamuyla paylaşılmayan bir protokolle Beyoğlu Belediyesi’ne devredilmiştir. Okmeydanı Kentsel Dönüşüm proje sınırları, Fatih Sultan Mehmet Vakfı mülkiyetinde olan toprak sınırlarıyla örtüşmekte olup, bu bölge sınırları içerisinde ikamet edenlerin neredeyse hiç birinin tapuları bulunmamakta, birçoğunun ise 1984’te çıkarılan İmar Affı

Kanunu'ndan faydalanarak aldıkları tapu tahsis belgeleri veyahut Ziraat Bankasına bu belgeleri almak için yatırdıkları 2.000TL'ye ait dekontlar bulunmaktadır. Bölge sakinleri tapu tahsis belgesine sahip olduğu ve tapu tahsis belgeleri ileride alınacak tapu belgelerine yasal dayanak kabul edildiği için, vakıf mülkiyetinden çıkarılan bu alana ilişkin mülkiyetin hak sahiplerine teslim edilmesi belediye açısından bir zorunluluk teşkil etmektedir. Yani, tapu tahsis belgelerini ve bölge sakinlerinin hak sahipliğini görmezden gelmek mümkün değildir. Tapuların dağıtımını ya da satışıyla birlikte Okmeydanı Kentsel Dönüşüm Projesi başlamadan gelecekte ortaya çıkabilecek yasal zorlukların aşılması da mümkün kılınmaktadır. Tapu satışı ifadesinin kullanılmasının sebebi, tapu dağıtım işlemlerinin taşınmazın bulunduğu konuma göre belirlenen rayiç bedel üzerinden yapının işgal ettiği metrekareye göre hesaplanarak hak sahiplerine satılmasıdır.

Beşinci bölümde, saha çalışmasının çıktıları çalışmanın temel kavramları çerçevesinde, derinlemesine görüşme yapılan kişilerin yorumlarıyla harmanlanarak değerlendirilmiş. Bu değerlendirme; görüşülen kişilerin emek mülkiyet ve rant ilişkisini nasıl kurguladığı ile bilgiye ulaşma ve teknik bilgi sahibi olmanın ne kadar önemli olduğu ile kentsel ayrışmayı kapsar.

Çalışmanın temel kavramlarından biri mülkiyet teorisi olduğu için özellikle bölge sakinlerinin mülkiyet haklarını nasıl tanımladığı analiz edilmeye çalışılmıştır. Görüşme yapılan kişiler, hak sahipliklerini mülkiyet ve emek ilişkisi üzerinden kurgulamaktadırlar. Ellerinde sahipliklerine ilişkin tapu belgelerinin olmamasına rağmen; taşınmazları emeklerinin karşılığında kazandıkları parayla almaları aynı zamanda gerekli altyapının sağlanması için sarf ettikleri emek ve bu zaman kadar ödedikleri bina, emlak ve çevre vergileri sebebiyle kendilerini hak sahibi olarak görmekte ve konutları gecekondü veya kaçak yapı olarak tanımlamayı kabul etmemektedirler.

Okmeydanı'nın bölge içindeki konumu ve ulaşılabilirliği Okmeydanı'nın rant oranını yükseltmekte ve bölgenin yüksek rantı bölge sakinlerinin oldukça farkında olduğu konulardan biridir. Görüşme yapılan kişiler aynı zamanda tapularının olması durumunda rantın daha da yüksek olacağını da farkındadır. Bunun yanı sıra, Okmeydanı'nın kentsel arsa olarak ekonomik coğrafyası da göz önünde bulundurulursa; İstanbul'un merkezinde yer alan vakıf mülkiyetinin özelleştirilmesi ve buradaki yerleşimin yasallaştırılması Okmeydanı'ndaki kentsel toprağın maliyet-satın alma fiyatında hızlı bir yükselmeye sebep olacağı öngörülmektedir. Yani, Okmeydanı'ndaki rant açığı hem belediyelerin yaptığı yatırımlar hem de toprağın süregelen yasal durumundan kaynaklanmaktadır. Geçmişte gecekondularda olan apartman sakinlerin emekleri ve belediyelerin alt yapı yatırımları zaman içerisinde toprağın değerlerini arttırmıştır.

Çalışma sonunda gözlemlenenlerden biri de kişilerin görüşleri ne olursa olsun sermayenin gerekli işbirlikleri yaparak bu yeri geldiğinde yapılan yasal bir düzenleme yeri geldiğinde kentsel dönüşüm projesi olarak kendini göstermekte ve mülkiyetin el değiştirmesi için gerekli zemin sağlanmaktadır. Öyle ki, henüz tüm hak sahipleri tapularını almamış olmasına rağmen gerek büyük inşaat grupları bölgeye olan niyetini açık etmekte gerekse Beyoğlu Belediye Başkanı yatırımcıları bölgeye çağırımdan geri durmamaktadır.

Diğer bir yandan, kentsel dönüşüm projesi henüz başlamadığı için görüşülen kişilerin yerinden edilme ve sosyal çevrenin değişmesi, ihtimali, karşısındaki tepkileri ölçülememiştir, bu bağlamdaki sorular çoğunlukla bilmiyorum, bir fikrim yok ya da hakkımızda hayırlısı olsun şeklinde cevaplanmıştır. Çalışmanın yapıldığı tarih itibarıyla, Okmeydanı'ndaki tek katlı gecekonduların çoğu 1990'lı yıllarda yıkılmış bulunmakta ve insanlar çok katlı apartmanlara taşınmak konusunda her hangi bir tereddüt duymamaktadır. Ancak yeni komşuluk ilişkileri, yaşam alanlarını kimle paylaşıyor olacaklarına dair güvensizlik; kapıcı, güvenlik gibi konsiyerj

hizmetlerinden doğacak maliyetin ödenmesi gibi konular endişe duyulan temel alanlardır. Her ne kadar Beyoğlu Belediyesi yetkilileri kentsel dönüşüm projesinin her hak sahibi tapusunu alıncaya kadar başlamayacağını söylese de, belediye tarafında koordine edilen kentsel dönüşüm projesi başladığında, insanların yeni taşınacakları apartmanlarında komşularının kimler olacağı önceden bileceğini yapılan vaatler arasındadır. Vatandaşın tapusunu aldirmaya yönelik önemli vaatlerden biri de eve ev, dükkâna dükkân söylemi olmakla birlikte bu söylem bir protokolle yazılı hale getirilmemiştir.

Diğer gecekondur yerleşim alanları ve kentsel dönüşüm projelerinde de olduğu gibi, kamu otoritesinin gücü; yasal ve yönetsel düzenlemeler Okmeydanı'nın geleceğini belirlemede, öyle ki imar planına karşı açılan davalar ve 18. madde uygulaması durumu daha da karmaşık bir hale getirme ihtimalini içinde barındırmaktadır. Ek olarak, İstanbul 6. Bölge İdare mahkemesine kişilerin açtığı davalar sonucunda Beyoğlu Belediyesi 1/1000lik imar planına iptal ve Büyükşehir Belediyesi'nin 1/5000lik nazım imar planına yürütmeyi durdurma kararı verilmesine rağmen Beyoğlu Belediyesi tarafından tapu satış işlemlerine devam edilmiştir. Tapu satış işlemlerinin iptal edilen 1/1000lik imar planına göre parsel bazında ve müstakil tapu yerine hisseli tapu şeklinde yapıldığı göz önünde bulundurulacak olursa, gelecekte Okmeydanı'nda mülkiyete ve mülkiyet haklarına ilişkin yeni sorunlarla karşılaşma olasılığı mevcuttur. Beyoğlu Belediyesi satış işlemlerine devam etmekle birlikte, belediyenin kendi internet sitesinde yayınladığı satışa ilişkin rakamlar, çok büyük farklılıklar arz etmemekle birlikte, tutarsızlık göstermektedir. Tutarsızlığın tespit edildiği başka bir alan ise bölge nüfusuna yöneliktir, hak sahipliğine benzer şekilde nüfus bilgilerinde de tutarsızlığın olması bu kadar basit bilgilerin bile doğru paylaşılabilmesi sebebiyle projeye olan güveni sarsmaktadır.

Okmeydanı'nda deneyimlenen ve dördüncü bölümde yer alan Figure 4.6 da gösterilen mülkiyetin el değıştirme sirkülasyonu göstermektedir ki, Okmeydanı'nda yaşanan süreç İlhan Tekeli tarafından çizilen ve sayfa 32'de yer alan 3.1 ve 3.2 şemalarla uyumludur. Okmeydanı'nın tek ve temel farkı aynı zamanda yaşanan problemlerin yasal dayanağı Okmeydanı'ndaki toprağın ne özel ne de kamu mülkiyetine konu olmaması, vakıf mülkiyetine konu olduğu için de imar affi kanunlarının sorunu çözmede işe yaramamış oluşudur.

Her ne kadar Okmeydanı gerek kapladığı 160 hektarlık alan gerek de yaklaşık 80 binlik nüfusu bakımından en büyük ve de en geniş kapsamlı projelerden biri olsa da bölgeye ilişkin yeterli kaynak bulunmamaktadır. Çalışmanın yapıldığı tarih itibariyle kıyaslamaya imkân veren başka bir çalışmanın olmayışı ve 2007'den önceki yıllara ait istatistiki bilgilerin tutulmamış oluşu; çevresel değışimi, sermayenin oynadığı rolü ölçmeyi zorlaştırmaktadır. Bu bağlamdaki resmi bilgi eksikliği devletin toprağın kullanımına ilişkin yönlendirmeyi yaparken bunu yasal ve istatistiksel olarak kontrol altına almadığının da bir örneğidir. Bu tarz bir bilgi eksikliğinin yanı sıra, bölge sakinlerinin de, toprağı ya da evi ne zaman ne kadar satın aldıkları, gecekondularını ne zaman apartmana dönüştürdükleri, kaç başına ne kadar harç yatırdıkları gibi konularda ya eksik bilgi sahibi olduğu ya da sahip olduğu bilgiyi kaydetmeyerek unuttuğu gözlemlenmiştir. Örnek vermek gerekirse, gecekondusunu çok katlı yapıya dönüştüren birçok hak sahibi bunu imar affi yoluyla mı, belediyenin yaptığı bir düzenlemeyle mi yoksa imar planı kapsamında yaptığı hakkında hiçbir fikre sahip değildir. O kadar ki, görüşme yapılan kişilerden biri kendi gecekondusunu çok katlı yapıya dönüştürdükten sonra komşularını da aynı şeyi yapmaya zorladığını ve buldukları sokağın bu şekilde dönüştüğünü ifade etmektedir.

1980'de mantar gibi çoğalan müteahhitlere ek olarak, TOKİ'nin devletin müteahhidi gibi çalıştığı ve kentsel arsa ve gelişmeye büyük inşaat

firmalarınca yön verilirken, sermayenin rant peşinde koşma davranışının da kentsel arsa inşasındaki rolünün daha da bariz olduğu ve geçeköndü sahiplerinin haksız kazanç ve kar elde ettiğine yönelik bir bakış açısının olduğunun da altını çizilmelidir. Her ne kadar insanlar kentsel dönüşüm projelerinin yerinden etme, soylulaştırma ve borçlanmaya sonuçlanmasına ilişkin korkular taşısalar da insanların kentsel dönüşüm projelerine yönelik bakış açıları bazı ikilemleri de içinde barındırmaktadır. İnsanlar bu süreçte pastadan daha büyük dilimler isteseler de, büyük resme bakıldığında büyük aktörlerin aldığı kadar büyük dilimleri alamayacaklarının da farkındadırlar; bireylerin belediye veya TOKİ yerine müteahhitlerle anlaşma yoluna gitmek istemesi bunun örneklerinden biridir. Bireyler inşaat firmalarının ya da müteahhitlerin kendilerine devlet aygıtlarından daha iyi teklif sunacağı inancındadırlar. Bunun yanı sıra belediyeyi de haklarını koruyacağı düşüncesiyle tercih edenler yok değildir. Diğer bir yandan vurgulanması gereken noktalardan biri de, birçok sakin evinin fiziksel durumu fark etmeksizin kendi evinde yaşamaya devam etmekten mutluluk duyacağını belirttirdiğidir. Görüşülen kişilerde apartmanlarda yaşayanlar, apartmanı ailesiyle paylaşmakta; sadece bir kaç kiracılardan gelir elde etmekte fakat hiç biri yaşadıkları yapılı çevrenin güzelleştirilmesine karşı çıkmamakta; bir dönüşümün olması durumunda buldukları yerde ve mevcut komşularıyla dönüşmeyi tercih etmektedirler.

Diğer örneklerde olduğu gibi, çalışmanın yapıldığı tarihe kadar süregelen plansız gelişmeler, kentsel arsa üzerindeki mülkiyete haksız el koyma olasılığının Okmeydanı'nda da ortaya çıkmasına sebep olmuştur. Yürütölen mevcut çalışmalar, yapılan imar planları bu problemi çözme odaklıdır. Okmeydanı'nda Fatih Sultan Mehmet Vakfının sahip olduğu toprağın hayrat mal yanı kamu yararı için kullanılması esas olduğu göz önünde bulundurulacak olursak, mülkiyet tipini de ortak mülkiyet olarak sınıflandırabiliriz. Yani, yıllardır kâğıt üzerinde olmasa bile pratikte toprak üzerinde ve toprak üzerine inşa edilen taşınmazlarda ortaya çıkan özel

mülkiyet, yapılan çalışmalarla birlikte ortak mülkiyette olan toprağın özel mülkiyet hukukuna kâğıt üzerinde ve yasal olarak geçirilmesidir. Bu noktada, üzerinde durulması gereken nokta kamu yararı kavramıdır, diğer bir deyişle Okmeydanı Mülkiyet Odaklı İmar Planı ve Okmeydanı Kentsel Dönüşüm Projesinin kamu yararı amacı güdüp gütmeyeceğidir. Fakat ne 1/1000lik ne de 1/5000lik planda kamu yararı kavramına rastlanmadığı gibi Okmeydanı Kentsel Dönüşüm Projesi'ndeki kamu yararının ne olduğuna dair de bir ipucu bulunamamıştır. Kentsel dönüşüm projesinin henüz uygulanmaya başlamamış oluşu ve imar planlarına yönelik mahkeme sonuçları göz önüne alınacak olursa Okmeydanı'nın ve Okmeydanı halkını şüpheli bir gelecek beklediği söylenebilir. Bununla birlikte Okmeydanı'nda ne tip bir kamu yararının gözetildiği ya da gözetilmediğini belirlemek ve analiz etmek de değinilen sebeplerden ötürü oldukça güçtür.

Yapılan saha çalışması sonucunda ortaya çıkan en çarpıcı sonuçlardan biri Okmeydanı'nda fiziki olarak da varlığı dillendirilen ayrışmadır. Kentsel ayrışma her ne kadar küreselleşmenin kentlerdeki sonucu olarak görülüp ekonomik tabanlı olduğu kabul görse de Okmeydanı'nda deneyimlenen ayrışma bölge hane hani büyük çoğunlukla düşük gelir grubuna dâhil olmakla birlikte ekonomikten ziyade siyasi ve mezhepsel tabanlıdır. Yapılan görüşmelerde vurgulanan “aşağı- yukarı” ayrımı fiziksel bir noktaya referansla Okmeydanı'nı iki ayrı bölüme ayırmaktadır. Ayrım için referans noktası Fetih-tepe ve Piyalepaşa Mahallelerini ayırarak kulaksıza kadar uzanan Fatih Sultan Mehmet Bulvarı üzerindeki Çeşme Durağı'dır. Yukarı diye adlandırılan kısım sadece sol görüşle değil aynı zamanda Alevilerle de özdeşleştirilirken bu kesimde daha çok Sivas ve Erzincan'dan göç edenler bulunmaktadır. Aşağı olarak adlandırılan kısımda ağırlıklı olarak daha çok Giresun, Trabzon ve Tokat'tan göç eden sağ görüşlü Sünnilerle özdeşleştirilmiştir.

Beşinci bölümde yer alan, 2009 ve 2014 yıllarına ait mahalle bazlı yerel seçim sonuçlarını gösteren Table 5.1 ve 5.2’de de bahsedilen siyasi ayrımı görmek olanaklıdır.

Okmeydanı’nda bu ayrışmanın yanı sıra son dönemde şiddeti giderek artan protestolara da ev sahipliği yapmaktadır. 2013 yazında çıkan Gezi olayları esnasında Berkin Elvan ve Uğur Kurt’un polis kurşunuyla hayatını kaybetmesi ve Burakcan Karamanoğlu’nun silahla vurularak öldürülmesini de DHKP-Cadlı örgütünün üstlenmesinin ardından bölgedeki ayrışma hat safhalara ulaşmıştır. Giderek suçla daha çok özleştirilen ve kötü bir nama sahip olmaya başlayan bölge için kentsel dönüşüm bölgeye yeni bir kimlik kazandırmak adına bir çözüm olarak dillendirilmekte, bahsedilen sebepler kentsel dönüşümü meşrulaştırıcı sebepler olarak öne sürülmektedir.

Yasal düzenlemelerin sonuçlarından kaynaklanan uyuşmazlıklar ve bölgenin farklı mücadelelere de ev sahipliği yapıyor oluşu; hem bölgede hem de bölge sakinlerinin eylemlerinde belirsizliğin hâkim olmasına sebebiyet vermektedir. Özellikle geçmiş dönemlerde mülkiyet hakkı ve tapu kazanımına ilişkin verilen sözler ve farklı dönemlerde gündeme gelen kentsel dönüşüm haberleri sebebiyle bölge halkı gelişmelere temkinli yaklaşmakta ve siyasilere karşı, destekliyor olsa dahi, bir güven problemi yaşamaktadır. Bu sebeple, hükümetlerin bugüne kadar başarısızlıkla sonuçlanan teşebbüslerini tekrarlamaması ve güvene dayalı birey- siyasa ve birey- siyasetçi ilişkisinin kurulması hem daha iyi plan yapma hem de aktörlerin ihtiyaçlarına yönelik siyasa geliştirme stratejisinin benimsenmesi gerekmektedir. Aksi takdirde Okmeydanı sakinlerinin mülkiyete ilişkin deneyimlediği yasal sorunlar ve engeller bu şekilde karmaşık ve çözümsüz kalmaya devam edecek ve bu konudaki uyuşmazlıkların devam etmesi halinde de sorun çözülmesi daha da zor bir hal alacak ve Okmeydanı’nın siyasi olarak ayrılmış karakteri daha da derinleşecektir.

Appendix F: TEZ FOTOKOPİSİ İZİN FORMU

ENSTİTÜ

Fen Bilimleri Enstitüsü	<input type="checkbox"/>
Sosyal Bilimler Enstitüsü	<input checked="" type="checkbox"/>
Uygulamalı Matematik Enstitüsü	<input type="checkbox"/>
Enformatik Enstitüsü	<input type="checkbox"/>
Deniz Bilimleri Enstitüsü	<input type="checkbox"/>

YAZARIN

Soyadı : ARSLAN
Adı : Zeynep
Bölümü : Kentsel Politika Planlaması ve Yerel Yönetimler

TEZİN ADI (İngilizce) : Changing Legal Status of Land Property and Limits to Urban Transformation: The Case of Okmeydanı, İstanbul

TEZİN TÜRÜ : Yüksek Lisans Doktora

1. Tezimin tamamından kaynak gösterilmek şartıyla fotokopi alınabilir.

2. Tezimin içindekiler sayfası, özet, indeks sayfalarından ve/veya bir bölümünden kaynak gösterilmek şartıyla fotokopi alınabilir.

3. Tezimden bir (1) yıl süreyle fotokopi alınamaz.

TEZİN KÜTÜPHANEYE TESLİM TARİHİ: