

A REVIEW OF URBAN TRANSFORMATION APPROACHES:
THE CASE OF ÇAY, ÇİLEK AND ÖZGÜRLÜK NEIGHBORHOODS, MERSİN

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ABSTRACT

**A REVIEW OF URBAN TRANSFORMATION APPROACHES:
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The main purpose of this study is to discuss the approaches of the central and local governments in Turkey to the issue of urban transformation based on the example cases of Çay, Çilek, and Özgürlük neighborhoods in line with the argument that cities must be planned through local decision-making processes. In contrast to the powers granted to local governments in the 1980s, the central government began to take more part in the urban processes as of the 2000s. With increasing powers granted to Mass Housing Administration (TOKİ) as a representative of the central government, the number of urban transformation projects has increased. However, urban problems increased and local governments and urbanites did not have chance to take part in the process of the urban transformation projects. In this context, projects by TOKİ and Akdeniz Municipality planned to be carried out in Çay, Çilek, and Özgürlük neighborhoods in Mersin are selected and examined. In addition, three law suits of Akdeniz Municipality are highlighted and the importance of the demand to voice by the local governments is emphasized. Based on the study findings, it is observed that project areas are chosen because of their location, to generate profits and prestigious areas. With all these considered, it is a

clear necessity that under the leadership of local governments, transformation projects that give significance to the local dynamics and their relationship with its surrounding as well as aiming the production of new dwelling units which the lower-income group can afford, should be designed.

Keywords: Urban Transformation, TOKİ, Akdeniz District, Central Government, Local Governments

ÖZ

KENTSEL DÖNÜŞÜM YAKLAŞIMLARI ÜZERİNE BİR İNCELEME: ÇAY, ÇİLEK VE ÖZGÜRLÜK MAHALLELERİ ÖRNEĞİ

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Bu çalışmanın ana amacı; kentlerin yerel karar alma süreçleri doğrultusunda yönetilmesi tezi doğrultusunda, Mersin'deki Çay, Çilek ve Özgürlük mahalleleri örneği üzerinden, Türkiye'de merkezi hükümet ve yerel yönetimlerin kentsel dönüşüm yaklaşımını tartışmaktır. 1980li yıllarda yerel yönetimlere verilen yetkilerin aksine, 2000li yıllar itibari ile merkezi hükümet, kentsel dönüşüm süreçlerinde daha fazla yer almaya başlamıştır. Merkezi hükümetin bir temsilcisi olarak Toplu Konut İdaresi Başkanlığı'na (TOKİ) verilen yetkilerin artırılması ile Türkiye'de, özellikle büyükşehirlerde, kentsel dönüşüm projelerinin sayısı artmıştır. Aynı doğrultuda kentsel dönüşüm projelerinden doğan mağduriyetler de artmış ve yerel yönetimler ve yerel halk kentsel dönüşüm projelerinin yapılması süreçlerinde yer almamıştır. Bu doğrultuda çalışma kapsamında Çay, Çilek ve Özgürlük mahallelerinde yapılması planlanan TOKİ ve Akdeniz Belediyesi'ne ait projeler seçilmiş ve incelenmiştir. Ayrıca Akdeniz Belediyesi'nin 3 dava sürecine(Geçekondu Önleme Bölgesi İlanı Ve İptali, Ataş Koruma Alanı İlanı, Acele Kamulaştırma Kararı Süreci) yer verilerek yerel yönetimlerin süreçte söz

hakkı arayışının önemi vurgulanmıştır. Uygulanan projelerde yeni yapılan konut alanlarının konumu itibari ile önemli olduğu için seçildiği, projelerin kar üretmek amaçlı olduğu ve projelerde prestijli alanlar üretilmesinin amaçlandığı gözlemlenmiştir. Bunun yanı sıra bu alanlarda yaşayan insanların alt gelir grubundan olması bu kişilerin yaşam alanlarından ötelenmesine neden olmaktadır. Tüm bunlar göz önünde bulundurulduğunda yerel yönetimlerin de önderliğinde, yerel dinamiklerin ön planda tutulduğu, alt gelir grubunun karşılayabileceği ve alanın çevresi ile ilişkilerine duyarlı projelerin ortaya konulması gerekliliği açıktır.

Anahtar Kelimeler: Kentsel Dönüşüm, TOKİ, Akdeniz İlçesi, Merkezi Hükümet, Yerel Yönetimler

To My Family

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LIST OF SYMBOLS/ABBREVIATIONS

AKP: Justice and Development Party

BDP: Peace and Democracy Party

CHP: Republican People's Party

DPT: State Planning Organization

DTP: Democratic Society Party

HDP: People's Democratic Party

MHP: Nationalist Movement Party

TOKİ: Mass Housing Administration

CHAPTER 1

INTRODUCTION

Cities are transformed in consequence of the industrialization process, migrations, wars, and natural disasters. Industrial Revolution is the most important reason for the urbanization process as it triggered migration from rural to urban areas. Also, the Second World War caused reconstruction in European cities. The process of urbanization has affected economically Turkey as well as the whole world. Also, the “globalization,” which is spoken in most cases the entire world after the 1980s, felt its influence in many areas, from economics to politics, the government's social structure, from individuals to their culture. Also, globalization forced everything and everyone in a global dimension to transform at a national and local level. Globalization makes itself visible on cities mostly. While cities became the main units determining the economic development of the society, they have had to provide the necessary infrastructure and initiatives to take part in the process of globalization and to attract global capital. It has become necessary to be more attractive to get a share of global welfare and to change to stay in the global relations network.

Urban transformation applications to provide a healthy and balanced development of the city are the most important implementations of local governments in almost all developed countries. There is a thought that it is necessary for cities to constantly renew themselves because of social, economic, environmental, and technological changes. The idea of urban transformation emerges as a solution to all problems occurring because of these changes.

The word transformation means reforming something spiritually, raising it morally, giving new strength or life to something, restoring lost qualities to something and finally growing again and according to this urban transformation can be defined as a conscious, systematized and planned action concerning a certain section of a

town (Keleş, 2003). On the other hand, the negative consequences of urban transformation practice are emerging. While cities are transforming, they may consume themselves and become an exploitation area.

Turkey has also been affected by global dynamics similar to Europe but entered the industrialization and urbanization process later. The urbanization process can be divided into four periods depending on changes in cities, political approaches to them. The first period was between 1923 and 1950 when the impact of the nation-state was reflected in the city. The second period was between 1950 and 1980 when rapid labor migrations took place from rural areas to major cities, and urbanization gained a new dimension. The period from 1980 up to 2002 when the strategy of neo-liberal outward-oriented growth manifested itself in Turkey as well as in the most part of the world, and new urbanization dynamics were formed constitutes the third period (Şengül, 2012). The fourth period starting with 2002 includes the urban development and transformation processes which are means of the intervention of the central government in the development and transformation of the cities and continues today.

In addition to the administrative structures and institutions, the creation of national economic space and national spatial division of labor is a strategic element of the centralization process. Also, against the complex ethnic structure of Ottoman society, the creation of a Turkish identity that will provide a basis for the unification of society under one identity constitutes another pillar intended to be realized (Şengül, 2012). The nation-state, which was intended to be built for these purposes, caused urbanization to lag behind. While the changes in this process caused employment problems in rural areas and transformed cities into centers of attraction, the rapid migration and urbanization of rural people became the most important determinants of the urbanization process between the 1950s and 1980s (Şengül, 2012). In other words, a rapid Gecekondu¹ process was experienced, especially on peri-urban areas and urban voids in big cities. The state could not manage the process well and problems such as justice, health, and infrastructure in cities emerged. After 1980s, the state wanted to use urban transformation in this

¹ Gecekondu is literally “slum” set up overnight in Turkey.

process to keep up with the globalized world and to solve the social and economic problems created in processes before. The result of making new mistakes has been socio-economic inequalities in cities. Mass Housing Administration (*hereafter referred to as "TOKİ"*) emerged precisely in this process. TOKİ, whose first step was taken in its establishment in 1984, was funded by the Mass Housing Fund with the authority of the Mass Housing Law (Law No. 2985) until 2001. In 2003, with Law No. 4966, TOKİ became an effective institution in determining housing policies and its scope was expanded (Yaman, 2015). The most important amendment was the amendment made in Law No 5609 in 2007. With this law, the authority of the Ministry of Public Works and Settlement about Gecekondu was transferred to TOKİ and some of the municipalities' authority over the cities was given to TOKİ's control and centralization approach was started to be implemented. These events raised discussion about TOKİ and centralization. The urban transformation projects implemented by TOKİ with the support of the laws, which cannot analyze the neighborhood experiences, culture and desires sufficiently, and descends from the top, do not comply with the conditions of the region, gives uniform, local governments only the right to give an idea about the place, but does not give the right to intervene in the project. In this direction, the selected areas which are Çay, Çilek, and Özgürlük neighborhoods within the boundaries of Akdeniz Municipality in Mersin will be explained with the details of the urban transformation processes. The reason why these neighborhoods are selected is that the process of these neighborhoods, which started with TOKİ's Urban Transformation Project, is an example of TOKİ's projects' descent from the top.

1.1. Scope and Purpose of the Research

Çay, Çilek, and Özgürlük neighborhoods are neighborhoods with internal and forced migrants, especially from the Eastern and Southeastern regions of Turkey due to political reasons. The most important reason for migration to these neighborhoods is that it is close to employment opportunities. 87% of the

population is Kurdish families from Eastern and Southeastern Anatolia, and their living practices have rural characteristics such as collective life, extended family, and large household values. Most of the people have marginal jobs with minimum wage and lower-income.

The process of transformation started with the preliminary protocol of Mersin Mediterranean Urban Renewal (Gecekondu Transformation) Project signed on 06.03.2008 TOKİ, Mersin Metropolitan Municipality, Akdeniz Municipality, and Mersin Governor and the additional protocol signed on 27.04.2010 by TOKİ, Mersin Metropolitan Municipality, Akdeniz Municipality, and Mersin Governor again. Between 2008 and 2011, surveys to learn more about neighborhoods and studies for urban transformation project were conducted by TOKİ for Çay, Çilek and Özgürlük neighborhoods and draft projects were prepared accordingly. Subsequently, the draft projects prepared by TOKİ were shared with the authorities at a meeting held at the governorship on 11.10.2011. Akdeniz Municipality evaluated the draft projects of TOKİ and decided to prepare an alternative project by the Municipality and conducted a survey to find out the public opinion about TOKİ and TOKİ's urban transformation projects. A similar survey was conducted by TOKİ, but the results were quite different.

There were also three lawsuits in the same period. The first was the declaration and cancellation decisions of the Gecekondu Prevention Zone. On 30.11.2011 by TOKİ; the urban transformation and development project areas of Çay, Çilek, and Özgürlük neighborhoods were declared as Gecekondu prevention areas. Subsequently, the Council of Ministers decided to rush expropriation of the project areas of these neighborhoods and delegated the authority to TOKİ. A lawsuit was filed by Akdeniz Municipality and the public for the announcement of the Gecekondu Prevention Zone. In the case of the announcement, there is two expert reports the neighborhoods, and the first was concluded in favor of the municipality, while the second report was against the municipality. On 18.06.2016, the Council of State ruled that the decision of the Gecekondu Prevention Zone taken on these three neighborhoods was contrary to Law No. 775. This law aimed to provide

public services to these areas and provided gecekondü owners assurance in their urban life (Yaman, 2015).

The second lawsuit process was the procurement phase of the Ataş Protection Area. Akdeniz Municipality requested the Adana Regional Directorate of Cultural Heritage Protection Board to register the Ataş Campus as a protected area. A negative decision was issued by the Adana Regional Directorate of Cultural Heritage Protection Board regarding the request of the municipality to register the Ataş Campus. But, the decision of the Adana Regional Directorate of Cultural Heritage Protection Board gave notice of cancellation by the Administrative Court decision. Upon the positive conclusion of the case, it was registered at the meeting held in Adana on May 27, 2015, by the Regional Board for the Protection of Cultural Heritage and signed on June 19, 2015, and the settlement was declared as 'Urban Protected Area.'

The final lawsuit process was the process of Urgent Expropriation Decision for the same area with the area of Gecekondü Prevention Zone. In 2013, the Council of Ministers filed an action for annulment of the urgent expropriation decision by Akdeniz Municipality and the residents. This case, which was quite a long process, was finally concluded on 10.02.2016 by the Council of State because there was no provision of the conditions for the 'Urgent Expropriation Decision' by the Council of Ministers for the Çay, Çilek, and Özgürlük neighborhoods in the Akdeniz District.

Based on this background information, the main purpose of this study is to discuss the approaches of the central government and local governments in Turkey to the issue of urban transformation based on the example cases of Çay, Çilek, and Özgürlük neighborhoods in line with the argument that cities must be planned through local decision-making processes. Urban areas, which were regarded as central government tasks, were approached by both central and local governments in Turkey from different perspectives. Depending on these experiences, this study discusses how decision-making process of urban areas can be localized; how to approach social, socio-economic and physical problems in urban areas depending on urban transformation; whether the importance of the lifestyle, life practices and

cultures of the local people is taken into consideration during the urban transformation processes; whether there are othering and dispossession problems of urban transformation projects, especially in regions where minorities live. Throughout this process, the central government's approaches to the local dynamics will also be discussed.

1.2. Structure of the Thesis

The main purpose of this study is to discuss the approaches of local governments and the central government to urban transformation. To discuss it, it was revealed as to how urbanization and urban transformation in the world and in Turkey, primarily benefiting from academic publications. The sampling method was used with the goal of explaining the case in Turkey, and 3 examples were described from 2 cities in Turkey. These were İstanbul-Ayazma-Tepeüstü Urban Transformation Project, İstanbul-Tozkoparan Urban Transformation Project and Bursa-Doğanbey Urban Transformation Project. News, case results, and academic publications and surveys of the Akdeniz Municipality and TOKİ were used to comprehensively analyze the situations of Çay, Çilek, and Özgürlük neighborhoods, which were selected as the main examples.

This thesis consists of five chapters. Introduction chapter, namely Chapter I, includes the purpose, scope, and structure of the thesis. In this section, general problem definition and answers related to this problem are given.

In Chapter II, the answers to questions such as why and how urban transformation emerged, who defined urban transformation, and, most importantly, how urban transformation has changed over time in the USA and Europe were sought. The study supported examples of how urban transformation projects were implemented in different regions of the world, in which actors have been involved in the process and the characteristics of the relationship between the central and local governments in the urban transformation process.

In Chapter III, first of all, there are answers to questions such as how Turkey is primarily influenced by changes in the world, how urban transformation is defined. Particular attention was given to the forms of intervention (through legislation and projects) and the changing approach of the central government, especially in the gecekondu process. Urbanization in Turkey is examined in four periods. Also, TOKİ, which is the most important representative of the central government in urban areas, and the most important administrative organ in the selected case of study; the reason for its emergence; what TOKİ understands about urban transformation and TOKİ's position in Turkey, is explained. In particular, the laws that affected TOKİ and local governments, the conflicts created by the laws, and the gaps in the laws are discussed. In this section, there will be examples of urban transformation projects in which TOKİ is involved. These examples are İstanbul-Ayazma-Tepebaşı Urban Transformation Project, İstanbul-Tozkoparan Urban Transformation Project, and Bursa-Doğanbey Urban Transformation Project. While selecting these examples, it was taken into consideration that TOKİ was involved in the process and that the dynamics and processes or expected consequences of areas are similar to Çay, Çilek, and Özgürlük neighborhoods.

In chapter IV, the process of transformation and the current situation of the selected area from past to present is explained. Afterward, both approaches and surveys of the Akdeniz Municipality and Central Government are explained. After that, the historical process of the three lawsuit processes and court decisions are given. Finally, the whole process is discussed.

In chapter V, namely the conclusion chapter, the summary of what was discussed throughout the thesis was explained by different examples and claims. Finally, it ended with further discussions about future research.

CHAPTER 2

URBAN TRANSFORMATION IN THE WORLD

Cities have constantly been changing since their existence. Dynamics, which directly affect cities, such as environmental conditions, daily life needs, wars, global and local economic and political changes, lead to change and transformation. Important changes in cities were observed intensively especially because of changing economic conditions after the industrial revolution. Attempt to reside in places close to job opportunities manifests itself as a concentration in urban areas and population decline in rural areas. In addition to this, urban mobility became more intense after the 1929 economic crisis and the Second World War. These migrations and the necessity of restructuring due to the destruction of the cities show up the necessity of producing new policies about the city by central and local governments. Because it is necessary for cities to constantly renew themselves because of social, economic, environmental, and technological changes. The idea of urban transformation emerges as if it is a solution to all problems to deal with social, economic, environmental, and technological changes.

2.1. What is Urban Transformation?

The word transformation means reforming something spiritually, raising it morally, giving new strength or life to something, restoring lost qualities to something, and finally growing again. A transformed city or a transformed society can be assumed as raising the main life qualities. According to Keleş (2003), urban transformation can be defined as a conscious, systematized, and planned action concerning a certain section or totality of a town. Urban transformation is also an integral part of the economic, social, spatial, and environmental dynamics and is defined as a comprehensive vision and action that aims to provide solutions for urban problems

and to provide a lasting solution to the economic, physical, social and environmental issues of a diverting region. However, the most basic components that are economic, social, spatial, and environmental concerns are not always considered equally important (Özdemir, 2010).

There are a lot of definitions and terms of urban transformation. These definitions and terms which are shaped according to the needs of time reveal that urban transformation is a complex and multidimensional concept. Urban transformation moves beyond the aims, aspirations, and achievements of urban renewal, which is seen by Couch (1990) as “a process of essentially physical change” (as cited in Roberts, 2000, p.17). Lichfield (1992) refers to another point, and it is the need for a “better understanding of the process of decline” and “an agreement on what one is trying to achieve and how” (p. 19). Moreover, Donnison (1993) defines urban transformation as “new ways of tackling our problems which focus in a co-ordinated way on problems and on the areas where those problems are concentrated” (as cited in Roberts, 2000, p.17-18). As a result of all of this, Roberts makes the comprehensive definition² as:

“...a comprehensive and integrated vision and action which leads to the resolution of urban problems and which seeks to bring about a lasting improvement in the economic, physical, social and environmental conditions of an area that has been subject to change” (Roberts, 2000, p.17).

These definitions outline what urban transformation is, but they can be the only summary of this complex and multidimensional concept. To define the role, content, and mode of operation of urban transformation, there are essential characteristics and features which also ensure to manage institutional and organizational dynamics of urban transformation. These features of urban transformation can be summarized as (Roberts and Sykes, 2000, p.21-22):

- An interventionist activity;
- An activity which straddles the public, private and community sectors;

² It is a definition of ‘Urban Regeneration’. Roberts describes Urban Regeneration as an umbrella term but in this study ‘Urban Transformation’ is referred.

- An activity which is likely to experience considerable changes in its institutional structures over time in response to changing economic, social, environmental and political circumstances;
- A means of mobilizing collective effort and providing the basis for the negotiation of appropriated solutions;
- A means of determining policies and actions designed to improve the condition of urban areas and developing the institutional structures necessary to support the preparation of a specific proposal.

The most important element in achieving the success of the urban transformation is ensuring the effective participation of residents' political parties and professional chambers, both in planning and in improvement. Other factors are the fulfillment of roles and responsibilities by the public and other stakeholders, taking into account the social, physical, economic, and managerial dimensions of urban transformation.

There are a lot of goals of urban transformation, but Roberts (2000) points five main goals. First of all, there should be a direct relationship between the physical conditions and social problems of the city. The second one is to fulfill the need for continuously physical change in a lot of items that form the urban fabric. The third one is the desirability of linking social improvement with economic progress. Fourthly, there should be strategies that provide to use urban spaces effectively and avoid unnecessary urban sprawl. The last one is to supply the changing role and nature of the urban policy.

Definitions may change according to the internal dynamics of countries and even regions, and it also changes the term of urban transformation. The concept of urban transformation is actually an umbrella term for this study. The terms of urban transformation have changed according to the forms and needs of intervention over the years. With the simplest definition, urban renewal is the most ancient and radical intervention in the destruction and remodeling of existing urban tissues.

Table 1. Terms Related to Urban Transformation (Source: Şahin, 2015, pp.75-76.)

Term	Short Definition
1. Urban Regeneration	a comprehensive process projected and carried out for the restructuring of a particular urban area with all dimensions
2. Urban Redevelopment	is carried out by the construction sector for the re-development of the value of the land that is re-emerging or seen as potential in a certain area of the city
3. Urban Resettlement	Urban residents are resurrected at a designated place in the city or in another city to prevent social conflicts and problems.
4. Urban Integration	a collective of conscious interventions, policies, strategies, and practices for the integration of polarized and fragmented urban structures.
5. Urban Refurbishment	is a change process triggered by the vitality created through the creation of elements that improve the appearance of buildings and streets in the city
6. Urban Renovation	includes measures of partial rebuilding and old-fashioned tie-ups that will allow the potentials of a certain part of the city
7. Urban Rehabilitation	is rehabilitation works and actions to restore the degraded urban fabric to its original form, function and social condition
8. Urban Restoration	is the sum of the protection interventions made to sustain the spatial, social and cultural values in a certain area of the city
9. Urban Revival	is the whole set of measures taken to restore the city to its former vitality, which is depressing, regressing or losing old value
10. Urban Revitalization	is the whole of the actions taken to bring a more dynamic economic, social and cultural position from the existing situation of a certain region of the city
11. Urban Renewal	is given to the process of predominantly physical restructuring of the regions that are found to be unwanted, problematic, or to be renewed in terms of principles such as livability, the right to shelter
12. Slum Clearance	is the demolition and reconstruction of slums and depressions that turn into problem areas in the city and do not have the conditions of human dignity for their inhabitants.
13. Land Reclamation or Infill Development	is the land use and property policies that are created for the urban reconstruction of empty and idle spaces and structures that exist in the city and have not been in the city.
14. Gentrification	means that middle and upper-income groups are forced to leave the living spaces of the lower-income groups and the poor as a result of settling in the city center or in places where value increases occur. Every type of urban transformation can cause gentrification at a certain level.
15. Right to the City	is to use the right to participate so that the citizens can exercise their right to live in the city they imagine- According to this, different types of urban transformation are an intervention in the right to the city
16. Urbicide	is the whole of the reactive interventions made to narrow the living spaces in the city of income groups apart from the middle and upper-income groups in the city

An urban reconstruction is a form of intervention close to urban renewal. Both of them have been criticized in terms of the effects on the social groups in the cities and the destruction they have caused in the historical fabrics. On the contrary, urban improvement and urban rehabilitation are more sensitive to social problems, more focused on economic resources of problems, and more moderate interventions. Urban redevelopment, which means carrying out by the construction sector for the re-development of the value of the land that is re-emerging or seen as potential in a certain area of the city (Table 1), is used during the shift the local government and private sector partnerships process in the 1980s.

Urban revitalization and urban conservation projects have been supported by the European Union for projects focused on the upgrading of sustainability, culture, tourism, and urban image to entrepreneurial and competitive local governments in recent years. Gentrification can be summarized as a settlement of middle and upper classes to historic fabrics and centers of the cities in many countries around the world after the 1980s. In addition to all these, urban resettlement, urban integration, urban refurbishment, urban renovation, urban restoration, urban revival, slum clearance, urban relocation, or infill development reurbanisation and urban strengthening can be seen as a strategy for the cities (Table 1).

2.2. Emergence of Urban Transformation

The concept of the city covers a broad framework despite the limited definitions. Urban Science Glossary (1980, pp. 85-86), defines the city as a “Settlement unit containing small neighborhood units which has continuous social development and meets society’s settling, housing, progress, work, rest, entertainment necessities; and where people do not engage in agricultural activities, which is densely populated in comparison with villages.” The Dictionary of Sociology Terms (1975, p. 63) defines the city as “a settlement area with a population of more than 10,000 people, based on non-agricultural activities, especially operation and service activities.” Urbanization, on the other hand, refers to the narrow and demographic number of cities and the increase of the population living in cities in favor of births

or increase with the migration from villages and towns (Keleş, 2016). Although this definition is incomplete, it ignores the economic and social changes in cities. Keleş (2016, p.37) defines urbanization as follows:

a process of population accumulation resulting in the increase in the number of cities and growth of present-day cities in parallel with industrialization and economic development, increasing organization in the social structure, creating a division of labor and specialization, leading to urban-specific changes in human behavior and principles.

In this section, how urban transformation, which was used as a tool of urbanization in the second half of the 20th century, affects urban policies, and how these policies have changed, will be explained.

In the 18th and 19th centuries in Europe, capital accumulation increased with the effect of new inventions on production and the emergence of mechanized industry, and with the industrial revolution that occurred, as a result, cities developed rapidly and uncontrollably (Arslan, 2014). To develop clean, healthy, and livable cities, the first urban renewal projects tried to increase public spaces (Akkar, 2006). The main purpose of the urban renewal projects was the “Park Movement” to bring nature to the cities in the first half of the 19th century, followed by the opening of wide boulevards and streets in the city centers. The first of these projects is Hausmann's Project in Paris, which initiated the 68 Movements. In this period, the renovation of the city centers and the implementation of the City Beautiful Movement were made in North America. The modernist movement that developed in parallel with the Garden City Movement in England and the New Cities Movement have taken its place among the renewal strategies in the cities (Akkar, 2006).

In the aftermath of the industrial revolution, the inhuman conditions of the working class in major European cities led many thinkers to debate on the improvement of cities (Şahin, 2015). Though philosophers like Ebenezer Howard and Tony Garnier seem to target socio-economic, cultural, and political transformation through a physical transformation, this urban transformation approach has undergone a serious change after the Second World War (Şahin, 2015).

The process of reconstruction of European cities destroyed after the Second World War and the process of undertaking comprehensive, holistic transformation and

construction activities to prevent misery and bad life in ghettos, collapsed city centers are related to each other (Şahin, 2015). Traces of the modernist movement are observed in this process. “The great destruction in post-war European cities brought up the urban reconstruction strategy, and the reconstruction process became a nationally important task” (Roberts, 2000, p.15). The restructuring policies of the 1940-1950s were introduced under the leadership of the central government. As a result of the plans made under the leadership of the central government and local governments, priority has been given to the cleaning of the ghettos in urban areas; large demolitions were made, and multi-storey residential blocks were built in these areas. “Great demolitions were also made in the traditional city centers; the new city centers were completely transformed into offices and trade areas” (as cited in Akkar, 2006, p. 31). For these reasons, Carmon (1999) calls this period the First Generation and narrowly defines it as physical determinism and emphasis on the built environment. According to her (1991), the idea of slum clearance emerged because of the poor conditions of housing, the idea of “better use” of central urban land, and the wish to drive the poor out of sight.

With the urban development strategy that started in the second half of the 1940s, the development in the Western Cities has passed the city walls, suburbs have formed around many existing cities and towns. While developing new cities with modernist planning and design principles, rapid growth was observed in existing ones (Akkar, 2006).

Since the Second World War caused serious destruction in the cities, the 1950s and 1960s, especially in England and Western Europe, was a period aimed at eliminating the destructive traces caused by these destructions, eliminating the need for housing with the increasing population and improving the living conditions. There were studies of central and local governments through master plans for the reconstruction of cities.

Although the contribution of the private sector during this period was low in the 1960s, the private sector gained importance, and social welfare state practices became intense (Özdemir, 2010). It was not only war; at the same time, the bulldozer approach of the First Generation has emerged with serious criticism. In

this period, which Carmon calls Second Generation, it was thought that the idea of improving existing housing and environments could be achieved through plans, rehabilitation programs and also by providing social service and increasing the quality of social life (Carmon, 1991).

Until the 1970s, central governments in countries such as Sweden, the Netherlands, Finland, Russia, and especially the UK, sought the solution to the increase in population and the housing deficit that emerged in addition to this increase. New urban environments that were compact, reflecting modernism and created by strict development rules, would cause sociological damages following years, and urban planning would be stopped for these reasons after the 1980s (Özdemir, 2010).

The 1960s and early 1970s were years of priority given to urban-improvement and of urban renewal projects that were sensitive to social problems and area-oriented (Akkar, 2006). In most European cities, countries developed programs in the late 1960s to address the old housing problem resulting from slum masses and dispossession policies. Britain, one of the leading countries, started the process with the Housing Law of 1969, and in the early 1970s, Amsterdam and Rotterdam in the Netherlands were affected by the conflicts between city governments and communities and began to make arrangements for urban transformation (Arslan, 2014). Through these projects, the improvement and renewal of urban centers and poor neighborhoods have become the primary policy areas of central governments. While urban degradation was seen as a social disease until the first half of the 1970s, it was explained through structural and economic reasons in the late 1970s (Akkar, 2006). To correct the mistakes made in the 1970s, improvements were made in the existing housing stock with the cooperation of local governments and the private sector, but this led to the gentrification that led to another urban crisis. The sale of renewed houses at high prices and the dispossession of the lower-income group resulted in gentrification.

In general, Keynesian welfare state understanding in this period used renewal (demolition and reconstruction of the old urban fabric and collapsed areas), resettlement (rehabilitation of empty urban areas), rehabilitation (partial use of old urban fabric and collapsed areas), redevelopment (reconstruction of certain urban

areas with different planning concepts and building conditions), revitalization (especially the old urban fabric and urban centers to try to ensure the revival of social measures to be revived), etc. to solve city problems. In the aftermath of the economic crisis in the late 1970s, many services were interrupted with the financial problems experienced by the local administrations withdrawn from many areas where the state was active and changing dynamics changed the concept of urban transformation (Şahin, 2010).

Between the 1950s and 1980s, the concept of urban transformation in the west significantly affected the concept of urban transformation in the following periods (Şahin, 2015). One of the most important projects of this period in the US, city of New Haven, especially under the mayor Richard c. Lee's leadership, a comprehensive and integrated urban transformation of universities, urban planners, architects, and engineers aimed to solve the problems of the city's collapse. The biggest problem that emerged in this example was the lack of localization at the local level. According to Dahl (1961), the main reason for the failure of the transformation is the fact that blacks, ethnic minorities, and the poor have little or no involvement in the process. The Cockburn study observed that people in slum areas benefited from these urban transformation activities to the extent that they participated in the decisions, and when they did not participate, they organized and opposed the transformation practices which were not a cure for eliminating homelessness and misery (Şahin, 2015).

The 1980s was a period of significant changes in urban transformation. Urban redevelopment is one of the most important features of urban transformation projects of the period. To provide economic stimulation, pioneering projects were carried out as catalysts of urban transformation in England, continental Europe, and North America, and with these projects, especially in the areas of collapse, creating new images and marketing of cities in terms of investment with their new identities and brand, as well as increasing the tourist potential (Akkar, 2006). In these projects, mostly with the establishment of public infrastructure and land support and institutional organization, it was aimed to attract capital to the field and to facilitate the work of the private sector.

After 1980, there was a period in which local government relations have been restructured, and local governments have become more autonomous in Europe, but the resources from the central government have been lost (Özdemir, 2010). Thus, social state policies turned into policies focused on economic growth. In the United States and England, a structure has emerged that serves certain classes where the private sector stands out. As a normal result of this process, rather than decentralization, centralization, and the need of local governments for the private sector emerged. “In the Netherlands, where 70% of local government revenue comes from the central government, a decrease of up to 50% in resource transfers from central government to local governments was expected from 1985 to 2015” (as cited in Özdemir, 2010, p.6). In addition to the economic problems caused by deindustrialization, the transformation of social policies into economic policies has led to major real estate-oriented projects such as large businesses and shopping centers, congress centers, sports facilities inspired by America in many European countries, particularly in the UK. Most of these projects were realized with public-private partnerships and investments aimed at attracting the population and revitalizing the city economy in areas left out of the industry by the out-of-town industry. When we look at the characteristics of these projects, it is seen that they are limited to certain areas, they are not holistic, but they are fragmentary and thus cause fragmentation and disintegration, and the poor and low-income groups which negatively benefit the global economy are neglected (Özdemir, 2010). In this case, it tries to present and implement the transformation in local administrations in a way that will bring attractive to the private sector still (Şahin, 2010). Thus, projects that accept the investors' decision rather than the public interest have emerged.

The Council of Europe carried out studies on unemployment and urban deprivation and launched a campaign in 1981. The name of the campaign, which is called Urban Renewal, was later renamed as “urban renaissance” since this concept has the content of demolishing and rebuilding. The campaign was based on the renewal of many European cities, which are the basic principles of improving the living conditions in cities, defining the current and future roles of cities, discussing them with all stakeholders, applying the existing laws for the development of urban life,

developing administrative and technical methods related to urban problems (Arslan, 2014).

Together with the criticisms brought to the physical and economic dimensional, unsuccessful urban transformation projects of the 1980s, it was aimed to ensure that the public has a voice in urban transformation and coordination of institutions and practices to eliminate the negative consequences of these projects in the 1990s. In addition to this, when an approach which has an integrated approach to the physical, economic, social and environmental dimensions of the urban space as well as the legal, institutional, organizational, monitoring and evaluation processes of urban transformation has been developed, it is widely advocated that the public interest can be maximized in urban revival (Akkar, 2006). Thus, the fact that the groups in poverty were included in the agenda of transformation in this period, the reduction of the dominant role of central government to ensure more effective local governments, the reduction of bureaucracy in the process was one of the characteristics that distinguish this period from the previous period (Ozdemir, 2010). However, the results of this period were the local governments that stand out with their competitiveness, innovation, and entrepreneurial capacity.

The competitive, collaborative, and entrepreneurial management approach that began in the 1980s was reflected in the 1990s. However, the most common form of intervention is with urban regeneration projects. Local governments have also played an active role in these projects, emphasizing the importance of ensuring the participation of voluntary organizations and different segments of society in urban transformation processes as well as public and private sectors, and new legal regulations and urban transformation programs have been introduced for this purpose (Akkar, 2006). Other actors have emerged in the UK, such as urban regeneration agencies and private sector consultancy, which lead to partnerships with different social groups, provide financial resources, and operate on a regional scale.

In addition to urban regeneration, urban conservation has been another method of urban transformation since the 1990s. This method is used to bring the images of the historical and cultural heritage of the cities to the fore and to ensure the revival

of tourism. With the realization that physical renewal does not provide a permanent solution to the problems, economic objectives such as job creation and vocational training were also evaluated within the scope of urban improvement after the Neoliberal restructuring process in the post-1980 period. Towards the end of the 1980s, these projects were used by the social circles, and it was criticized that they do not contribute to the protection of the environment by causing surplus supply due to the production of surplus built environment that they cannot provide, and thus, in the 1990s, the principle of sustainability was included in the improvement and reorganization projects of urban areas (Arslan, 2014).

Sustainable cities and regions from this period to the present day, revitalization of urban centers, limitation of urban expansion and expansion (concentrated city), the development of multifunctional urban areas and sustainable transportation techniques, protection of natural and historical heritage, many of the main policy topics are discussed in the city planning agenda (as cited in Akkar, 2006). During this period, some steps were taken in relation to localization. Signed in 1994, the Aalborg Convention defined criteria for creating sustainable cities and defined the responsibilities of local governments to ensure. With the “European Sustainable Cities - Settlements Campaign created in the context of this agreement, all local governments were invited to participate in this campaign and were expected to adopt and sign the agreement (Arslan, 2014).

Table 2: Urban Transformation Periods (Source: Roberts, 2000, p.14)

Period	1950s	1960s	1970s	1980s	1990s
Policy type	Reconstruction	Revitalization	Renewal	Redevelopment	Regeneration
Major strategy and orientation	Reconstruction and extension of older areas of towns and cities often based on a 'master plan; suburban growth.	Continuation of 1950s theme; suburban and peripheral growth; some early attempts at rehabilitation.	Focus on <i>institutional</i> renewal and neighborhood schemes, still development at the periphery.	Many major schemes of development and redevelopment; flagship projects; out of town projects.	Move towards a more comprehensive form of policy and practice, more emphasis on integrated treatments.
Key actors and stakeholders	National and local governments, private sector developers, and contractors.	Move towards a greater balance between the public and private sectors.	Growing role of the private sector and decentralization in local government.	Emphasis on the private sector and special agencies; growth of partnerships.	Partnership the dominant approach.
Spatial level of activity	Emphasis on local and site levels.	Regional level of activity emerged.	Regional and local levels initially; later, more local emphasis.	In the early 1980s, focus on site; later emphasis on a local level.	Reintroduction of strategic perspective; growth of regional activity.
Economic focus	Public sector investment with some private sector involvement.	Continuing from the 1950s with the growing influence of investment.	Resource constraints in the public sector and the growth of the private investment.	Private sector dominance with selective public funds.	Greater balance between public, private, and voluntary funding.
Social content	Improvement of housing and living standards.	Social and welfare improvement.	Community-based action and greater empowerment.	Community self-help with very selective state support.	Emphasis on the role of community.
Physical emphasis	Replacement of inner areas and peripheral development.	Some continuation from the 1950s with parallel rehabilitation of existing areas.	More extensive renewal of older urban areas.	Major schemes of replacement and new development; 'flagship schemes.'	More modest than the 1980s; heritage and retention.
Environmental approach	Landscaping and some greening.	Selective improvements.	Environmental improvement with some innovations.	Growth of concern for a wider approach to the environment	Introduction of the broader idea of environmental sustainability

2.3. Conclusion

In this chapter, the answers to questions such as why and how urban transformation emerged, who defined urban transformation, and, most importantly, how urban transformation has changed over time in the specially developed countries were sought. Also, different urban transformation terms are explained.

There are too many definitions under the word ‘Urban Transformation.’ These definitions vary from country to country and from space to space. Urban transformation varies according to the dynamics of each space, the factors affected by the transformation process, and the resulting project. However, in this study, the term urban transformation was used as an umbrella word.

After discussing Urban Transformation in the World, how Urban Transformation in Turkey implement in time, what Urban Transformation Laws are, and how TOKİ gains power in time are examined in the next Chapter. In addition to these, there are examples of urban transformation projects which TOKİ involves.

CHAPTER 3

URBAN TRANSFORMATION IN TURKEY

The industrialization and modernization that emerged in Europe led to both economic and institutional change in the Ottoman Empire. The Empire reorganized the administration system in compliance with the western model to keep up with economic developments. In the meantime, cities were also undergoing structural transformation. The first traces of this transformation were seen, especially in the port cities (Yaman, 2015). The fact that the housing stock in the cities largely consisted of wooden houses and the destruction by large fires in these areas had accelerated this process (Tekeli, 2012).

The development process in the cities had triggered the development of a municipal institution that was not very strong but required. In the meantime, legal amendments had been made to facilitate the municipalities, and there was a certain information retrieval by the foreign cartographers and military officer engineers before the Republic emerged (Tekeli, 2012).

In Turkey, it is difficult to talk about the housing policy in the social sense until the Second World War (Yaman, 2015). But when the new state was established, cities are burnt and ruined cities as a result of the fall of the Ottoman Empire, the new state produced policies for the city with its own dynamics. Taking the beginning of the proclamation of the Republic in 1923, Turkey's urban transformation process can be analyzed in four periods. Economic changes and the social and political changes influenced by these economic changes have been instrumental in making such categorization.

3.1. Periods of Urban Transformation in Turkey

Urban transformation in Turkey can be analyzed in four periods. In the first period, between the years of 1923 and 1950, there is urban restructuring led by the state. Intense migration from rural to urban and the policies for Gecekondus between the years 1950 and 1980 are in the second period, which is named as the urbanization of labor. 1980 is an important breaking point for Turkey in terms of economy, politics, urbanization, and society. The neoliberal restructuring process had taken effect between the years of 1980 and 2000, which can be called as the urbanization of capital. The last period can be named as urban transformation by TOKİ. After the 2000s, it is observed that the central government has a changing role in housing supply, especially after the authorities given to TOKİ started to increase in 2002.

3.1.1. Urban Restructuring Led by the State: ‘Between the years of 1923 and 1950’

This period can be seen as both the formation of a centralized nation-state structure that started with the foundation of the Republic and the reflection of a single society that is desired at the national level around a single identity (Şengül, 2012). It can be said that the approach towards urban space is also in accordance with these policies. Therefore, this period was called the period of urban restructuring led by the state (Yaman, 2015).

According to the Tekeli (2012), there are six main housing problems in Turkey at this period. The first was the need for reconstruction of the cities destroyed by the Greeks in the War of Independence. Secondly, Ankara was chosen as the capital of Turkey instead of Istanbul, which was the capital of the Ottoman Empire, so there is a necessity for a new formation in Ankara. When the nation-state building, which was the characteristic of the period, was established over Ankara, Ankara needed a new housing structure. The third problem stems from industrialization. Industrialization was playing a major role in urban settlements (Yaman, 2015), and with the industrialization process, there was a need for houses for workers in

industrial areas established in Anatolia and the railway circles connecting them. In addition, industrialization policies have been the main reason for the limitation of transferring resources to cities (Şengül, 2012). Fourth, there was a need to modernize village dwellings. The fifth problem came up after the 1939 Erzincan earthquake. The necessity of rebuilding Erzincan, which was destroyed by the earthquake and the construction of earthquake-resistant houses, emerged to prevent this situation. Finally, the housing crisis had been experienced because of the acceleration of migration to cities.

The housing policy of the state has been limited to meeting the housing needs of bureaucrats (Yaman, 2015). In the country, which could not keep up with the age of development level, the state could not make a big program in terms of workers' houses, village houses, earthquake houses, and the housing problem remained the problems of Ankara. However, in the 1950s, the perception of development, architecture, and a housing problem apart from Ankara was observed (Tekeli, 2012). During the period, boulevards, open-green areas, urban housing areas and parks were built on the basis of urban restructuring policies (Yaman, 2015).

The Republican administration did not consider housing construction as its duty at the beginning, but with the Law No. 1580 on housing in the 1930s, housing was perceived as a public problem (Tekeli, 2012). Cities were enlarged, problems about cities increased, and thus, the modern municipal organization was established (Şengül, 2012). In addition to the regulations issued in this law, the authority of the municipalities over the cities was determined under the supervision of the central government. The central government took part directly in issues such as natural disasters, civil servants' homes, and immigrants (Tekeli, 2012).

The housing construction process of the municipalities was supported by the expropriation authority of the municipalities and the transfer of treasury lands to the municipalities (Tekeli, 2012). However, an economically strong municipal approach could not be put into practice (Şengül, 2012).

As both central and local administrations were not sufficient in the urbanization process, especially in Ankara, Gecekondu process started, and the state enacted the

first Amnesty Law (Law No. 5218) in 1948. While this law covered only Ankara, the following year was expanded with Law No. 5431 throughout the country (Tekeli, 2012).

In Turkey, the policies about urbanization that were used as Ottoman rule in the first years were re-arranged in the 1930s, but this arrangement has remained weak in the face of rapid urbanization after the Second World War (Tekeli, 2012). In addition, the fact that the Kemalist project was distant from the traditional populations due to the Kemalist project's approach through modern lifestyle became particularly important after the Second World War. The migration, which came from the countryside to the city, articulated to the traditional people, and distinguished the line between the noble middle class and the traditional people living separately in the city, started a new period apart from the nation-state building period along with the *geceköndü* process (Şengül, 2012).

3.1.2. Urbanization of Labor: 'Between the years of 1950 and 1980'

Şengül (2012, p.423) states that the rapid migration and urbanization of the villagers to big cities in a way that creates a large and intensive labor pool is the most important determinant of the urbanization process between the 1950s and 1980s, and she defines this period as the urbanization of labor.

Turkish government wanted to accelerate industrialization; therefore, government limited resources allocated to housing and urbanization. In this case, *Geceköndüs* provided the cheap labor required by industry and increased the resources that the country could allocate to the industry by reducing the cost of urbanization (Tekeli, 2012). The limited intervention of the state in urban areas resulted in the urbanization process being left to the greater initiative of local communities; in a sense, the transition from a state and middle class centered urban development period to a (local) community-centered urbanization period was observed (Şengül, 2012).

The urbanization layer, which is the product of the middle class in the first place, is covered with a new layer with the Gecekondu developing in the empty urban areas as it is not suitable to settle on the outskirts of the city and this situation caused the reaction of both the state and the urban middle class. Until the early 1960s, the central government was confused and undecided about the Gecekondu, but it was observed that the scale of the problem was undeniable, and it could change the political balances. In this case, the positive contributions of Gecekondu had started to be emphasized for the economy and rational use of resources (Şengül, 2012).

In the face of the rapid growth of cities, the area, infrastructure, and resources for the investment of infrastructure were insufficient. This situation led to the start of the demolish-build process on historical textures (Tekeli, 2012). Menderes, who served as prime minister in Turkey between the years of 1950 and 1960, made development operations in İstanbul and they were applied to mobilize urban rents, had destroyed groves, forests, and historical structures (Yaman, 2015).

The task of managing changes and transformations experienced in the city in Turkey has been primarily on the central institutions (Yıldırım, 2006). Accordingly, the first Ministry of Reconstruction and Settlement was established in 1958, and the State Planning Organization was established in 1963. Since 1963, the planned period has started, and development plans have been made at the regional scale. These developments indicate that housing has started to be seen as a service to be provided by the state. In addition, with the constitution issued in 1961, the principle of social state was accepted and the welfare state was introduced; thus, housing was one of the social rights that the citizens would want from the state. However, economic and financial resources for the housing were not enough (Tekeli, 2012).

Many development amnesties have been issued to produce a solution to the gecekondu town process that prevails in this period and to benefit from this process. The first development amnesty laws were 6188 in 1953 and 6785 in 1963. With these laws, efforts to prevent Gecekondu towns did not prevent Gecekondu towns. This situation can be observed in the analysis of the Second Five-Year Development Plan prepared by the State Planning Organization for the years 1968-

1972. In 1955, while the rate of Gecekondus was 4.7%, this rate reached up to 22.9% in 1965 (Table 3).

Table 3: Changing Numbers of Gecekondus in Early Years (Source: DPT, Second Five Years Development Plan, 1968-1972)

Years	Total Gecekondus Number (Average)*	Share n Total Housing Units
1955	50.000	4,7%
1960	240.000	16,7%
1965	430.000	22,9%

In addition, it is quite far from the concept of social justice when amnesties of gecekondus are as a means of obtaining votes and ignoring the gecekondus and the problems that cause gecekondus. Legislation of the gecekondus provides the provision of basic services such as electricity and water, but it cannot be said that there is an absolute consensus on the problems of Gecekondus (Şengül, 2012).

The politically empowered Gecekondus also faced the demolition movement by the central government. In the former name of the May 1 neighborhood in İstanbul organized by the local people to make fast and more Gecekondus on September 2, 1977, the central government intervention turned into a bloody conflict, resulting in the death and injury of the residents of the neighborhood. This social event took its place in socialist history as the 2 September resistance (Tekeli, 2012).

In 1966, the Gecekondus Law, (Law No. 775), which enacted a dual development order, was enacted and with the permission of the Ministry of Development and Settlement, and with the permission of this ministry, municipalities were given the authority to build public residences, core residences and temporary residences to be used temporarily. With this law, Gecekondus are defined as structures built on land and plots which are not owned by squatters without the consent of the owner. In addition, Law No. 1605 enacted in 1972, Law No. 6785 increased the powers of

the central government. Both the Law No. 775 and the amendments made by Law No. 1605 indicate that the central government plans to solve the housing problem.

Legalization of Gecekondu has emerged with the need to take measures against the Gecekondu and to identify the existing gecekondu, although it does not accept the legitimacy of the existing buildings, it is only assured until the proper housing is constructed. Even though it is thought that the construction of Gecekondu can be prevented by establishing Gecekondu Prevention Zones, the prevention has not been realized, and an amnesty was required in 1976 Law No. 1990 was enacted. This allowed Gecekondu to produce new houses vertically on top of the old one.

Between the 1950s and 1965s, the Gecekondu followed the horizontal development process by filling the empty spaces in the city, and in the following years, it was started to be built with more durable materials considering the possibility of increasing the number of floors according to family accumulation (Tekeli, 2012). In this case, it can be said that the Flat Ownership Law, (Law No. 634) in 1965 was effective. This law, which was enacted to solve the crisis caused by the economic problems of individual housing production, led to the emergence of housing production by means of construction and the construction of apartment-type houses, construction on empty lands and the demolition of the existing low-rise buildings (Uzun, 2017). Thus, the Cooperatives Law, (Law No. 1163) enacted in 1969 legalized the cooperatives. This law, which was enacted mainly with the consideration of village development cooperatives, also led to the establishment of small housing cooperatives. To move to mass housing production in the organization of the cooperative, there was a search for higher unity, and the process was led by companies, trade union federations, municipalities, and large-scale cooperatives. Firstly, the process started by companies consisting of middle-class capitals. The second improvement, OR-AN Construction Company, which is a multi-partner company consisting mostly of architects, engineers and economists in Ankara in 1968, was established. In the following; Companies such as ME-SA in Ankara in 1969 and Collective Housing Holding Inc. in İstanbul in 1974 were established and the construction of mass housing constructions became widespread.

İzmit and Ankara Municipalities that wanted to implement the producer municipality program were the pioneers of the mass housing initiatives led by the municipalities. Through the policies of the state, although there is much talk about the implementation of mass housing, the policy has not been put forward in this period (Tekeli 2012).

The decisions of 24 January and the coup of 12 September in 1980 caused serious changes in the economy and policy shift in the state administration and ended this period (Şengül, 2012). Changings in the economy affected cities directly.

3.1.3. Urbanization of Capital: ‘Between the Years of 1980 and 2002

This period is the period we might call the urbanization of capital both in the world and in Turkey, which experienced neo-liberal outward-oriented growth strategy and capital accumulation process in the cities (Şengül, 2012). As long as the military regime that came to power on September 12, 1980 coup, led Turkey to be easily articulated. Under the influence of neoliberal policies, social state practices were terminated, and capital oriented policies became important (Yaman, 2015).

The crises experienced in the previous period manifested itself mostly in the cities and became the situation that we can define as the urban crisis. In this case, the first goal of the new administration was the cities, left organizations from the “Liberated Gecekondu neighborhoods” and wanted to seize control. In addition, since it is accepted as local governments that cannot manage this crisis created by the military regime, it is envisaged that local administrations will be strong but non-political technical units in the newly constructed system. In the municipalities that have turned into technical units, a cost-based service strategy has been introduced that prioritizes infrastructure investments rather than social services, especially for the needs of lower-income groups (Şengül, 2012). The emergence of municipal companies was also precisely in this process.

The economic changes of the new system brought about by globalization have caused the labor-intensive industry to move out of the city, and the technology-

intensive service sector has started to choose a place in the city center. In residential areas, as in the case of Europe and the United States, the run-down areas in urban centers became the center of attraction for the new middle class and upper-income group (Uzun, 2017). In addition, the competition between cities that want to attract international capital to themselves has caused the abandonment of natural, historical, and cultural values (Keskinok, 2006).

At the beginning of the 1980s, the Housing Development Law was enacted for the production of mass housing, TOKİ was established in 1984, and the entrance of large capital to the city was opened. Although it was established to serve the lower-income group, it served mostly middle-class cooperatives during this period and was partially active until the Justice and Development Party (AKP) government was established in 2002.

During this period, the central government control over local governments in Turkey with the reasons for decentralization reduced partly brought about by globalization, making the development plan and approval powers have been transferred to municipalities.

As in the previous period, changes had been made regarding gecekondü areas in this period. In 1984, the Law No. 2981 on “Some Procedures to be applied to Buildings Contrary to the Development and Gecekondü Legislation and the Amendment of an Article of the Development Law No. 6785 Amnesty and Reclamation Development Plans” has not been able to achieve long-term economic, social, physical, environmental and social transformation (Uzun, 2017). In addition, it opened the way for the transformation of Gecekondus into apartments, and the Gecekondus were given the opportunity to get a share of urban rent (Yaman, 2015).

After 1990, large-scale urban transformation practices came to the fore. In Istanbul, Bedrettin Dalan's Istanbul as an International City Project in previous years (Şengül, 2012) and Ali Müfit Gürtuna's major projects in these years reflect the change of the period. The first urban transformation projects in Ankara are the Dikmen Valley Urban Transformation Project, Portakal Çiçeği Urban

Transformation Project, and the Transformation Project from the Gecekondus to the Contemporary Housing Project carried out by the Ankara Metropolitan Municipality and district municipalities. In all three areas, it was aimed to transform the gecekondu areas and to improve the quality of life, while these goals were successful when evaluated in terms of the area, social structure and daily life practices were not taken into consideration for the people living in the area (Uzun, 2017). In the first two projects, the beneficiaries were forced to move to areas of lower-income groups and to areas farther away from the city center for financial reasons, while in the third project, the beneficiaries could move to their own homes. It can be said that these projects and other urban transformation projects of the period are similar to the practices that emerged during the bulldozer period in European and American cities (Uzun, 2017).

It is the “Forced Migration Process,” which has a major impact on this period, creating both a new migration and a new wave of gecekondu. The violence that emerged as a strategy to the Kurdish Question, village evacuations covering 12 provinces in the Southeast Anatolia Region, and the accompanying migration process were not only a social and political problem but also dramatically affected the settlement pattern and urbanization processes at the national level. A large population who lost their villages and some of their assets and was forced to migrate was able to locate primarily in the poor neighborhoods and gecekondu they established in the outer walls of the cities of the region and then spread to tourism and industrial cities such as Istanbul, Izmir, Mersin, Bursa, and Adana. Many problems that have already existed in the cities have deepened and those who have been forced to migrate have been exposed to insufficiency of housing and infrastructure, especially unemployment. In addition to these problems, the concentration of the Kurdish population in these immigrated cities has caused and continues to emerge ethnic-based segregation and tensions, and the stigmatization process, which sometimes reaches the level of conflict, makes these segments a target (Şengül, 2012).

3.1.4. Urban Transformation: After 2002

It is not possible to call the process of change in Turkish cities, which began at the end of the twentieth century as urban transformation, different from other cities (Uzun, 2017). The main difference between Turkey's experiences with world experiences is that approaches from the experience of the world are trying to be implemented in Turkey approximately 20 years later (Balaban, 2013). Instead of eliminating regional inequalities, the most preferred urban return practices in this period led to the destruction of gecekondu areas, destruction of cultural-historical riches, plundering of forest areas, and marketing of profit and rent-priority cities (Yaman, 2015). Gecekondu areas in urban centers, collapse areas in urban centers, and industrial areas within the city are chosen as priority transformation areas. In the understanding of the transformation of the period, physical change came to the forefront, social problems remained in the background or used as a tool for transformation.

In 2001, Turkey was shaped over the policies on the urban construction sector after the economic crisis; legal arrangements were made for it. Firstly, in 2004, the 5104 Urban Transformation Project Law for the North Ankara Entrance Project was enacted. With this law, all powers of the transformation in the field were given to Ankara Metropolitan Municipality. This project, which is only a physical transformation within the scope of the law, has been a negative example due to its fragmentary approach.

Subsequently, the Metropolitan Municipality Law (Law No. 5216) enacted in 2004 allowed metropolitan municipalities to implement urban transformation and development projects. In 2005, Municipal Law (Law No. 5393) was enacted, and the fields to be regenerated were defined partially. Another law enacted in this year was the Law No. 5366 on the Conservation and Use of the Worn Historical and Cultural Immovable Property by Renewing. The lack of a clear definition of how and to what extent the worn-out regions of the city were exploited (Uzun, 2017).

It was the President of TOKİ, which left its mark on the city after the 2000s and had the greatest impact on the cities. With Law No. 5216, TOKİ gained the

authority to develop transformation projects, enabling it to transform not only in gecekondu areas but also in public lands. (More detailed information about TOKİ will be discussed in detail.) By 2012, Law No. 6306 on Transformation of Disaster Risk Areas was enacted. What is different from the previous laws is that it leads to the destruction and reconstruction of a single structure apart from a spatial transformation.

Not only the central government and local governments but also the private sector has made initiatives to get a share of this rent obtained through the cities. Large companies have previously liquidated their production facilities and allocated their land to build or sell high-rent housing, shopping, business centers, and plazas. In Ankara, North Ankara Entrance, Ulus-Hacıbayram, Dikmen Valley Projects; in Istanbul, Ayazma, Başbüyük, Sulukule, Tarlabası areas were taken from the relatively weak sections of the population by using public power and transferred to the ownership of capital groups (Şengül, 2012).

3.2. A Tool for Urban Transformation: TOKİ

After the 1980s, the problems of urbanization in Turkey have started to be considered more than before. The number of unplanned settlements and Gecekondu had increased as a result of wrong policies, and results of unhealthy, unplanned urbanization had become visible in all cities, especially in metropolitan cities. There was a need for a comprehensive approach. This led the state to take concrete steps on urban transformation. One of the most important steps taken is foundation of TOKİ. As a result of the laws and regulations, TOKİ has become one of the most important institutions in urban transformation in Turkey. For more than 40 years, the main strategies of TOKİ were changed through laws, and visibility of these changes has caused some social, socio-economic, and legal problems. In this section, the purpose of foundation of TOKİ, after 1980, its changing policies and strategies after 2002 changing laws about TOKİ, the applications that TOKİ has made so far, and the results of these practices are explained. In addition, the laws on urban transformation are given in this section. While the laws regarding the

urban transformation process of the selected areas as case study (Çay, Çilek and Özgürlük neighborhoods) were given priority, other important laws related to urban transformation are also mentioned.

3.2.1. TOKİ until 2002

Crisis in the industry due to low demand for housing in Turkey in 1981 has led to a doubling in the Housing Act 1984. This crisis, whose visibility increased in the first half of the 1980s, was directly related to the increase in housing demand due to high inflation between 1975 and 1980 and, consequently, the increase in housing construction. In 1980, the January 24 Decisions caused a decrease in the demand for housing, and the housing manufacturers faced great difficulties in the sale of the houses they built (Türel, 1989). The first law numbered 2487 was enacted by the military administration, and its scope was determined as meeting the housing need through the construction of mass housing, arranging the procedures and principles to be provided to those in need of housing and construction, and establishing and using the Public Housing Fund for state support. The difficulties encountered in allocating resources from the state foreseen, the problems of organizing the institutions related to mass housing, the suppression of the Mass Housing Fund by the private sector and the stagnation in the construction market caused the Law No. 2487 to be abolished, and the law numbered 2985 was enacted (Keleş, 2016). In both laws, instead of localization, it is observed that the central government is positioned as a decision-maker.

There are serious changes between the two laws. Law No. 2985 introduced individual loans, and the requirement not to be a homeowner, which was stipulated to acquire housing, was abolished (Akalin, 2016). The share previously thought to be given from the general budget was abolished, and in accordance with the understanding of the period, it was envisaged to use resources other than general budget revenues. In addition, the new law has increased the size of the house from 100 m² to 150 m², thus paving the way for luxury housing with public resources.

The new law included the so-called build-sellers in the definition of housing manufacturers and created resources for them (Karasu, 2009).

Some problems have arisen in practice in terms of housing presentation financing over time, and the most important reason is that the public has not been able to provide cheaper housing than other housing types. Housing cooperatives, on the other hand, caused unpredictable developments and new focuses on urban periphery, threatening natural areas and triggering real estate values on urban periphery, independent of city plans. Gecekondu and unregistered contractors have also caused the growth of unlicensed, unstable, and unqualified housing stock in cities (Akin and Özdemir, 2010).

In 1990, with the Decree No. 412 and 414, two different administrations were organized in the form of Mass Housing Administration (TOKİ) and State Partnership Administration. The administration of the state partnership has been charged with the implementation of privatization practices and the management of the savings account of the employees through the public partnership fund (Yaman, 2015).

Although the co-operatives were supported by public funds, 63.4% were not controlled by the state, and it was determined that the beneficiaries of the co-operatives were not families who needed social housing (Berkman and Osmay, 1996). In 1993, the mass housing fund was included in the general budget, and the production was moved away due to the decrease in administrative resources (Yaman, 2015). In 2001, with the Law No. 4648, the phrase 46 Mass Housing Fund was removed from the law and completely eliminated. From 1984 to the end of August 2003, the number of housing loans extended by the TOKİ was 1,048,310 (Demir and Palabıyık, 2005).

Between 1980 and 2002, the role of the public sector in housing provision by TOKİ was criticized. Most importantly, the central government supported middle-class cooperatives, albeit to provide housing for low-income groups. For low-income groups, the option of rented housing was implemented for a very short time, but this option has not been adequately evaluated. Low-capital housing producers did

not receive support and remained outside the market. The central government failed to provide cheap land to the lower-income group although it was the main purpose of the enactment of laws (Akın and Özdemir, 2010) (Baharoğlu, 1996).

3.2.2. TOKİ since 2002

TOKİ, which was partially effective before 2002, and whose activity decreased with the abolition of the Mass Housing Fund in 2001, gained a new vision with the establishment of the AKP, which came to power in 2002. The first action that initiated this vision was the start of Planned Urbanization and Housing Mobilization within the framework of the Emergency Action Plan. The Urgent Action Plan for Housing and Urbanization was adopted on January 1, 2003, with a five-year target for the construction of a total of 250,000 housing units in 2007, which was achieved. TOKİ, with the social infrastructure until the end of 2011, the goal of starting the construction of 500 thousand housing units was reached in the first half of 2011 (TOKİ, 2016).

Although the Housing Development Fund was abolished in 2001, TOKİ's duties regarding housing finance continued. In this process, TOKİ was founded primarily under the secretariat of Housing, then by the Ministry of Public Works and Settlement, and finally by the Prime Ministry (Keleş, 2016). In 2018, with the Decree 703 issued to harmonize with the Presidential system TOKİ was connected to the Ministry of Environment and Urbanization.

Law No. 4966 was enacted in 2003, and the duties of TOKİ defined in Law No. 2985 were expanded. These tasks include, in general terms, individual and collective housing loans, realizing domestic and international projects, and conducting profit-making projects to generate income, encouraging and supporting housing production throughout the country as well as housing, if necessary, in natural disasters (TOKİ, 2011). Thus, to generate income, TOKİ's housing for-profit and urban transformation in disaster areas was paved.

In 2004, Law No. 5162 was enacted, and significant changes were made which constitute the legal basis of TOKİ for today's urban renewal projects. According to the amendments, TOKİ was given the authority to plan and implement projects aimed at liquidating low-standard housing and was given the authority to prepare development plans and make necessary arrangements when necessary. Besides, the authority to plan and implement financial arrangements for the expropriation of vacant land or buildings and gecekondur transformation projects when required by the public interest (TOKİ, 2016). Following the definition of TOKİ's competencies related to Gecekondur projects, amendments to the Gecekondur Law were made in 2007 and the authority of the Ministry of Public Works and Settlement was transferred to TOKİ, and TOKİ became an important institution in Gecekondur policies (Yaman, 2015).

Again in 2004, with the Law No. 5273, the duties and assets of the General Directorate of Land Office were transferred to TOKİ, additions were made to TOKİ's duty definition (Yaman, 2015), and the bureaucratic processes were reduced, and TOKİ was able to use the land more quickly. With this law, the authority of the General Directorate of Land Office for the production of land for health, industry, education, and tourism purposes was transferred to TOKİ.

The Law No. 5366 on the Conservation and Use of Worn Historical and Cultural Immovable Assets issued in 2005 gave the authority to carry out renewal projects and to authorize TOKİ or TOKİ to do so.

In 2007, the Law No. 5609 was amended, and the authority of the Ministry of Public Works and Settlement over the gecekondus was transferred to TOKİ. TOKİ gained the authority to prepare plans, reject or approve the plan proposals without adhering to the provisions of the development law and this enabled TOKİ to establish dominance over local governments (Yaman, 2015). Law No. 5793 has increased the authority of the local administrations by giving TOKİ the authority of development planning.

Lastly, in 2012, Regulation No. 6262 and Law No. 6306 were made in the tasks of TOKİ. The Law No. 6306 on the Transformation of Disaster Risk Areas has caused

serious controversy by authorizing TOKİ not only in urban areas but also in places prone to disaster risks. In addition, the transformation on the basis of buildings has been achieved, and thus, urban integrity has been ignored.

Today, all legal basis of TOKİ's urban transformation practices are as follows;

- Article 73 of Municipal Law No. 5393
- Article 7 / e of the Metropolitan Municipality Law No. 5216
- Articles 4 and 7 of the Housing Law No. 2985
- Gecekondu Law No. 775
- Law No. 5366 on the Renewal, Protection, and Survival of Worn Historical and Cultural Immovable Assets
- Expropriation Law No. 2942
- Law and Regulation No. 6306 on Transformation of Disaster Risk Areas
- Law No. 6262 on Supporting the Development of Forest Peasants and Evaluating the Areas Excluded from Forest Boundaries on behalf of the Treasury and the Sale of Agricultural Lands of the Treasury.

The duties of the TOKİ defined / determined by Law No. 2985 are as follows;

- Developing projects directly or through its affiliates in Turkey and abroad; to make housing, infrastructure, and social reinforcement applications or to have them made.
- Establish or participate in companies related to the housing sector.
- To support industry or employees in housing construction.
- To build, promote, and support housing and social facilities, together with their infrastructures, if deemed necessary in natural disaster areas.

- To make or have the projects and implementations subject to the request made by the Ministries upon the request of the Ministries and the approval of the Minister.
- To make applications with profit-oriented projects to provide funds to the administration or to have them made.
- To issue government-guaranteed or non-guaranteed domestic and foreign bonds and all kinds of securities.
- To grant individual and public housing loans, to loan projects for the development of village architecture, the transformation of Gecekondu areas, protection and renewal of historical texture and local architecture, and to make interest subsidies on all these loans when necessary.
- Deciding to take loans from abroad on the opinion of the under Secretariat of Treasury to be used in expenditures related to the field of duty.
- To take measures to ensure the participation of banks for the financing of housing, to provide loans to banks for this purpose, to determine the procedures for the implementation of this provision.
- Ensuring that all kinds of research, project, and contracting operations are carried out by contract.
- To perform the duties given by laws and other legislation (toki.gov.tr, 09.06.2019).

The process of urban transformation projects starts with the preliminary protocols signed as a result of the applications of local administrations and technical evaluations. Urban transformation studies are carried out in areas authorized by TOKİ by the Ministry of Environment and Urbanization as a result of the amendment of the legislation depending on the scope of Laws No. 6306 and 6292. During the main protocol process, it is considered beneficial to carry out negotiations with the beneficiaries with the coordination and support of TOKİ by local governments within the framework of the criteria determined in accordance

with the project concept. However, in cases where the coordination is not provided by the local authorities, negotiations are carried out within TOKİ. The project is carried out with the demolition of the area, transfer of ownership, and construction processes following the negotiation process (toki.gov.tr, 09.06.2019).

TOKİ has recently played a critical role in the urbanization process. The first is to overcome the problem of small and divided property patterns in cities through confiscation and consolidation. The other is that the extraordinary planning powers held by TOKİ eliminate the bureaucratic processes and enable the process to proceed and conclude (Şengül, 2017). However, according to the report of the Urbanization Council in 2009, it is not possible to talk about any contribution made for the people who need the support of the government to acquire property or rented housing while producing housing under favorable payment conditions for only 10 percent of the population. Housing prices produced under market conditions are high in terms of current income distribution and needy people. In this structure, the problem of the housing needs of the low income will continue (Urbanization Council, 2009). At the same time, it is also mentioned that the concept of originality has been criticized that by producing uniform and unidentified urban living environments in some of the transformation implementations of TOKİ in recent years. These implementations refer demolishing existing buildings and building new residences (which is urban renewal). Although there are a lot of critics about these implementations, there is no change in this perspective today.

3.3. Laws for Urban Transformation

Turkey, as the newly established state, had been far from urban interventions for a long time since the development priorities of the city and the construction of the city is left to its own devices. In this case, many urban problems, such as an increase in the unpredictable number of gecekondu and a decrease in urban living standards, were encountered. The state intervened in these circumstances by developing certain standards, by introducing certain restrictions, or by granting

certain permits that were considered to be at a controllable level with laws. The laws that are primarily important in this study will be examined below.

3.3.1. Gecekondu Law No. 775

Gecekondu is illegal housing because of the violation of development and construction regulations. These types of constructions are increasing in number due to the insufficiency of the government's provision of housing to the low-income groups. In the beginning, the constructions of gecekondu were not considered as an important issue, but with the increase in number, it has been recognized by the state as a socio-economic and social reality.

Moves towards gecekondu were started in 1948 for the first time. First of all, legal regulations were made in Ankara and then spread throughout the country. However, these regulations legalized gecekondu that were already made, and prohibited ones to be built later, instead of suggesting holistic and long-term solutions. The most important progress was the regulation that enabled these structures to get municipal services. The fact that this law enacted in a short time before the election indicates political concerns considering that the inhabitants of Gecekondu had an important place in the urban population (Mutlu, 2007). It was tried to be continued to solve the gecekondu problem with the establishment of DPT in 1960 and various policies about gecekondu. But as a consequence of the inadequate former practices and laws, Gecekondu Law (Law No. 775) was enacted in 1966 to provide a radical solution to the problem of gecekondu.

Law No. 775, which described the concept of gecekondu for the first time, reflects the characteristics of the new planned period. It is understood that gecekondu was an inevitable phenomenon in the First Plan period, and in this period, the need for interferences was emphasized with concrete solution offers, so the gecekondu law was enacted (Mutlu, 2007). With this law, Law No. 6188, 7367, and 327 were repealed, and the gecekondu areas constructed until 30.07.1966 were included in the scope of amnesty.

Gecekondu Law aimed to provide public services to these areas and provided gecekondu owners assurance in their urban life (Yaman, 2015). Prevention methods implemented in addition to rehabilitation and removal methods and ‘gecekondu prevention zones’ were formed. Kinds of fond were organized under the control of the municipality for providing public services and housing to people who lived in gecekondu zones. However, measures for preventing unhealthy housing were not taken again. The only result was the encouragement and re-legalization of gecekondu. Moreover, solutions to social and economic problems were not found (Şengül, 2010).

3.3.2. Expropriation Law No. 2942

Expropriation is the acquisition of immovable property in private ownership by public administrations when public interest was required (Keleş, 2016). It can be defined as the purchasing transaction of immovable property or resource with paying cash its value for public interest to run a public service regardless of the owner’s consent. For this reason, expropriation is an administrative process with a social and economic dimension affecting the owner, enactive administration, and the public or the whole community.

Expropriation was mentioned in 1924, 1961, and 1982 constitution acts, but in 1983, its law was enacted as the Expropriation Law (Law No. 2942). The expropriation law was amended by many laws and was updated for the last time with Law No. 7139, which was enacted in 2018. The most problematic article of this law is the article related to urgent expropriation. This law is used as a tool by TOKİ, which leads to the use of urban transformation and which is the most problematic, related to the urgent expropriation. Urgent expropriation is an extraordinary method of expropriation, which is regulated in Article 27 of the Expropriation Law and used in certain conditions.

In Article 27 of the Expropriation Law, the conditions for immediate expropriation are limited. According to this; In case of dormitory defense where the Law on

National Defense Taxpayer (Law No. 3634) the President of the Republic (along with the shift to a presidential system in Turkey, the 07/02/2018 dated and 700 numbered Decree 86. agent in the article 27 Council of Ministers was replaced with “By the President.”) will decided; Urgent expropriation may be carried out in exceptional cases foreseen by special laws.

The urgent expropriation decision taken under this article should be a decision to be taken only in exceptional circumstances. It is ver4eü4eüy difficult to determine whether the state of haste and the circumstances that make it necessary have occurred. In an urgent, it should be understood that sudden situations that may occur suddenly, and when they do, lead to serious consequences that cause serious harm (Aslan, 2017).

It looks at whether the situation is in an urgent, whether it is for the public interest, if there is an emergency situation, the damage to the state if there is no urgent expropriation and what are the disadvantages in the case of ordinary expropriation (Aslan, 2017). These are the conclusions drawn from the decisions of the Council of State in the already completed expropriation cases and may be more.

3.3.3. Mass Housing Law No. 2985

In 1981, the Housing Law (Law No. 2487), which can be considered the first for mass housing areas, was enacted. The purpose of this law was to find solutions to the housing problem in our country, to promote large-scale housing production, and to meet the housing needs of the public (Yaman, 2015). However, this law was criticized for failing to meet the needs since its entry into force and was repealed in 1984. This law was replaced by the Housing Law (Law No. 2985). This law is a framework. The purpose of the law is to meet housing requirements, to regulate the principles of housing construction, to develop industrial construction techniques, tools and infrastructure in accordance with the conditions of the country and building materials, and to establish a Mass Housing Fund to support the government (Keleş, 2016, p. 507).

At the same time, the Presidency of Housing and Public Partnership Administration³ under the Prime Ministry was established with this law. The reason for the establishment of this institution was to ensure that the housing needs were met in a planned manner. In 2004, TOKİ was granted the authority to make development with Law No. 5162. The powers of TOKİ were increased with the laws numbered 4689, 4966, and 5273, 5609 and 5793 (Keleş, 2016). With the amendments made in the Law No. 5162 enacted in 2004, TOKİ was authorized to, make, make, and amend development plans of all types and sizes (Yaman, 2015).

In this law, the articles that constitute legal basis directly to TOKİ are Article 4 and Article 7 of the Annex. Article 4 is the article that gives TOKİ the authority to make development plans and expropriation. Article 7 of the Annex includes the authority to develop Gecekondu transformation projects and to make construction implementations and financing arrangements for the clearance or recovery of Gecekondu areas. The problem here is that while all the details regarding the clearance of Gecekondu areas are being made, there are no provisions regarding the process for improvement and recovery. In addition, although it is stated that it can be determined under the construction costs by declaring to the public when deemed necessary by considering the income status of the people, no detail was given about the application, and there is no example at present.

In the Housing Development Law numbered 2985, there is no regulation on how to determine the urban transformation project areas and how to establish the organizational model and how to deal with the social dimension (Ceylan and Kutlu, 2007).

3.3.4. Development Law No. 3194

While the Development Law (Law No. 3194), which was enacted in 1985, should be the mainstay of urban transformation, the regulations on this issue are extremely

³ Presidency of Housing and Public Partnership Administration was the name of TOKİ in these years.

inadequate. Only the 8th article of the law has a regulation and according to this article, after the urban transformation decision is taken, it is obligatory to make a development plan in the areas to be transformed, and it is impossible to build without a plan (Yaman, 2015).

3.3.5. Transformation of Areas at Disaster Risk Law No. 6306

The purpose of this law, which was enacted in 2012, is to determine the principles and procedures for rehabilitation, removal, and transformation to constitute a healthy and safe living environment in accordance with the norms and standards of science and art in the areas where risky structures and risky areas where those structures are located (Article 1). The most important factor of the enacting of this law is shown by the central government as that Turkey is in the earthquake zone, but this legislation has come in for much criticism since.

The most important criticism the law is faced with is that all authorities on the law are given to the Ministry of Environment and Urbanization. In addition, if the Ministry approve, structures that do not have disaster risk can be included within the context of this law. This will cause insecurity and abuse of rights on private property. In the case of the two-thirds majority of the beneficiaries which is required for transformation decision cannot be achieved urgent expropriation law can be used. This shows the unlawful side of the law. Another issue is that there is a violation of protected areas, as areas with special status and under protection are not exempted from this law. When the law is examined in general, it indicates the concern of rent in the city. The law poses a serious threat to areas that were previously subject to urban transformation but where rights violations have been identified and have not been transformed.

In addition to these, a process was initiated to record the structures contrary to the development order with the "Structure Registration Document" with the Law No. 7143 in 2018 named as Development Peace⁴. Structures registered with Law No.

⁴ Development Peace means 'imar Barışı' in Turkish.

7143 are ready to transform. Depending on these two complementary laws, the way of rent over the cities has been greatly opened for the central government.

3.3.6. Other Laws

In the previous parts, the laws that have priority within the scope of this study are mentioned. In addition to these laws, the laws on urban transformation are as follows;

- Urban Transformation Project of North Ankara Entrance Law No. 5104 in 2004
- Metropolitan Municipality Law No. 5216 in 2004
- Conservation and Use of the Worn Historical and Cultural Immovable Property by Renewing Law No. 5366 in 2005
- Municipal Law No. 5393 in 2005
- Amending about the Municipal Law No. 5998 in 2010
- Supporting the Development of Forest Peasants and the Evaluation of the Areas Excluded from Forest Boundaries on behalf of the Treasury and the Sale of Agricultural Lands of the Treasury Law No. 6292 in 2012

These laws directly or indirectly involve urban transformation issues. The Draft Law on Transformation Areas was prepared to regulate urban transformation directly. The general rationale for this draft law was unstable population and investments, irregular migrations, destroyed areas, and the growing problems of social, economic, cultural, psychological, and physical space since the 1950s (Yaman, 2015). However, the first article of the draft law starts with ‘whether or not there is a development plan...’ and it is clearly seen that this approach may cause losses not only for the city, urban, environment, and society but also for future generations (Keleş, 2016). The draft law has caused controversy due to reasons such as includes items that do not specify a lower boundary when defining a transformation area, lack of protection approach, and conflicts with other laws, make local administrations more competent than the central government,

highlighting the interests of private individuals and companies without public interest, and disregarding the Development Law (Law No. 3194) (Yaman, 2015). Although this draft came to the agenda of the Turkish Grand National Assembly, it could not be enacted because it was rejected by the President.

3.4. Examples: Urban Transformation Projects of TOKİ

In this section, there will be examples of urban transformation projects which TOKİ involved. These examples are İstanbul-Ayazma-Tepebaşı Urban Transformation Project, İstanbul-Tozkoparan Urban Transformation Project, and Bursa-Doğanbey Urban Transformation Project. While selecting these examples, it was taken into consideration that TOKİ was involved in the process and that the dynamics and processes or expected consequences of areas are similar to Çay, Çilek, and Özgürlük neighborhoods.

3.4.1. İstanbul-Ayazma-Tepeüstü Urban Transformation Project

Ayazma-Tepeüstü neighborhoods are the important areas that experienced the process of urban transformation in Turkey. In the selection of the field, the similarities of Çay, Çilek, and Özgürlük neighborhoods selected as the Case Study of the thesis was considered. Both areas had been created as a result of internal migration and had been subject to othering due to ethnicity and socio-economic conditions. In addition, they experienced the urban transformation process as a result of state policies due to their proximity to the areas where big events (international) were held. Contrary to Çay, Çilek, and Özgürlük neighborhoods, the urban transformation was implemented in Ayazma-Tepeüstü neighborhoods and residents had had to live in neighborhoods where they did not belong.

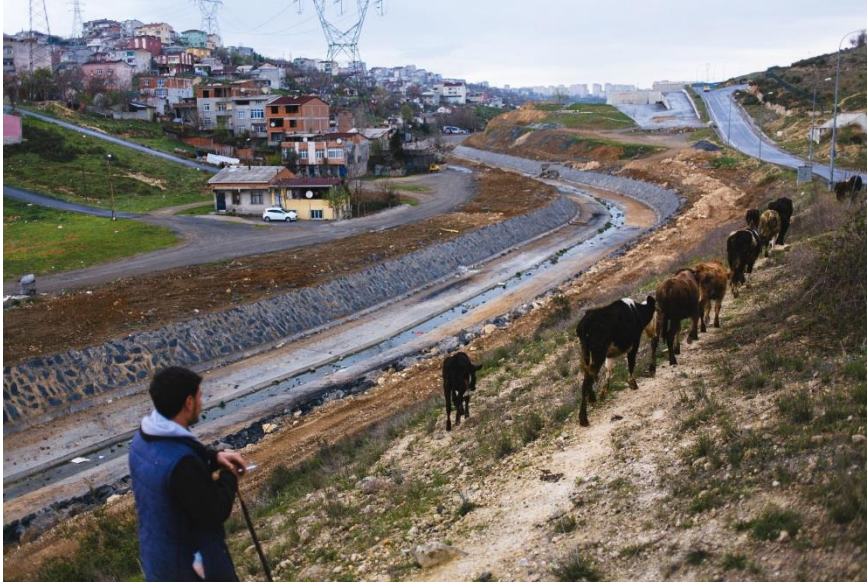


Figure 1: A Picture from the Ayazma-Tepeüstü neighborhoods (Source: Tepe G., Ayazma'dan Bezirganbahçe'ye Bir Kentsel Dönüşüm Portresi, Nam-ı Diğer Olimpiyatköy, receive from <https://140journos.com>.)

Ayazma-Tepeüstü Urban Transformation Project is the first resettlement project of Istanbul that affected a large-scale and homogeneous population of 7800 people consisting of 1440 households. The Ayazma Neighborhood consists of the Kurdish population who migrated due to forced migration from Eastern and Southeastern regions, while the Tepeüstü neighborhood consists of Turkish Alevi Muslims from Tokat and the Black Sea Region (Uzunçarşılı Baysal, 2012). Due to its proximity to Küçükçekmece Lake, E5 / TEM highway, Başakşehir, İkitelli Organized Industrial Zone and the 120 million dollar stadium built in the region, which resulted in increasing land value, accelerated the process of destruction towards Ayazma. Atatürk Olympic Stadium, which started to be built in 1999, was opened in 2002 and this date interval corresponds to a period in which the inhabitants of Ayazma still could not reach the public water system (Uzunçarşılı Baysal, 2010).

In Küçükçekmece, which is in the 1st-degree earthquake zone, Ayazma and Tepeüstü neighborhoods were chosen as pilot regions of urban transformation projects in Küçükçekmece as they could not integrate with the city, were fragmented, unplanned, unhealthy, and unsafe. The transformation process started with the signing of a tripartite protocol between TOKİ, Istanbul Metropolitan

Municipality and Küçükçekmece Municipality on 13.06.2004 and for the resettlement of gecekondü dwellers in the region to the social housing to be built by TOKİ in the Halkalı Gecekondü Prevention Zone (Uzunçarşılı Baysal, 2010).

Firstly, the International Urban Transformation Applications Symposium: Istanbul 2004-Küçükçekmece Municipality Workshops were organized to prepare scientific studies and supports. Prior to this study conducted with the Chamber of City Planners on 27-30 November, the Level 1 Survey was conducted at the sample level (20%) (Turgut and Ceylan, 2010). While many people from the scientific field participated in the event, the participation of the main rights holders was not included in the initiatives. The announcement of the site by the Municipal Assembly as an Urban Transformation Area held on 4 July 2015. The project was decided to be in the form of a holistic project with Olympic Village, Congress Valley, and Recreation Areas Projects.

On 26th March 2005, the International Urban Transformation Applications Symposium: a meeting was held with the Chamber of City Planners: Urban Transformation in Küçükçekmece. As a result of this meeting, it was advised to the municipality for the urban transformation project to be carried out by following a unique, comprehensive and layered structure that is not distant from science, and ensuring the continuity of the project in a site-specific manner (Turgut and Ceylan, 2010).

In 2007, people who had to leave their living spaces started to be resettled to the Bezirganbahçe Mass Housing Area, where TOKİ provided the source of the project. This process continued in stages until 2009. In return for TOKİ's offering of new areas, TOKİ has again taken over the duty of ownership of the area to be emptied after the demolition of the gecekondus and the construction of new residential areas. 1/5000 Master Plan of the area was prepared by IMP (Istanbul Metropolitan Planning and Urban Design Center), and the 1/1000 Implementation Plan was prepared by TOKİ (Turgut and Ceylan, 2010).

Hundreds of life, family, individual stories of these settlements, which have existed for thirty years, were completely wiped out, and with the effective contribution of

TOKİ, Ali Ağaoğlu has built a closed residence of 3500 residences in this area. Thus, the land was completely disconnected from the spatial past, and the destruction of urban memory was once again experienced with the TOKİ hand. It is a direct example of situations where TOKİ, which is given the right to live in a transformed area, creates inequality. In addition, it is seen in this example that TOKİ is not deterrent with the introduction of TOKİ into the area (Perouse, 2013).

Cihan Uzunçarşılı Baysal (2010), who has worked extensively on the field, first touched upon the difficulties faced by the urbanites that came to Ayazma, Tepeüstü and then migrated from Ayazma due to forced living conditions. Particularly from the eastern and southeastern regions, the population came to this area with the hope of new life by partially or completely losing their possessions after their houses were burned and forced to migrate, but they were also subjected to social exclusion in this area for ethnic reasons. According to Istanbul conditions, these people who have the opportunity to live and work in cheap housing in Ayazma have struggled to survive again under conditions of poverty, deprivation, and inequality as a result of the socio-economic inequalities, social exclusions.

3.4.2. İstanbul-Tozkoparan Urban Transformation Project

Tozkoparan Urban Transformation Project has not yet been implemented but is controversial. The project, which also includes infrastructure and landscaping, is an urban transformation and development project consisting of 224 residences. The project area includes Tozkoparan Neighborhood and part of Mehmet Nesih Özmen Neighborhood in the borders of Güngören District in İstanbul.

The area that is planned to be transformed has a significant location and is also important with its location close to the transportation networks. The project area was influenced by the demolitions that we can call Adnan Menderes demolitions in the 1950s, and the new housing texture was formed after these dates (Solmaz, 2013). There is a wide variety of urban tissue in the area. First, core housing was constructed as social housing, and then, both housing for lower-income groups and

housing for employees of municipalities and various institutions have seen as a result of the Announcement of Gecekondu Prevention Zone. Lastly, the structures of the cooperatives emerged after the arrangements of the 1980s, but the formation of Gecekondus could not be prevented (Çınar Erdüzgün and Çizmeçi Yöreş, 2019).

The central location of the area, increasing land values in the area, the incomplete infrastructure of the area, the lack of maintenance of the buildings, and the low-income level of the inhabitants played a role in the urban transformation decision. The urban transformation process started to be discussed in 2006 and started in 2008 with the signing of the protocol by Güngören Municipality and TOKİ. The main reason for the transformation was the existence of earthquake-prone houses. However, it was possible to implement the transformation decision with the law numbered 5998 in 2010 since the neighborhood is not suitable for transformation due to this reason in accordance with Law No. 5366, and the law was declared as Risky Area with the Law No. 6306 (Duman and Coşkun, 2016). Although the lawsuits filed against the Risky Area Announcement of the neighborhood have won the neighborhood, the process of urban transformation is still going on.

In a report published by TOKİ in July 2018, the project process was described as follows:

“Urban Transformation and Development Project is to be built 224 housing units within the scope of tenders in Tozkoparan Neighborhood in Güngören District in İstanbul.

Infrastructure and landscaping work is also included in the tender held on 18 July 2018 Wednesday.

64 of the residences in the project will be built in 1+1 and 160 in 2 + 1. With the protocol signed between TOKİ and Güngören Municipality, the urban transformation was started in Tozkoparan Neighborhood. In the first stage, 224 housing units were built in the vacant area within the scope of the Urban Transformation and Development Project, and the elimination of rights holders from the defunct, skewed structure and lack of adequate social infrastructure was planned.

The project aimed to create a quality living space in contemporary standards with its shops, park, and landscape for the beneficiaries on the basis of transformation. The modern architectural understanding was dominant in the facade designs.”



Figure 2: Image of Tozkoparan Urban Transformation Project (Source: toki.gov.tr, 2018)



Figure 3: Image of Tozkoparan Urban Transformation Project (Source: toki.gov.tr, 2018)

The project stands out with 7-8 storey buildings and different housing sizes. It was said that these housing sizes could change in the process, and in this case, the neighborhood was asked to meet the borrowing differences. It was one of the biggest reasons that broke the neighborhood's trust. Ömer Kiriş, Member of the Board of Directors of Tozkoparan Neighborhood Association, touched on this issue in the Ecumenopolis Documentary in 2013:

If you are driving us out of buildings that you made in 1987 because they are unsafe in a first-degree earthquake zone, then shame on the state!

In this direction, Kiriş asks an important question; “why should people in Tozkoparan, who bought their home with hard work, pay for this?” The reasons such as rights violations in TOKİ's previous projects and the poor quality of the

buildings are important reasons why the people in the neighborhood have not signed a pre-contract during the urban transformation process. In addition, that the housing units built by TOKİ in Bezirganbahçe for the inhabitants of Ayazma are broken is an example and a reason for not to wish to transform. TOZDER was founded in 2009 by the local community to inform the local community about the process and to defend the rights of the local community against possible rights violations. However, there are no efforts to eliminate the concerns of the neighborhood by TOKİ.

3.4.3. Bursa-Doğanbey Urban Transformation Project

Doğanbey Urban Transformation Project is a typical example because it ignores social, environmental factors, city identity, city morphology, and urban historical heritage (Hürol, 2014). This project in the center of the city has received a lot of criticism for these reasons.



Figure 4: Bursa-Doğanbey before Urban Transformation Project (Source: TOKİ, 2011, p. 119)

Doğanbey is one of the neighborhoods of the Osmangazi district of Bursa. The neighborhood is located in the center of Bursa. In general, the education level of

the low-income neighborhood (68% primary school education level) is seen as low (Hürol, 2014). When the pre-transformation characteristics of the neighborhood are examined in general (Picture 4), it is seen as a neighborhood where there are 1-2storey houses, unplanned settlements, and lack of green areas and infrastructure. These characteristics of the area formed the necessary data for an urban transformation project in the neighborhood, and the urban transformation process started in 2006.

Bursa Osmangazi Urban Transformation Protocol was signed between (TOKİ), Bursa Metropolitan Municipality, and Osmangazi Municipality on December 28, 2006. It was planned that housing units were constructed in 6 sites in the protocol. Also, 2729 housing units were planned. The project is a transformation project by TOKİ by demolishing and reconstruction in the whole area due to the fact that it has too many beneficiaries in the area. In this context, the expropriation decision was taken in 2008 with the decision of the Council of Ministers. At the end of the project, a total of 2729 houses were obtained in three types, 75, 112.5, and 150 m². 391 of these settlements were given to the beneficiaries, and the remaining 391 were under the authority of TOKİ. TOKİ generated revenue from the sale of these 391 houses.

After the Project was finished, nearly half of the area consists of 3-4storey buildings, the majority of which are 22-23storey buildings. The uneven appearance between the heights of the blocks disturbs the inhabitants of the area, and the types of buildings used by different construction companies are also observed to vary. The low-rise houses were built with reference to the traditional housing texture, the higher ones were built with TOKİ architecture, and the highest blocks were built as residences.

Table 4: Completion Dates of Sites (Source: toki.gov.tr, 2019)

Sites	Completion Date
First Site	5 June 2008
Second Site	5 June 2008
Third Site	31 October 2008
Fourth Site	31 October 2008
Fifth Site	20 November 2009
Sixth Site	17 November 2009

The completion of all sites of the project has reached 2009, but housing deliveries started in July 2012 after a 3-year delay. Due to this delay, the cost of the transformation increased with the effects of inflation. This was one of the main complaints of the beneficiaries. Due to the transformation taking place in the city center, the project had become a factor that affects the whole city. One of the most important factors affecting the process of the project was the fact that the beneficiaries who own a land share of 5 m² or more were the owners of settlements. The proximity of the area to the historical buildings and protected areas in the city center had not been taken into consideration adequately in the project, and integrity had not been designed. Another important issue was the increase in the density from 75-100 people / hectare to 500 people / hectare after the transformation.



Figure 5: Bursa-Doğanbey Urban Transformation Project (Source: Gür and Dostoğlu, 2016, p.95)

On 20 March 2019, 7 years after the project was completed and delivered to the beneficiaries, Nihat Altılar, who is TOKİ-Doğanbey Association Coordinator, made important statements about the project in an interview with BBC News Turkish. He states that the project was told to them as 13storey buildings and described living in these 22storey buildings as ‘living in F-Type Prison.’ He also states that Green Bursa was transformed into ‘Concrete Bursa’ after the urban transformation project. Altılar complains about the late delivery of the buildings and refers to the problems they have experienced after the completion of the project. Lack of environmental planning, failure to eliminate elevator faults, explosion of boilers, car park flooding, cracked walls of buildings, and dismantling of building plasters are mentioned as the main problems experienced after the project. In addition, while the change of the city's skyline (Picture 6) is a serious problem, it is seen that the people living in the project area have difficulty seeing their surroundings (even Uludağ). In addition to all these, Altılar states that there are no neighborhood relations existing before and that he misses the daily life practices and relations before the project was completed.



Figure 6: Skyline of Bursa with Doğanbey Urban Transformation Project (Source: TMMOB Photography Contest, First Prize)

One of the important results of this project is that TOKİ settlement creates a problem for city branding and sustainability issues, indicating that even the neoliberal policies are overridden by the investors, developers and public authorities (Batuman and Erkip, 2017).

3.5. Conclusion

In this section, periods of urban transformation in Turkey is mentioned. Turkey's transformation process is analyzed in four processes depending on economic, social and political changes;

- Urban Restructuring Led by the State: 'Between the years of 1923 and 1950'
- Urbanization of Labor Power: 'Between the years of 1950 and 1980'
- Urbanization of Capital: 'Between the Years of 1980 and 2002'

- Urban Transformation: After 2002.

Each period has its own characteristic, but the important period for the case study is after TOKİ. After mentioning about Turkey's transformation processes, TOKİ is discussed depending on changes in years. Especially after 2002 in which AKP gained election, TOKİ has power about transformation, and a lot of laws were enacted for debureaucratizing to TOKİ.

After telling all this, the most important laws for urban transformation are discussed. These are Gecekondu Law (Law No.775), Expropriation Law (Law No.2942), Mass Housing Law (Law No.2985), Development Law (Law No. 3194), Transformation of Areas at Disaster Risk Law (Law No.6306) and other laws about urban transformation.

Finally, examples of urban transformation projects which TOKİ included in their process are explained. These examples are İstanbul-Ayazma-Tepeüstü Urban Transformation Project, İstanbul-Tozkoparan Urban Transformation Project, and Bursa-Doğanbey Urban Transformation Project. The reasons for choosing these examples are that these examples are controversial projects because low-income groups are/were living these areas, reasons for these transformations are unacceptable, and the results of two projects are awful for cities they are in and people living there.

In all three projects, it is seen that local administrations cooperate with TOKİ on provincial and district level. Again, all 3 project areas are/were located in important locations and transportation networks. Low-income groups and crowded families live or lived in the project areas. The neighborhoods in the project areas are developed in terms of social relations, but they are inadequate in terms of economic and living conditions. When the plans of the projects carried out by TOKİ are examined, it is observed that the luxury houses and prestigious areas were planned. This shows that all areas selected as examples in this study are mainly profit-oriented. In addition, it is clear that it is difficult for the people living in the project areas to keep living in those areas after the completion of the projects. As a matter of fact, the inhabitants of the Ayazma project were directly moved to another area

and the project area was designed to produce prestigious houses. Lastly, some local initiatives were formed in each neighborhood; however, while local initiatives were established as a result of problems arising after the implementation of the projects in Ayazma and Dođanbey, a local initiative of Tozkoparan was established during the project. All these examples were selected because of the similarity to the project planned for ay, ilek, and zgürlük neighborhoods and the possible results of this project.

In the next chapter, there will be the case of urban transformation in ay, ilek, and zgürlük neighborhoods. The process of urban transformation, the projects by TOKİ and Akdeniz Municipality, and the lawsuit process will be discussed.

CHAPTER 4

THE CASE OF URBAN TRANSFORMATION IN ÇAY, ÇİLEK AND ÖZGÜRLÜK NEIGHBORHOODS

Mersin, which is a port city, is engaged in industry, agriculture, and trade. Mersin Port, which gained its value as the gate of Çukurova to the sea, includes economic activities such as domestic foreign trade industry, storage, services, and tourism (Uzunçarşılı Baysal, 2012). For this reason and due to the economic power it has experienced, there have been intense migrations and rapid urbanization in Mersin. In addition, it is seen that the planned development of the city is given importance due to the intense accumulation of capital. However, despite all these efforts, unhealthy gecekondu could not be prevented (Önge and Temiz, 2012). It was cheaper to settle in areas outside the city center, especially between 1970 and 1990, and those who came by migration mostly preferred these areas. In this way, two types of urban fabric were formed in the city: the first one is the gecekondu areas that developed in an unplanned way. The other is development of shared land subdivisions.

Akdeniz District, which is one of the districts of Mersin, includes many of the mentioned gecekondu and shared land subdivisions. Starting from the fact that the approach of the period to the cities was to demolish and reconstruct by the central government through TOKİ, it was inevitable to open the way for the urban transformation of these areas. The main areas identified for the urban transformation plans for Mersin were Çay, Çilek and Özgürlük neighborhoods, which enable accumulation by dispossession and marginalization.

On the one hand, there is an approach that aims to produce urban land with TOKİ by using the consolidation; on the other hand, an approach that gives priority to the social dimension which was demonstrated by Akdeniz Municipality. In line with this approach, studies aiming to improve the living conditions of the neighborhood without damaging the identity, texture, economic development, and completing the

deficiencies in service provision have been put forward. There was resistance against TOKİ plans, which will cause segregation and dispossession of the people living in the neighborhoods, and urban transformation project of TOKİ could not be implemented in the neighborhoods yet.

In this section, both the projects planned to be carried out by TOKİ and Akdeniz Municipality and the law suits carried out for urban transformation during the whole process will be discussed. These cases will be examined in three main processes. Firstly, the process related to the announcement of the Gecekondu Prevention Zone and then process of the Urgent Expropriation Decision will be explained. Finally, the process of declaring Ataş Campus as a protected area, which is one of the important values of the region and is the subject of the Urban Transformation Project, will be discussed. After evaluating the positions of the actors involved in the process and their studies, an evaluation of this section will be made.

4.1. History of Çay, Çilek and Özgürlük Neighborhoods

Çay, Çilek and Özgürlük neighborhoods, which are selected as the study area of this thesis, are located in the boundaries of Akdeniz Municipality in Mersin. Within the boundaries of the district, there are important commercial centers such as Mersin Port, Wholesaler State Facilities, Free Zone, and Organized Industrial Zones. Due to the fact that these areas are located in the central region as well as the strategic focus on the economy, it has become a remarkable place for investment projects. In addition, the determination of Mersin to host the 2013 Mediterranean Games was effective in changing the fate of the neighborhoods (Uzunçarşılı Baysal, 2012). The process that took place with the determination of Istanbul as the 2010 European Capital of Culture in the Ayazma-Tepeüstü areas started this time for the Çay, Çilek, and Özgürlük neighborhoods which are mostly caused by forced migration and internal migration. The poor living conditions in these neighborhoods provided an opportunity to accelerate this process.

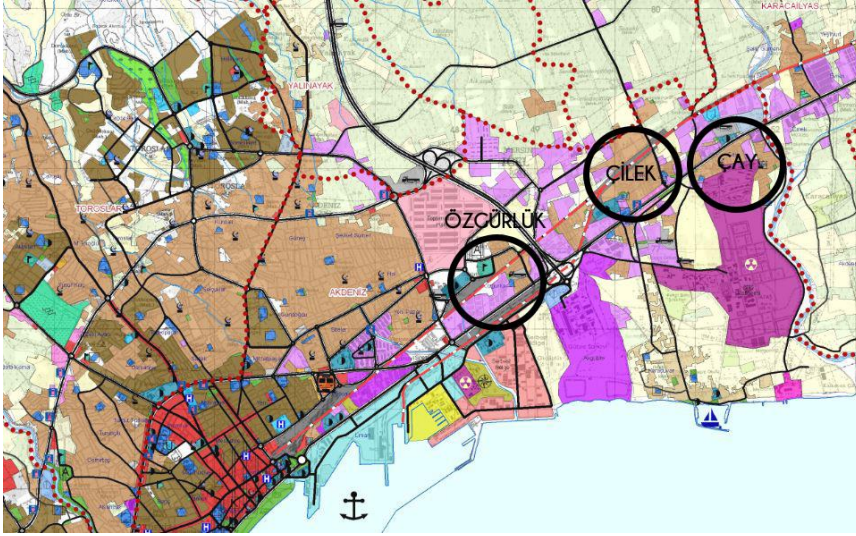


Figure 7: Location of Çay, Çilek and Özgürlük neighborhoods in Mersin

In 2008, a preliminary protocol was signed for the transformation project by TOKİ, Mersin Metropolitan Municipality, Akdeniz Municipality, and Mersin Governor to Çay, Çilek and Özgürlük neighborhoods, and the process started. The authority for a transformation area of approximately 50,000 m² is given to TOKİ. The justification of the project was the elimination of unplanned areas and the creation of urban areas at contemporary standards.

Within the scope of the project, multi-storey residential areas, as well as commercial areas, were included in the majority. In 2010, an additional protocol was signed, and the exact boundaries of the project areas were determined. In 2011, when the Mediterranean Games were to be held in Mersin, the Minister of Economy of the time visited the area and the application of Mersin Governorate to TOKİ accelerated the process.

In this application, the Governor of Mersin Province stated that prevention of the construction of skewed, unqualified, earthquake prone and most unlicensed buildings and narrow streets where emergency vehicles cannot enter as a result of the increasing migration in recent years, and ensuring healthy urbanization are urgent works in these neighborhoods according to the Law No. 775 (Uzunçarşılı Baysal, 2012). Taking this application into consideration, TOKİ declared the area covered by three neighborhoods to be a Gecekondu Prevention Zone.

Before coming to the transformation process and planned urban transformation plans, it is worth mentioning Akdeniz Municipality and the political actors involved. The main reason for this is the constant change of decision-makers both in the metropolitan and districts municipality throughout the process and being governed by parties representing different ideological approaches. The process of signing the preliminary protocol in 2008 was chaired by representatives of both Mersin Metropolitan Municipality and Akdeniz Municipality Republican People's Party (CHP). In the additional protocol signed in 2010, the Democratic Society Party (DTP), which later became the Peace and Democracy Party (BDP), was in charge of the Akdeniz Municipality. In 2014, the People's Democratic Party (HDP) won the re-election, this administration ended in 2016 with the appointment of trustees. In the last 2019 local elections, the ruling party AKP won the local elections in Akdeniz Municipality.

Table 5: Results of Mersin Metropolitan Municipality and Akdeniz Municipality Local Elections by Years and Parties (Source: YSK-Election Results)

Local Election Dates	Mersin Metropolitan Municipality	Akdeniz Municipality
2004	Republican People's Party (CHP)	Republican People's Party (CHP)
2009	Republican People's Party (CHP)	Democratic Society Party (DTP)- (2009 and after) Peace and Democracy Party (BDP)
2014	Nationalist Movement Party (MHP)	People's Democratic Party (HDP)
2019	Republican People's Party (CHP)	Justice and Development Party (AKP)

When the votes of the neighborhoods in the last three local elections are examined, there are two important points that can be said about the party loyalty of the neighborhoods. HDP is the party that gets the majority of votes for district municipality in all three neighborhoods in each election despite declining votes

over the years. Another important point is that among the three neighborhoods, Çay Neighborhood is seen as the one with the highest party loyalty.

Table 6: HDP Votes of Çay, Çilek and Özgürlük Neighborhoods for District Municipality (Source: YSK-Election Results)

Years of Elections	Çay	Çilek	Özgürlük
2009/DTP	70,23%	57,93%	47,8%
2014/BDP	62,75%	54,22%	44,08%
2019/HDP	59,3%	50,26%	48,33%

4.2. Projects for Çay, Çilek and Özgürlük Neighborhoods by Central Government and Local Government

Following the preparation for the transformation of Çay, Çilek and Özgürlük neighborhoods, TOKİ prepared an urban transformation project for these areas in line with the authorizations given. Opposing the planned transformation project of TOKİ, Akdeniz Municipality has prepared an alternative project claiming to be more just. The scope, process, and actors of both projects are quite different from each other. Before these projects, both TOKİ and Akdeniz Municipality conducted surveys about what beneficiaries want. Also, this area is experiencing a different process of urban transformation projects realized in Turkey. For the first time, a local government has not been a party to the TOKİ project and has fought both legally and produced an alternative project that suits the lifestyles' demands.

4.2.1. Urban Transformation Project Planned by TOKİ

At the beginning of the urban transformation process, while Akdeniz Municipality takes its place as a local government, TOKİ takes part as a representative and an intermediary of the central government. Both institutions carried out their own

ideologies in the neighborhoods of Çay, Çilek, and Özgürlük, and both conducted surveys in the neighborhoods prior to the planned projects and based their projects on these survey results. Similar questions were asked in both surveys but results were quite different from each other.

In the survey conducted by TOKİ, the purpose of the report is *'providing the basic thoughts of the people living in the neighborhoods where urban transformation will be implemented in Akdeniz district'*. In this direction, a survey was designed with questions about how the housing needs to be renewed along with the urban transformation, and how these demands should be met with the transformation of the project from the need of social infrastructure to 100 people in Çay, Çilek and Özgürlük neighborhoods. In addition, based on the research data, a more sound analysis of the topics to be discussed in the workshop was discussed. The distribution of the survey was conducted in 25.5% in Özgürlük neighborhood, 33,6% in Çilek neighborhoods and 41% in Çay neighborhood. When the gender distribution of the participants was examined, 49.7% were female and 50.3% were male.

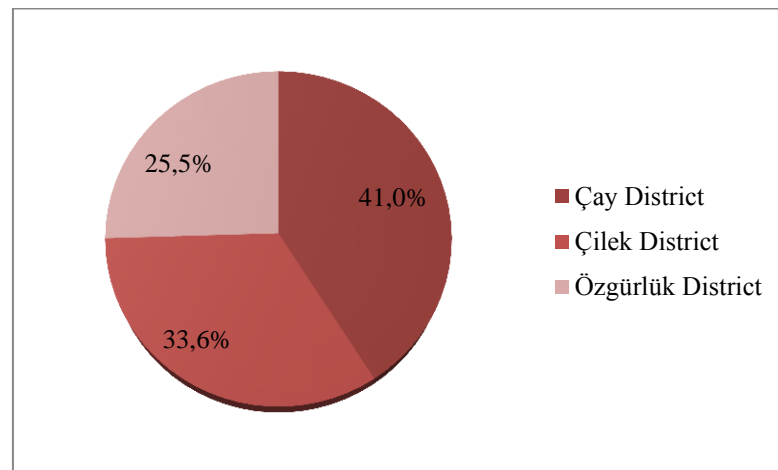


Figure 8: Distribution of the Participants According to Their neighborhoods in Çay, Çilek and Özgürlük Neighborhoods

The proportion of those aged 35-44 years was 34.4%, the proportion of those aged 45-54 was 31.9%, the percentage of those aged 18-24 was 4%, and the percentage of those aged 25-34 was 17.9% and 55+ years. The rate of the group was 11.7%. Approximately 56.3% of the participants were in the 25-44 age groups, and 65% were between 35 and 54 years of age. The proportion of those under 55+ is 88.3% in total, which includes the working age and shows a young population in the three neighborhoods.

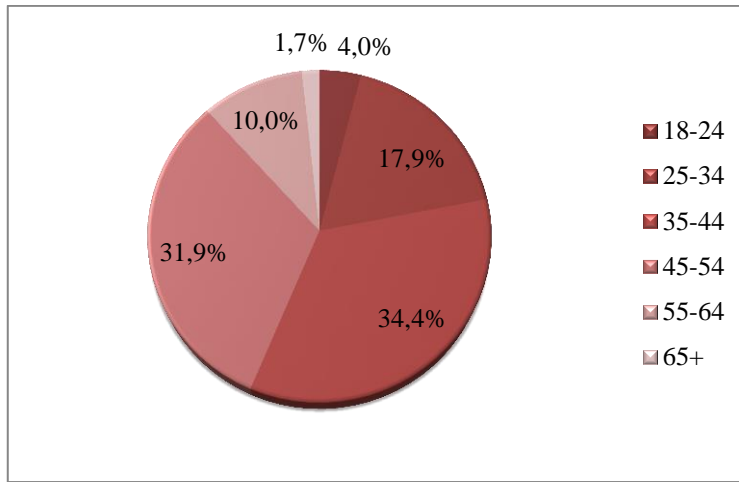


Figure 9: Distribution of Participants According to Their Age in Çay, Çilek and Özgürlük Neighborhoods

In this survey study, people over the age of 18 were asked about their educational status. Accordingly, while 17% of the respondents were illiterate, 33.3% appeared to be literate only. It is seen that almost 50% of the respondents have not completed any training. The remaining 50% includes 36% elementary school graduates, 11.8% high school graduates, 1.4% college graduates, and 0.1% university graduates.

Table 7: Distribution of Participants According to Their Education in Çay, Çilek and Özgürlük Neighborhoods

Not Literate	17,3%
Literate Only	33,3%
Elementary School	36,0%
High School	11,8%
College	1,4%
University	0,1%
Master and PHD	0,1%

As can be seen from Figure 9, almost all of the participants are the low-income group. The monthly income of more than half of the participants, i.e., 56.3%, is between 500 and 1000 TL. The proportion of those less than 500 TL is 25.6%. The ratio of those who are between 1001 and 1500TL is only 13.3%. The ratio of those with income above 1500 TL is 4.7% in total. Considering that the minimum wage is around 800 TL in Turkey in this period, it is understood that household income is at a very low level.

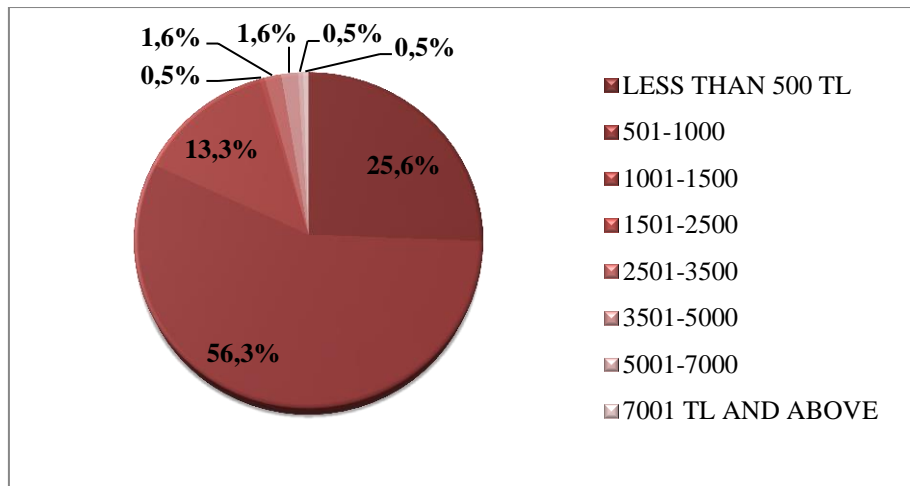


Figure 10: Distribution of Participants by Their Income Status in Çay, Çilek and Özgürlük Neighborhoods

Considering the fact that Çay, Çilek, and Özgürlük neighborhoods are neighborhoods with immigrants and their income level is low, it is inevitable that the number of people living in households is high. According to this survey conducted by TOKİ; while the proportion households with 1-2 people is 3.9%, the proportion of households with 3-4 people is 25.8%, the proportion of households with 5-6 people is 25.2%, and the proportion of households with 7-8 people is 25.7%. The proportion of households with 9-10 people is 11.9%. The proportion of households with 10+ people is 7.4%.

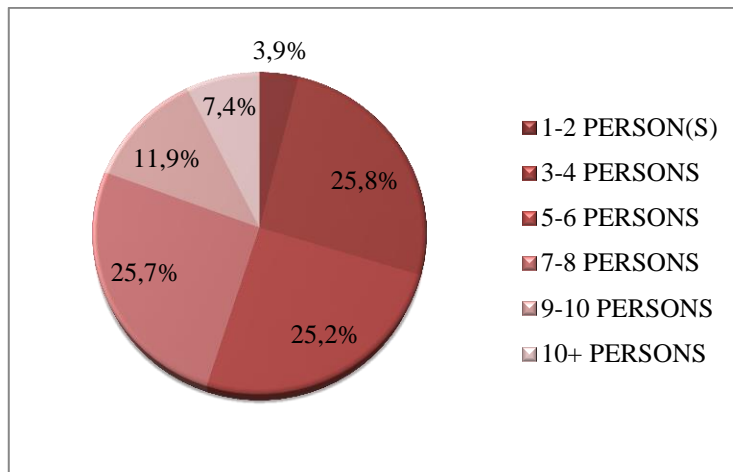


Figure 11: Distribution of the Participants According to the Number of Persons in the House in Çay, Çilek and Özgürlük Neighborhoods

As a result, the proportion of people living in a household of 4 or less is close to 30%, the proportion of people living in a household of 5 or more is 70%. It means that people living these neighborhoods has crowded families.

Both TOKİ and Akdeniz Municipality have included the property status of people living in the areas in their surveys. Accordingly, in the TOKİ survey, the rate of land without title-deed was 6.9%. The rate of those who have development deeds is quite low, with 8.7%. It is seen that land title deeds with a rate of 53.8%, followed by land title deeds with 30.6%.

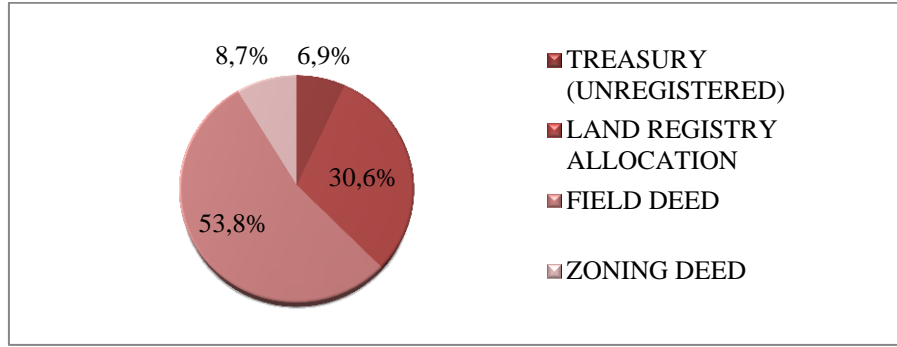


Figure 12: Distribution of the Ownership Status of the Current House in Çay, Çilek and Özgürlük Neighborhoods

One of the most important questions in both studies is about where people want to live. TOKİ asked this question as to where they want the houses to be built. In response to this question, approximately 75% of the respondents wanted to stay in their neighborhood, while 25% stated that they could live in another neighborhood. It is worth remembering the idea of moving the Özgürlük Neighborhood in TOKİ's project area.

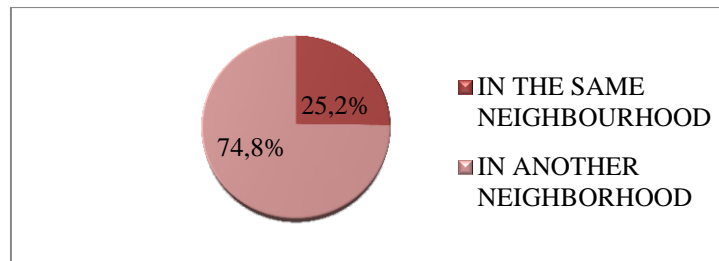


Figure 13: Distribution of Opinions on Where the Participants Demand the New Housing to Be Built in Çay, Çilek and Özgürlük Neighborhoods

TOKİ asked the participants if they want urban transformation in their neighborhoods. The answer to this question is 'I absolutely want' with 16,1% and 'I want' with 44,6%. It is seen that the opinion of participants for urban transformation is highly positive. The rate of undecided was partly high and was 30,3%. The ratio of those who say 'I do not want urban transformation in my neighborhood' and 'I absolutely do not' is only about 9% in this survey.

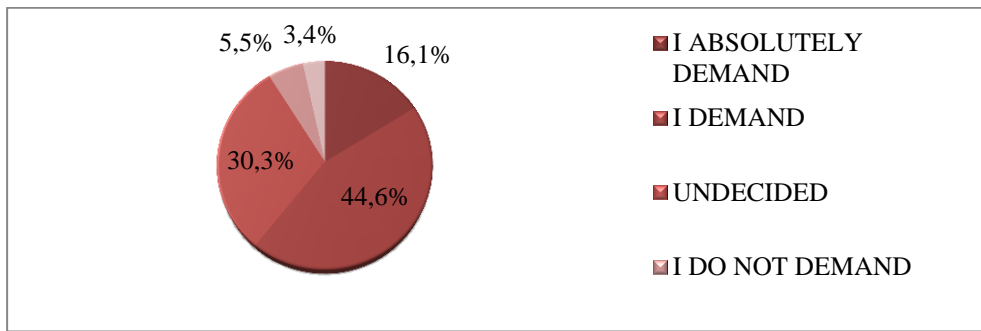


Figure 14: Distribution of Participants on Urban Transformation Demands in Çay, Çilek and Özgürlük Neighborhoods

When it comes to the reasons of those who want urban transformation, 28,9% of them believe that housing quality and maintenance will be increase, 23,5% of them believe that they will have social facilities such as health centers, schools, and mosques, 15,7% of them believe that housing areas will be cleaner, healthier and more protected. 10,3% of participants think that green parks and areas will be more, and only 2,1% of them think that housing and neighborhoods will be more valuable than before. Participants see the quality of the houses to be built, healthy, social infrastructure, the richness of the parks, and resting places as a priority over the financial return. What is attractive to them is the construction of residential and social spaces that improve the quality of life.

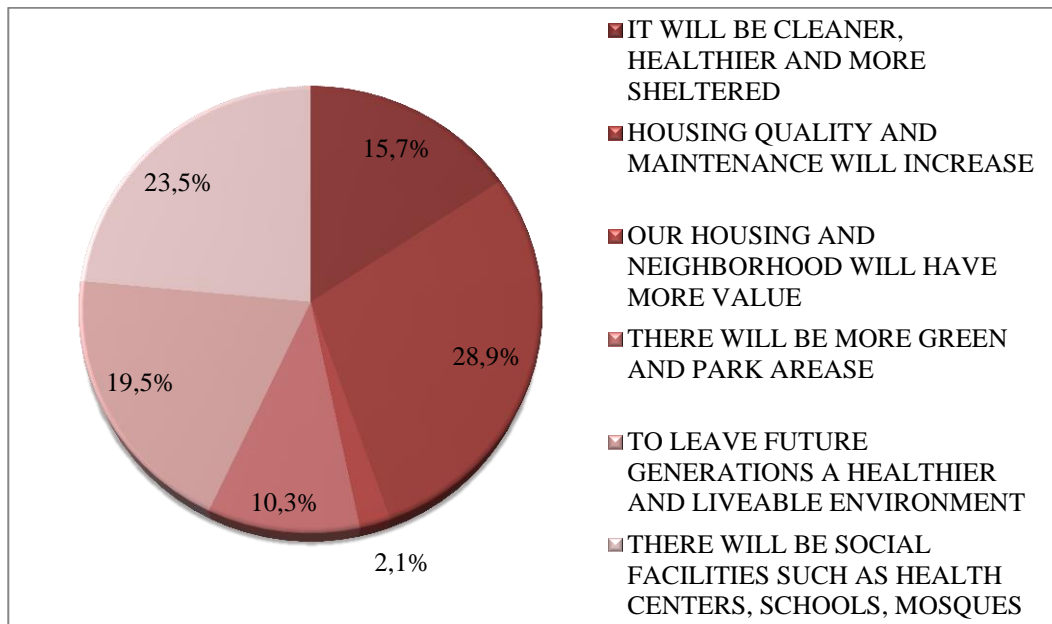


Figure 15: Distribution of Participants' Reasons for Demanding Urban Transformation in Çay, Çilek and Özgürlük Neighborhoods

In addition to why they wanted urban transformation, the participants were asked why they did not want the urban transformation to see why they were afraid of urban transformation. The proportion of those who do not want urban transformation because they do not like apartment life in this area, which consists mostly of detached houses, is partly high and 11.7%. Such a result is inevitable in these neighborhoods where the income level is quite low. The ratio of those who fear the weakening of kinship relations is 21.5% and the rate of those who do not want TOKİ to implement the urban transformation, as a political issue is 24.6%. The fact that the urban transformation project planned by the state is seen as a political issue gives a lot of insight into the field and shows the position where the urban transformation has come from.

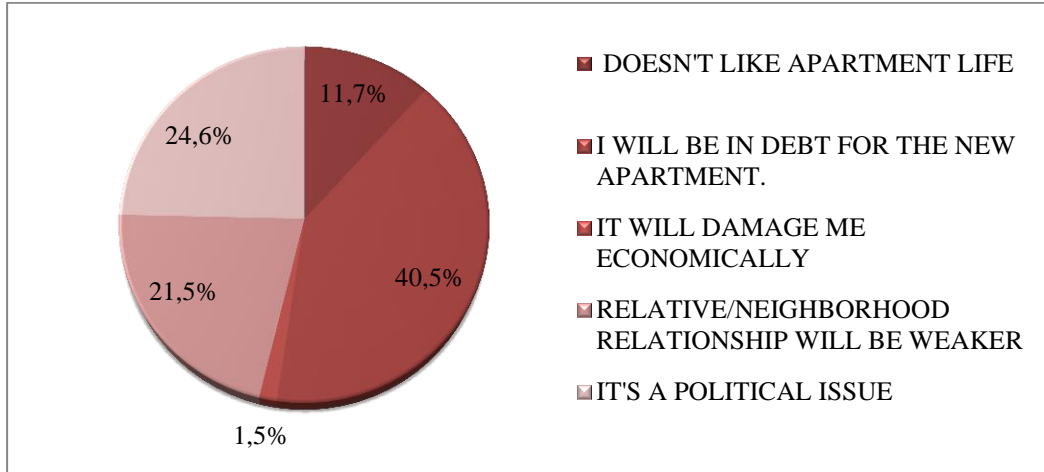


Figure 16: Distribution of Participants' Reasons for Not Demanding Urban Transformation in Çay, Çilek and Özgürlük Neighborhoods

So far, the demographic results and demands of the participants of the survey conducted by TOKİ are given. TOKİ conducted this survey just before accelerating the urban transformation activities for Çay, Çilek and Özgürlük neighborhoods, and according to the results of this survey and the studies carried out, the Urban Transformation Project was also presented.

Within the scope of the preliminary protocol signed in 2008, the main contents of the project are determined. Within this scope, urban transformation is planned in an area of 50.000 m². 20.000 m² of the area to be transformed is under the ownership of the Mersin Metropolitan Municipality, and 30.000 m² of land is determined to the west of the Özgürlük Neighborhood, which is the property of Akdeniz Municipality. The Protocol also mentions that appropriate areas of public ownership may be used if needed. It was decided to determine the total construction area to be built by TOKİ after the geological, geotechnical, and geophysical ground surveys to be carried out by TOKİ. The areas designated for the project are directly included in the protocol as 'Mass Housing Areas.' The project is called Urban Renovation (Transformation of Gecekondus).

Various technical studies were carried out by TOKİ for these neighborhoods between the years of 2008 and 2011, and draft projects were prepared within this scope. These draft projects were shared with the authorities at a meeting held at the

governorship on 11.10.2011. During this period, in 2010, Additional Protocol within the Scope of the Preliminary Protocol dated 06.03.2008 regarding the ‘Mersin-Akdeniz Urban Renovation (Transformation of Gecekondus) Project’ was signed. Within the scope of this additional protocol, transformation areas for neighborhoods were identified, and urban transformation projects were put forward. Also, Kiremithane Neighborhood was included in the urban transformation and the net areas of the projects were determined.

The area of the project is determined as 500.000 m² in Çay Neighborhood and 320.000 m² in Çilek Neighborhood (Uzunçarşılı Baysal, 2012). In the project, except for the ground floor, a total of 92 buildings with 12 floors and 2 + 1 and 3 + 1 houses are planned.

Özgürlük Neighborhood was planned to be completely demolished and people living here would move to the houses planned to be built in Çay and Çilek neighborhoods. A total of 2236 houses is planned to be built in Çay Neighborhood and 2548 houses in Çilek Neighborhood (Table 6).

Table 8: TOKİ Project-Structure and Dwelling Numbers

Dwelling Types	Total Number of Dwelling in a Structure	Number of Planned Structure in Çay District	Number of Planned Structure in Çilek District	Total Number of DG/FG Type Structure	Total Number of Planned Dwelling Number in Çay District	Total Number of Planned Dwelling Number in Çilek District	Total Number of Dwelling
DG Type Dwelling (3+1) Floor+1 2	52	35	15	50	1820	780	2600
FG Type Dwelling (2+1) Floor+1 2	52	8	34	42	1768	416	2184
TOTAL	x	43	49	92	2236	2548	4784

Within the scope of the project, a lot of urban space was reserved for commercial real estate areas other than residential areas. The distribution is as such: Approximately 11,000 m² for trade area, 137,000 m² for trade fair area, 82,000 m² for commercial showrooms, 5,000 m² for small trade area, 78,000 m² for auto dealers and 71,000 m² for shopping malls. In the Çilek neighborhood, these areas are approximately 16,000 m² for the block trade area and 50,000 m² for the commercial showrooms.

Table 9: Land Use Plans for Trading Areas for Çay and Çilek Neighborhoods

ÇAY DISTRICT TRADING AREA USAGE	
COMMERCIAL REAL ESTATE	CONSTRUCTION AREA
Trade	10,660 m ²
Fair Area	137,310 m ²
Showroom-Trade	82,000 m ²
Post	5400 m ²
Autoshow-Gallery	77,804 m ²

ÇİLEK DISTRICT TRADING AREA USAGE	
COMMERCIAL REAL ESTATE	CONSTRUCTION AREA
Block Trading Area	15,785 m ²
Showroom-Trade	49,864 m ²
Trade-Shop	380 m ²

When we examine the site plans for the Çay and Çilek neighborhoods, commercial showrooms can be seen in accordance with the rent planned to be located on both sides of the D-400 highway. These areas are supported by the trade fair area, shopping center, and other trade areas. Residential areas are planned behind these areas. The residential areas consisting of 2 + 1 and 3 + 1 12-storey buildings are seen as large residences that are different from the existing housing structure and do not address the lifestyles of those who previously lived in these areas. An urban transformation project was prepared only for Çay and Çilek neighborhoods, and it was planned to demolish the Özgürlük neighborhood completely and move the inhabitants to this area.



Figure 17: Urban Transformation Plan of Çay Districts



Figure 18: Urban Transformation Plan of Çilek Districts

According to the project, it is envisaged that the idle areas of the Ataş facilities will be allocated to those whose houses are destroyed as unloading areas. There are 17 buildings in 3 different types of architecture. It is foreseen that this area, which is both historical and green, will be seriously damaged when used for infill application and will be transformed for commercial functions such as fairground / shopping center (Uzunçarşılı Baysal, 2012).

4.2.2. Alternative Project by Akdeniz Municipality

Akdeniz Municipality decided to prepare an alternative project after TOKİ's draft projects, believing that these projects were not the right projects for these neighborhoods. Before preparing this alternative project, the Municipality conducted a survey in the Çay neighborhood to find out the public opinion about TOKİ and TOKİ's Urban Transformation Projects. The survey was conducted by the project team, to give direction to the alternative project work of Akdeniz Municipality, to create a basis, the public; physical-sociological-psychological-cultural and economic status, TOKİ structures, sanitation, new residential areas and the planning of the city, such as the proposal of the municipality and the government to determine the recommendations and requests for services. 202 people participated in this survey, 46% of them were female, and 54% were male. The average age of the participants was 42 years. As in the TOKİ survey, the average age of the neighborhood is a population that we can call a young.

When the education level is examined, the rate of illiterate is 33%, primary school graduates are 39%, and high school graduates are 6%. In spite of the limited data obtained, it can be said that the education level is similar to the one found in TOKİ survey.

In the survey conducted by TOKİ, it was mentioned how many people have lived here or in which settlements, such as province, district, and town. On the other hand, Akdeniz Municipality comes up with questions to investigate whether people come to this area by migration and from which regions they migrate. Based on this question, it is seen that 83% of the respondents are citizens of Eastern and Southern Anatolia. To the question 'Did you settle as a result of immigration in the Çay Neighborhood of Akdeniz District,' 87% answered that they came as a result of migration, and % were born here. In addition, 94% of the migrants have migrated from Eastern and Southeastern Anatolia Regions and 6% from other provinces. Another factor is that immigrants arrived on average 25 years ago.

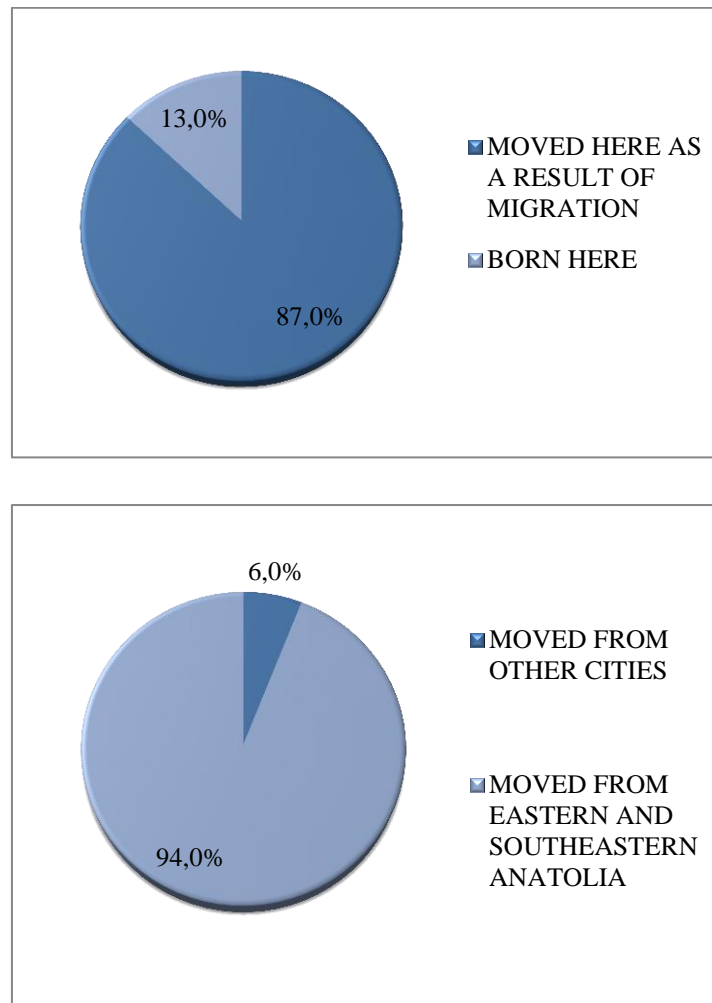


Figure 19: Immigration Status of Participants in Çay Neighborhood

According to the survey conducted by Akdeniz Municipality, when the working conditions of the respondents are examined, significant differences occur in the rates of men and women. The fact that most of the women interviewed were housewives had a major impact. On the other hand, 61% of men stated themselves as self-employed, 23% of them were unemployed or old age.

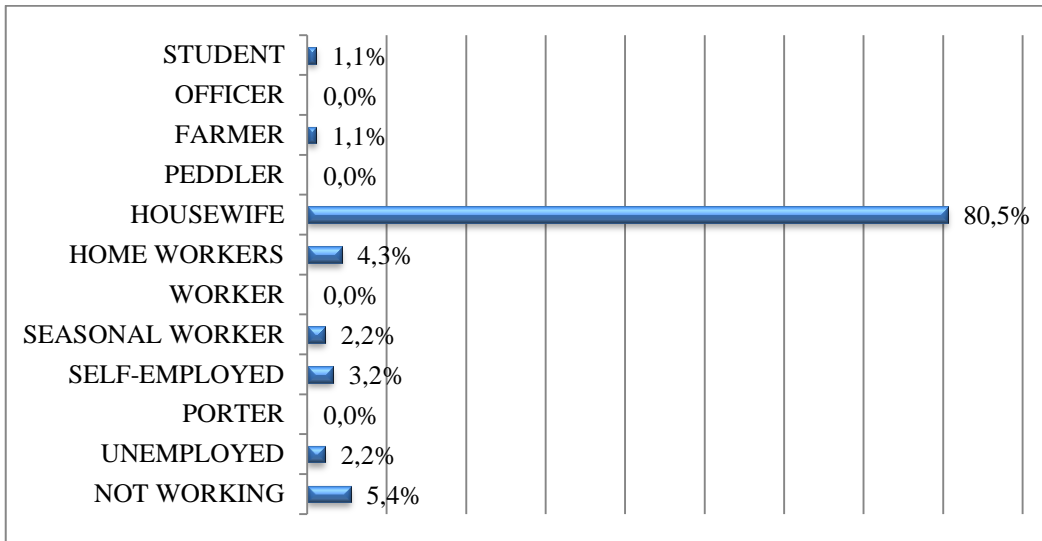


Figure 20: Working Status of Women Participating in Çay Neighborhood

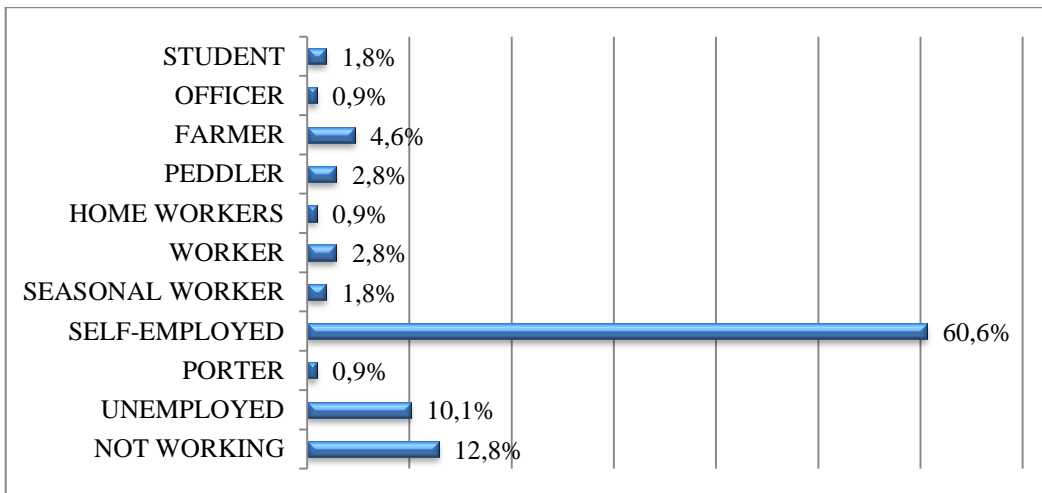


Figure 21: Working Status of Men Participating in Çay Neighborhood

The income levels of the interviewees were also reflected in the survey results. The rate of the families with 500 TL and less income is quite high, with 34.1%. Those with income between 501-750 TL are also seen at a high rate as 32.7%. These neighborhoods, where most residents work port and industrial areas around the neighborhoods, attract attention with their income and poverty. While unemployment is at a serious rate, it is seen that the income level of those who have a job is low.

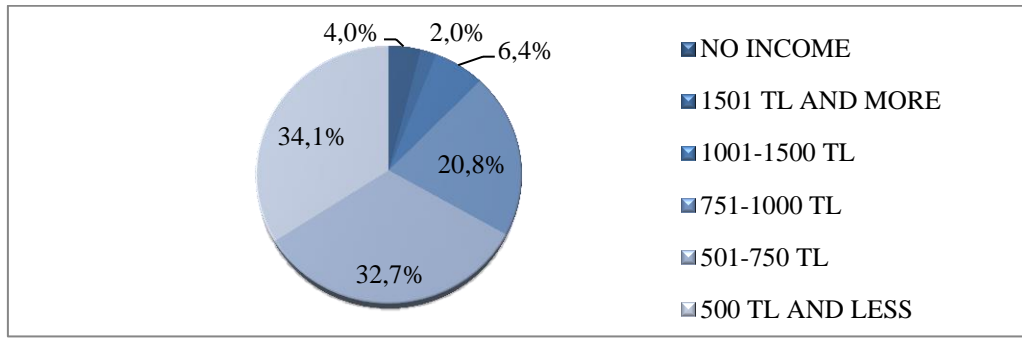


Figure 22: Total Number of People Working in the Household of the Participants and Total Income of the Employed in Çay Neighborhood

The average number of people living in a household was determined as 6 in this survey. The statistics of those living in 1 household were calculated as less than 6 people, 6 people, and more than 6 people. In this case, 6 people living in a household were 16%, those living more than 6 people were 49%, and those living less than 6 people were 35%. Similarly, to determine the number of children in a household, the calculation was made according to the average (3 children). In this case, the ratio of households with 3 children is 21%, the number of households with more than 3 children is 46%, and the number of households with more than 3 children is 46%.

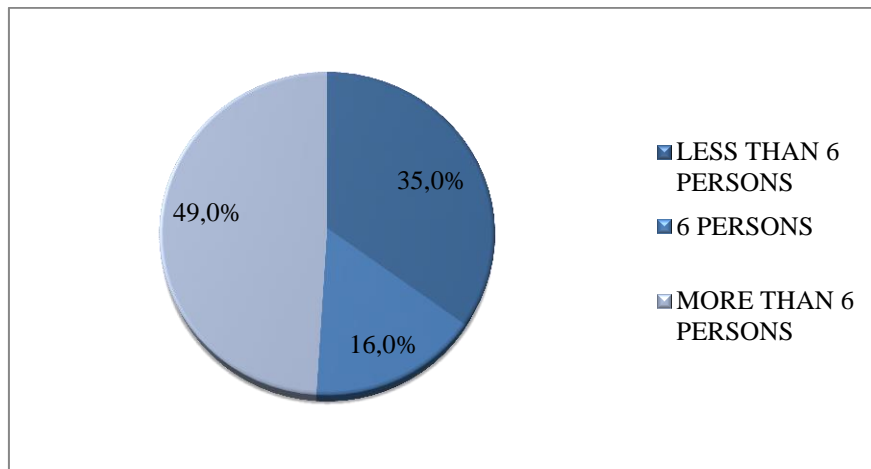


Figure 23: Number of Persons Living in Households in Çay Neighborhood

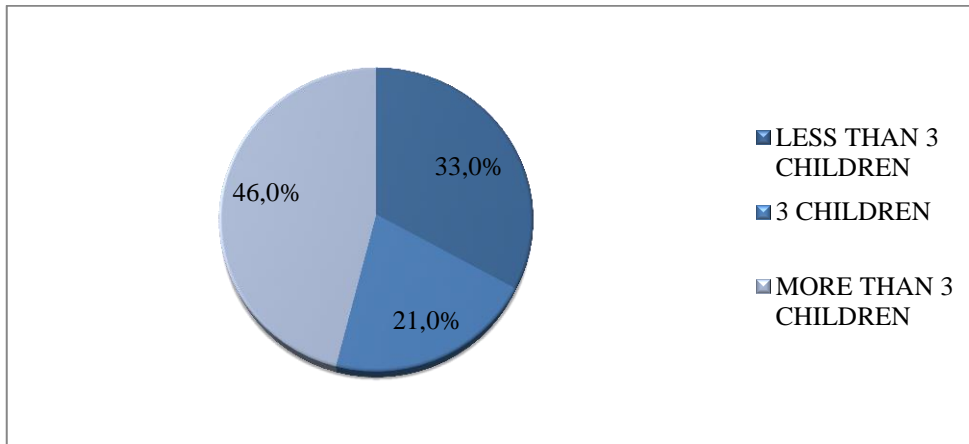


Figure 24: Number of Children in Households of Participants in Çay Neighborhood

61% of the respondents were near to their relatives, 19% were suitable for crowded families, 14% were other (adapting to their neighborhood and neighbors, suitable for their crowded families), 4% rent was cheap, 2% It is seen that they prefer the neighborhood they live in because it is close to the city center.

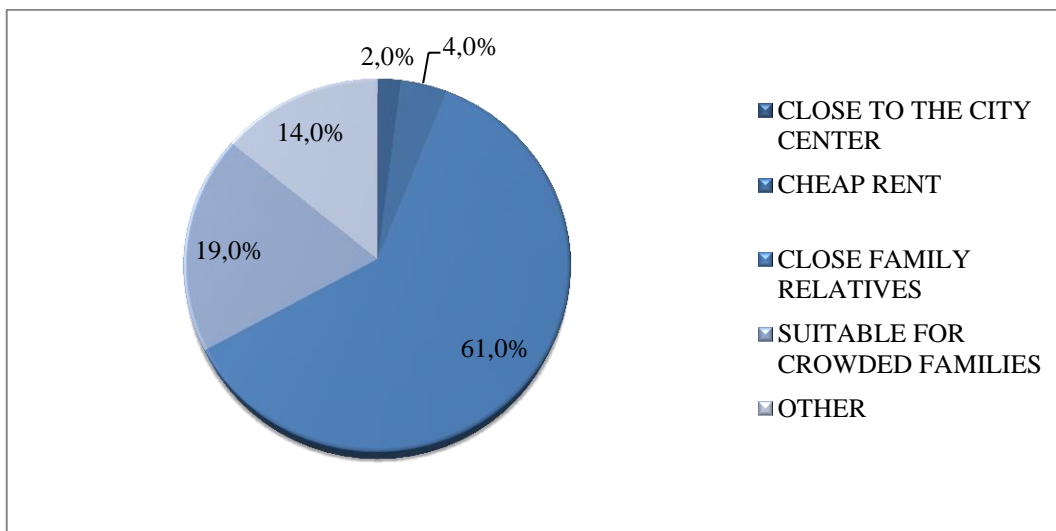


Figure 25: The Reason for Neighborhood Preference of the Participants in Çay Neighborhood

This survey is of great importance for urban transformation projects. The results of these surveys, which are used as a basis in both studies, provide much information about the inhabitants of the neighborhood. So far, demographic determinations of the Akdeniz Municipality have been given. In the continuation of this section, the questions and answers directly related to the urban transformation or containing the ideas of those living in the field of urban transformation will be discussed.

Both TOKİ and Akdeniz Municipality have included the property status of people living in the areas in their surveys. In the survey of Akdeniz Municipality, it was asked whether ‘they have deeds or not,’ and as a result of this survey it was found that 99% of the respondents in the Çay neighborhood have the title deed.

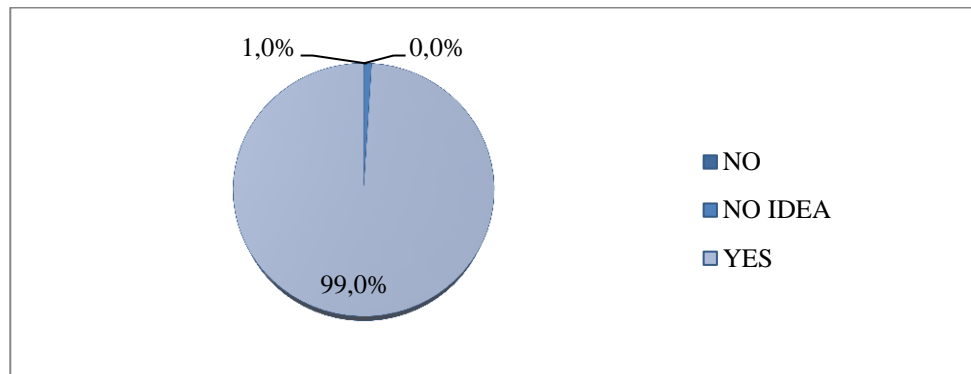


Figure 26: The Opinion of Moving to another City Status of the Participants in Çay Neighborhood

Like in a survey conducted by TOKİ, in a survey conducted in the Çay Neighborhood, by Akdeniz Municipality, asked the question on the request of the participants to settle in another city. The answer to this question was 95%, ‘No, I do not intend to move to another city.’

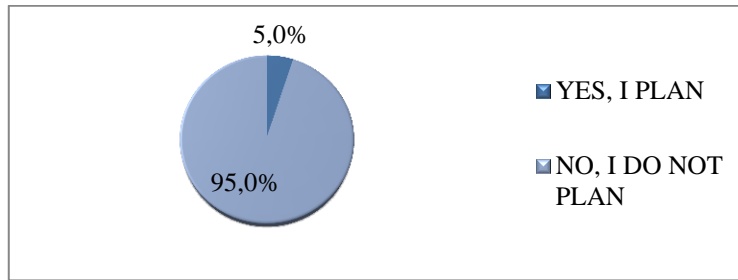


Figure 27: The Opinion of Moving to another City Status of the Participants in Çay Neighborhood

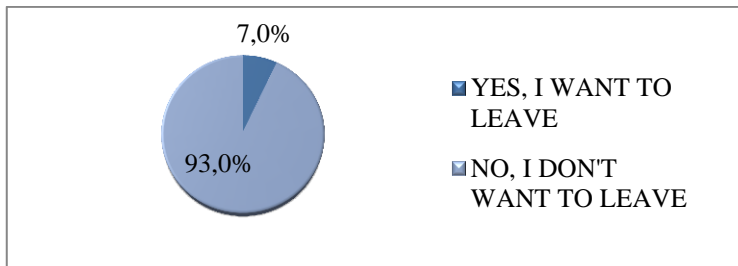


Figure 28: Willingness to Leave the Neighborhood Status of the Participants in Çay Neighborhood

94% of the people interviewed in the survey conducted by the Akdeniz Municipality in the Çay neighborhood about TOKİ structures. TOKİ structures are not suitable for their lifestyles because residents do not want apartment life, some of them are not suitable for crowded families and income status of people living in the neighborhoods. As a result of the TOKİ project, residents will be forced to migrate. They stated that they think negatively about TOKİ project due to reasons such as neighboring relations will deteriorate. 6% of the respondents thought that they could think about TOKİ structures if they were granted the rights, and some of them responded positively because they liked projects by TOKİ before.

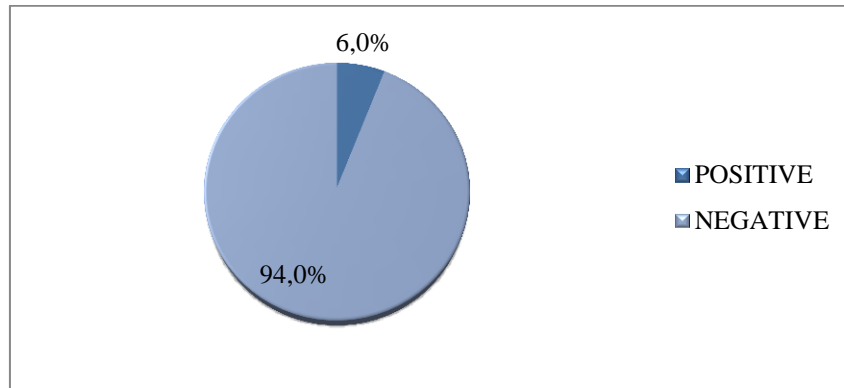


Figure 29: Research Participants' Opinions about TOKİ in Çay Neighborhood

97% of the respondents stated that they looked positively on the grounds that there would be no destruction, parks, and green spaces would be provided, and their order would not be disturbed when asked about improvement of their housing and environment.

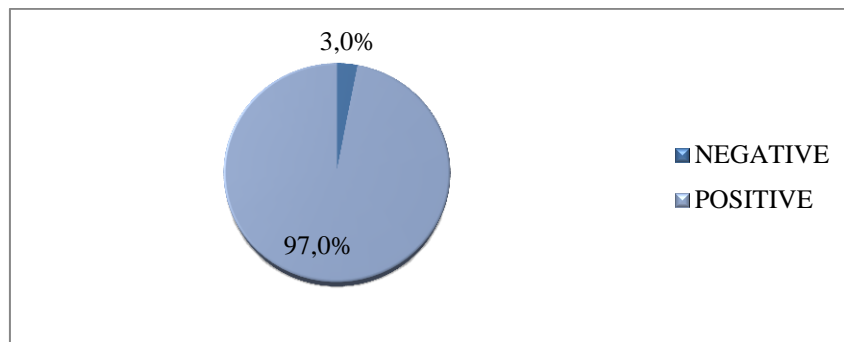


Figure 30: Research Participants' Opinions about Improvement in Çay Neighborhood

Unlike the ones living in Çay and Çilek neighborhoods, the fact that the people living in the Özgürlük Neighborhood look warmer or more unstable in the Urban Transformation Project. One of the reasons why the TOKİ survey is different from the survey by Akdeniz Municipality is Survey by Akdeniz Municipality is conducted only in Çay Neighborhood. While the voices of the opposition in the Çay and Çilek neighborhoods are loud, they are confused in the neighborhood of Özgürlük, which will be completely destroyed; they said “Even if Obama comes to us, TOKİ cannot take our houses” but later they said, “We will sell our house if

they pay for us.” This explains the situation enough. In addition, TOKİ conducted this survey before the urban transformation process started, that is, before any project or court process took place. On the other hand, Akdeniz Municipality conducted the survey after the draft projects prepared by TOKİ. In this case, it can be concluded that the residents of the neighborhoods are not satisfied with the draft projects prepared by TOKİ.

The draft projects prepared by TOKİ were discussed together with the dynamics of the city, examined, and an alternative project was decided by the municipality. For this purpose, a project team of 10 people was established. In addition, meetings and surveys were conducted to inform the city dynamics and neighborhoods and to evaluate the opinions and suggestions. While these processes were taking place, TOKİ declared the Çay, Çilek and Özgürlük neighborhoods as a Gecekondu Prevention Zone, and then the Council of Ministers decided to issue Urgent Expropriation Decision for the project area and transferred the authority to TOKİ in 2011. Both the local residents and Akdeniz Municipality have initiated proceedings against the decisions. The application was filed at the same time with the request for registration of the Ataş Campus as a protection site to the Adana Regional Directorate of Cultural Heritage Protection Board. These proceedings will be discussed in detail in the next section.

Akdeniz Municipality organized a panel on “Alternative Approaches to Urban Transformation-Sanitation and Social Policies.” In addition, it organized a workshop called "Sanitation Program." The project team established by Akdeniz Municipality has prepared an Improvement and Rehabilitation Project and sent it to TOKİ based on this analysis and producing alternative alternatives. The municipality also explained the alternative project on symposiums in Ankara and Diyarbakır to academicians and the public on different platforms. Also, Municipality started field studies in the neighborhoods to implement the alternative project. The main purpose of the project is stated by Akdeniz Municipality as follows;

This project; determining the future of the city and its citizens; In contrast to the studies aimed at pressure groups, rent understanding, descent from the

settlement area, clustered isolated houses detached from the settlement area, considering the social, cultural and economic situation of the neighborhood, it improves the urban life standard, preserves the identity of the neighborhood and improves the site with a planning approach that (sanitation) activities (Akdeniz Municipality, 2014).

In 2013, Akdeniz Municipality decided to cancel the signed protocols unilaterally. After that, Akdeniz Municipality started to implement the Alternative Project in Çay Neighborhood. The main vision of this practice is to create a livable Çay Neighborhood that has a high educational level and protects its cultural values by combating poverty and deprivation. The old buildings for the project were overhauled and started to be renovated. Roads, pavements, garden walls that were not in good condition were renovated. The neighborhoods' shops were reorganized and signs were placed in the shops. Cleaning started on the streets. Saplings were planted to green the neighborhood. In addition to physical studies, studies were also conducted for women and children. Sewing and embroidery courses were opened for women and women were provided to attend these courses. Tandoor-sheet bread was made with women. Mind maps were created for the children of the Neighborhood. He organized wall painting feasts. For social projects, courses such as vocational courses, sewing embroidery training, literacy courses and child care courses were provided in the social facilities established by Akdeniz Municipality. There is also a women's counseling center and nursery in this facility.



Figure 31: An Example for Sanitation by Akdeniz Municipality

Improvement is envisaged as a priority policy for residential areas. Particularly in low-rise buildings, a policy was established on site improvement, renovation, and simple repair work instead of demolition. However, in some cases, the need for demolition was also addressed. The conditions requiring demolition were determined as the following conditions.

- Detecting and demolishing the buildings that are not in use, and replacing them with new ones,
- Removal of structures that hinder transportation and block an ongoing transportation road from the project area,
- Expropriation and removal of buildings outside the island, which will eliminate the characteristics of the square in areas that may create squares.

The Municipality of Akdeniz also took part in the field of Ataş project in its alternative project. The municipality has determined policies to open the area of Ataş to the public. In contrast to TOKİ, it has taken the protection of the existing structures and ecological area as a priority, considering the priority of using the public space. For this purpose, the Ataş area was planned to meet the social infrastructure and green space needs of the Çay neighborhood. The city park, which has a wide range of functions, including children's playgrounds and course areas for the employment of women, children, and young people with disabilities are planned. In addition, urban exhibition spaces, social and cultural areas such as cultural center, indoor and outdoor sports facilities are included in the alternative project. All of these are included in the 1/1000 scale Development Plan and urban design projects prepared by the Municipality for Ataş Campus and Ataş Lodging Area.



Figure 32: 1/1000 Scale Suggested Urban Design Project for Ataş Lodging Campus Prepared by Akdeniz Municipality

4.3. THREE LAWSUIT PROCESS

While the surveys were conducted for Çay, Çilek and Özgürlük neighborhoods and Urban Transformation and Urban Rehabilitation Projects were prepared, on the other hand, the lawsuit process against the official decisions continued. These lawsuit processes were experienced regarding the following three decisions. The first one is the ongoing process of the announcement of the Gecekondu Prevention Zone. TOKİ declared the Çay, Çilek and Özgürlük neighborhoods as Gecekondu Prevention Zone for Urban Transformation and Development Project Areas immediately after the preliminary protocol and additional protocol signed among TOKİ, Akdeniz Municipality, Mersin Metropolitan Municipality, and Mersin Governorship. Immediately after this decision, a lawsuit was filed by Akdeniz Municipality and the people living in these areas, and thus the process began. The second decision is the Urgent Expropriation Decision. Following the Gecekondu Prevention Zone announcement of TOKİ, the Council of Ministers decided to expropriate the project areas of Çay, Çilek and Özgürlük neighborhoods and delegated the authority to TOKİ. Thirdly, there was a lawsuit process for the registration request for the Ataş Lodging Campus, which is planned to be used by TOKİ as the reserve area of the urban transformation. The authorities related to the northern part of this campus were taken from the Ataş Anadolu Refinery Inc. and

transferred to TOKİ with the Expropriation Decision of the Council of Ministers. In this section, the process of each three lawsuits and the achievements obtained by a local government are discussed.

4.3.1. The Announcement of the Gecekondu Prevention Process

On 30/11/2011, TOKİ declared the Çay, Çilek and Özgürlük neighborhoods as Gecekondu Prevention Zone for Urban Transformation and Development Project Areas. The preliminary and additional protocols were mentioned in this announcement, and then the letter sent to TOKİ by Mersin Governorship was referred. In this article of the Governor's Office, *the industrial, residential, tourism and agricultural areas in Çay, Çilek, and Özgürlük neighborhoods are irregularly intertwined because of the recent intensive migration, there are property problems, skewed, unqualified, non-earthquake prone, and mostly unlicensed structures not supported by engineering services in the area, besides, due to the lack of parking areas, it is stated that in cases such as fire, emergency illness, accident and earthquake, the construction of narrow streets where the first aid vehicles cannot enter must be eliminated and the efforts to ensure healthy urbanization need to be done urgently.* In line with this requirement, the Governorship requested the execution of the works under the Gecekondu Law (Law No. 775) to benefit the Çay, Çilek, and Özgürlük neighborhoods from the TOKİ activities. It is not a coincidence that the governorship letter coincided with the announcement that the 17th Mediterranean Olympics would be held in Mersin.

Upon the announcement of the Gecekondu Prevention Zone, a lawsuit was filed by Akdeniz Municipality and the inhabitants of the area to stop the execution and eventually cancel the decision. In this annulment suit, the 5th, 7th and provisional 9th articles of the Gecekondu Law (Law No. 775), which TOKİ uses as a basis in their Gecekondu announcement, were mentioned. Article number 5 mentions the right of municipalities to purchase and expropriate with the permission of TOKİ for the areas that are located within the improvement and liquidation areas or included in the prevention zone when deemed necessary. Article number 7 mentions the

right to housing in areas deemed appropriate by TOKİ. Provisional Article number 9 defines the areas to be delegated to TOKİ. On the other hand, Akdeniz Municipality made a reference to Article number 2 of the Gecekondu Law in its case and made it clear that these areas could not be evaluated within the scope of the Gecekondu Law (Law No. 775). In Article number 2, Gecekondu is defined as “*the buildings constructed independently of building and urban codes and on someone else’s land without the prior consent of its proprietor and public authorities.*” However, the structures in the mentioned neighborhoods are unlicensed structures built on the land and lands belonging to the owner, not within the scope of this definition. In other words, they are structures that are contrary to development law. At the same time, Akdeniz Municipality referred to the principle of ‘the planning process is carried out in accordance with a holistic approach towards spatial and physical developments from the top scale to the bottom scale’ of the development law and stated that there was a violation of the law. They also underlined that the decisions should be given in accordance with the decisions of the 1/25000 Master Plan, approved by the Mersin Metropolitan Municipality Council in 2008 and the 1/5000 Master Plan that has not been completed yet. In response to TOKİ’s support regarding the physical and health conditions of the area, Akdeniz Municipality has explained the current situation and the studies it has done. In line with the demands of the citizens, Akdeniz Municipality stated that it had made the area suitable for the current implementation development plan by making development modifications, improvement development plans, and parceling applications. Thus, the area was excluded from an irregular urban area. They also expressed that there exists a sewerage system and drinking water network, and there is no unhealthy and unstable living space. It is stated that the agricultural land surrounding the areas planned to be transformed apart from the current situation becomes open to the use of private capital with the adoption of the decision of the First Class Agricultural Lands be Reserved for Agricultural Use as the Gecekondu Prevention Zone. In line with these reasons, a lawsuit was filed by Akdeniz Municipality and the local citizens for the suspension of the execution and, finally, the cancellation.

TOKİ gave a written reply to the counterclaim of the Akdeniz Municipality on 04/06/2012. In this answer, it was mentioned that the right holders would be placed in the houses to be built in the 142.000 m² area of Ataş Refinery before the demolition of their structures, and then the evacuation and demolition of the existing structures will be done. Subsequently, by referring to the articles number 1, 5, 7, 19, 41 and provisional article number 9 of the Gecekondu Law (Law No. 775), it was stated that TOKİ has the right to utilize these areas by declaring Gecekondu Prevention Zones and obtaining immovable properties through dispossession. In addition, it is stated that TOKİ does not need to have gecekondu or gecekondu-type structures in that area to declare the Gecekondu prevention zone and that TOKİ has such a right even in an empty land. This answer demonstrates the frightening effects of TOKİ, which is used as a tool by the central government. At the end of this answer, TOKİ stated that they have the authority to declare a Gecekondu Prevention Zone, that there is no violation of the law with regards to the aforementioned area and that the case should be rejected.

On 03/10/2012 and 29/07/2013, Commissions of Experts conducted two discoveries in the neighborhoods. The first of these discoveries resulted in favor of the Akdeniz Municipality, while the second discovery was concluded against the Municipality. The municipality offered its objections and statements against the expert's report concluded against them as a report. In this report, the expert's report stated that there are no vacant parcels for the socio-cultural technical infrastructure areas that establish the comfort of life, the 142,000 m²-Ataş Lodging Area and the 57,000 m² sports area in the Özgürlük neighborhood were shown as potentials to meet the socio-cultural technical infrastructure requirement establishing the comfort of life. The expert's report stated that the expression "Gecekondu rehabilitation zone with improvement plan" for the region is an illegal expression, and this would result in the fact that areas with reclamation development plans in all cities should be declared a Gecekondu Prevention Zone. Thus, vested rights would be clearly violated. In the expert's report, the definition of urban transformation was discussed in a very comprehensive manner, and it was mentioned that the local people and all actors who have the right to have a say in the future of the area should be included in the process. Akdeniz Municipality, on

the other hand, stated that with the declaration of the Gecekondu Prevention Zone and Urgent Expropriation Decisions, the inhabitants of the area were not effective in making decisions and were forced to comply with the decisions taken by others. In its first appeal report, in accordance with Article number 2 of the Gecekondu Law (Law No. 775), the claim that the areas were not Gecekondu areas were repeated. Referring to the position of TOKİ, Akdeniz Municipality has stated that TOKİ is a profit-oriented institution and uses its powers with an imposing attitude that does not include dialogue and reconciliation by taking the basis of the article “to make or make applications with for-profit projects to provide resources to the administration,” which is one of TOKİ’s duties. Referring to the unilateral cancellation of the protocol, Akdeniz Municipality stated that TOKİ did not fulfill the requirements, such as getting opinions and being in contact with the municipality. The panel of experts did not include all of the survey results prepared by both TOKİ and Akdeniz Municipality. However, in the survey results of the municipality, it was found out that 94% of the participants have negative opinions about TOKİ structures, while 97% of them think positively about Urban Rehabilitation and Transformation. Akdeniz Municipality, contrary to the good intentions regarding Gecekondu Prevention Zone decisions, also addressed the negative consequences of TOKİ practices in Turkey in this report.

In our country, forced evictions are carried out with such applications, and due to the lack of increase in income, job opportunities, and social security for those living in these areas, these locals are again forced to live in low-quality housing and search for gecekondu and illegal construction sites.

Akdeniz Municipality stated that it did not accept the expert’s report against all of its justifications, that the expert report in its favor had to be taken into consideration and that the contradiction between the two reports had to be solved if the court considered differently. In addition, it repeated their request for suspension of execution and, ultimately, cancellation.

On 16/01/2014, it was decided to reject the request of the Akdeniz Municipality for suspension of execution of the announcement of the Gecekondu Prevention Zone. Akdeniz Municipality objected to this decision on the grounds that it had previously stated and filed a petition for the adoption of the request for a stay of

execution. On 14/03/2014, it was decided by the Local Court that it was not lawful to declare some parts of Çay, Çilek, and Özgürlük neighborhoods as Gecekondu Prevention Zone on the basis of expert's reports. It was decided to dismiss the case and can be appealed to the Council of State.

Following a decision by the local court to dismiss the request for a stay of execution, Akdeniz Municipality appealed to the Council of State. In the petition, which they included all arguments during the trial process, the Municipality sent their request to the Council of State for the reversal of the decision of the Local Court, the suspension, and cancellation of the execution.

On 14/01/2015, the Council of State finally decided that Çay, Çilek, and Özgürlük neighborhoods could not be declared as Gecekondu Prevention Zone. As stated by Akdeniz Municipality, it was stated by the Council of State that to be able to announce as gecekondu; it is necessary that unauthorized buildings are constructed on land and plots which are not owned by the persons and without the consent of the owner. Considering that the structures that are subject to the lawsuit are licensed or unlicensed structures that people make on their own land, it is stated that the Gecekondu Zone definition cannot be used for these areas. Therefore, the implementation of the practices of Gecekondu Law (Law No. 775) in an area that is not Gecekondu Zone was found to be impossible.

The Council of State also examined the authorities given to TOKİ and stated that the authorities are in the municipalities as a practitioner in these areas. It was concluded that there was no provision that TOKİ was authorized to implement activities about Gecekondu Prevention Zones. It was also recalled that the authorities and duties related to the Gecekondu Law could be performed by the district municipalities under the coordination of metropolitan municipalities. Most importantly, the Council of State unanimously ruled on this decision.

4.3.2. Urgent Expropriation Process

Immediately after TOKİ declared Gecekondu Prevention Zone for Çay, Çilek, and Özgürlük neighborhoods on 30/11/2011, the Council of Ministers issued an Urgent Expropriation Decision on 29/12/2011. The decision includes the following statements: *The urgent expropriation of the immovable properties located in Mersin Province, Akdeniz District, Özgürlük, Çilek, and Çay neighborhoods and the boundary and coordinates in the attached maps and lists by the Public Housing Administration in accordance with Article 27 of the Expropriation Law (Law No. 2942) was decided on 16/12/2011 by the Council of Ministers.* With this decision, the authority of the area was transferred to TOKİ. Recalling the Article number 27 of the Expropriation Law (Law No. 2942), the implementation of the National Defense Obligation Law (Law No. 3634) and the urgent expropriation became possible with this law in cases where the Council of Ministers decides on the need or hastiness of the national defense or in extraordinary situations foreseen by special laws. This authority, which should be used only in war and in exceptional cases, is a regular and non-legal application of TOKİ urban transformation projects. The Urgent Expropriation areas published in the Official Gazette for Çay, Çilek, and Özgürlük neighborhoods were drawn according to certain thresholds, which did not include only residential areas and were determined to serve the planned transformation areas.

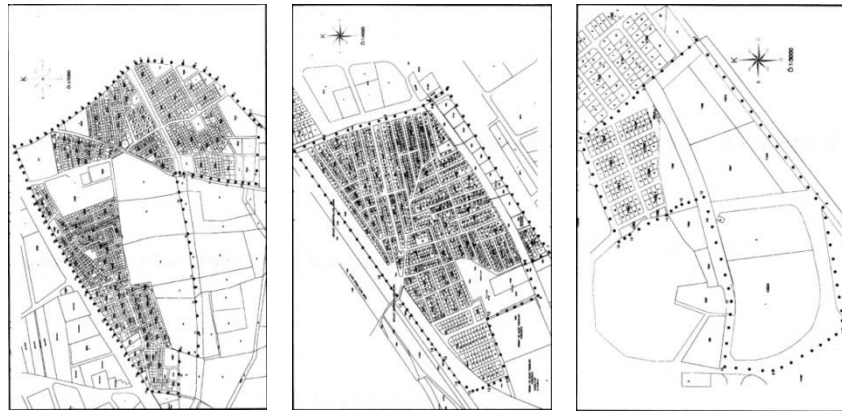


Figure 33: Expropriation Areas of Çay, Çilek, and Özgürlük Neighborhoods

Akdeniz Municipality filed a cancellation lawsuit against the urgent expropriation decision on 02/02/2012 with the support of the citizens living in the area, as in the declaration of Gecekondur Prevention Zone. The Local Court ruled in the case that, which was seen two months later, “the execution should be stopped until the legal defense period ends.” In the case, which was heard 2 months later, the district court decided to “stop the execution until the end of the legal defense period.”

On 18/10/2012, in the annulment case filed on the urgent expropriation decision, it was decided to “reject the request for the execution to be stopped.” Upon this decision, Akdeniz Municipality brought the case to the Council of State. On 10/02/2016, Administrative Law Council of the Council of State ruled that there were no conditions available for Çay, Çilek, and Özgürlük neighborhoods in Akdeniz District to require the 'urgent expropriation' decision that TOKİ had taken through the Council of Ministers.

4.3.3. Ataş Protection Area Announcement

On 16/12/2011, the northern part of the Ataş Lodging Campus was transferred from Ataş Anadolu Refinery Inc. to TOKİ by the decision of the Council of Ministers based on the Article number 27 of Expropriation Law (Law No. 2942). After that, on 02/01/2012, TOKİ requested an opinion from Akdeniz Municipality about the area regarding Ataş lodging campus in Çay Neighborhood. The Ataş lodging campus, which is planned to be used as a reserved area of the transformation project of Çay, Çilek, and Özgürlük neighborhoods, has thus been involved in the process.

On the plans of TOKİ to use Ataş Campus as a reserve housing area, Akdeniz Municipality applied to Adana Regional Directorate of Conservation of Cultural Heritage to demand that the site be declared as a protected area. In this application, it was expressed that Ataş Campus is an example of industrialization policies and industrial spaces of the Republic Period, self-sufficient pioneer industrial settlements developed by the Republican administration are reflected in this

campus, and it includes many accumulations specific to the post-1950 period, being an important place representing modern industrial spaces.

The Directorate of Museum of Mersin Governorship sent an opinion letter to the Provincial Culture and Tourism Directorate stating that the Ataş Campus does not meet the criteria specified in the Evaluation Criteria in the Findings within the scope of the related regulation and therefore no action was taken for its detection and registration. Adana Regional Directorate of Cultural Heritage Protection Board conducted investigations and research by its own experts and shared a report about the field. In line with this report, it is mentioned that the campus is a well-designed whole with its settlement, architecture, social spaces, and space solutions. However, it is stated in this report that there are no structures that meet the criteria defined by Law No. 2863 and related regulations and that no archaeological data are found in the area, and therefore it cannot be considered as immovable cultural heritage or protected area. One month after this report, on 28/11/2012, the Adana Regional Board for the Preservation of Cultural Heritage decided that the registration of the Ataş Campus was not appropriate as it was found that it had no immovable cultural heritage or a protected area within the scope of the Law No. 2863.

Akdeniz Municipality brought the case to the Administrative Court and requested the suspension of the decision of the Adana Regional Board for the Preservation of Cultural Heritage in the first place and, finally, its cancellation. In response to this cancellation request, the Ministry of Culture and Tourism's Legal Counsellor sent a letter to the Administrative Court stating that the decision was made in a scientific and impartial manner based on legislation. In the interlocutory decision, the administrative court unanimously decided to reject the request and on the objections of the Akdeniz Municipality, to reject the appeal on the grounds that there were no issues of the nature that would require the rescission of the decision on 22/05/2013. Upon the mutual answers of the Akdeniz Municipality and the Ministry of Culture and Tourism Legal Counsellor, the court decided to make the discovery through experts.

In the expert report, the case was evaluated, and the historical importance, architectural-engineering characteristics, settlement and landscape plan, materials and techniques used, plan-facade designs, and the current situation of the settlement were examined in detail. As a result of this examination, it was mentioned that the assessment of the registration status of the Republican Period buildings was left to the protection boards in accordance with the Law No. 2863. However, it was stated the decision of the Regional Council was open to discussion. It was determined by experts that Ataş Lodging Campus represents the rational-functional architecture movement in the Second World War across the world and that its structural features and design reflect the characteristics that can be considered unique for the architectural memory of early Republican Period Turkey due to the projected way of life.

Despite the statement in the literature review conducted by Adana Regional Directorate of Cultural Heritage Protection Board experts and the Regional Directorate that Ataş Campus is not among the “Industrial Buildings and Settlements of the Republican Period,” the expert report stated that the architecture movements of the 1960-1970 generation in Turkey were not entirely written, and the inventory was not completely listed. In accordance with the Venice Charter Principles, protection awareness increased in Turkey in recent years, and near-term architectural works have been included in this protection awareness. Therefore, according to this report, it is not wrong to conclude that these products are immovable cultural properties that must be protected. Therefore, according to this report, it is not wrong to conclude that these products are immovable cultural properties that must be protected.

In the expert report, it is stated for Ataş Campus that “it is obvious that it has value in terms of originality, rarity, economic and functionality.” On the other hand, despite all “claims” of Akdeniz Municipality, which is approaching with protection awareness and conducting this case process, it was criticized in this report that it has not developed any survey, restitution, and restoration projects so far.

As a result, the experts stated that Ataş Campus is an urban protected area and is subject to registration within the scope of the Law No. 2863 due to its unique

structure scale, texture integrity, and Early Republican architecture features. The Administrative Court overturned the decision of Adana Regional Directorate of Cultural Heritage Protection Board in 2015 based on the expert report. In line with the judicial decision, Adana Regional Directorate of Cultural Heritage Protection Board announced:

“Regarding the cancellation of the Board decision dated 28/11/2012 and numbered 1534 for the rejection of the registration process of Ataş Campus, in accordance with the decision of Mersin 2nd Administrative Court Decision No. 2013/135, dated 18/12/2014 and Decision No. 2014/1245 the immovable defined in the annexes are registered as Immovable Cultural Heritage in accordance with the aforementioned court decision, and that the boundaries of the urban protected area is appropriate as in the attachment on the map (Figure 32), and the urban protection area border is accepted as the area of Protection of Cultural Heritage...”

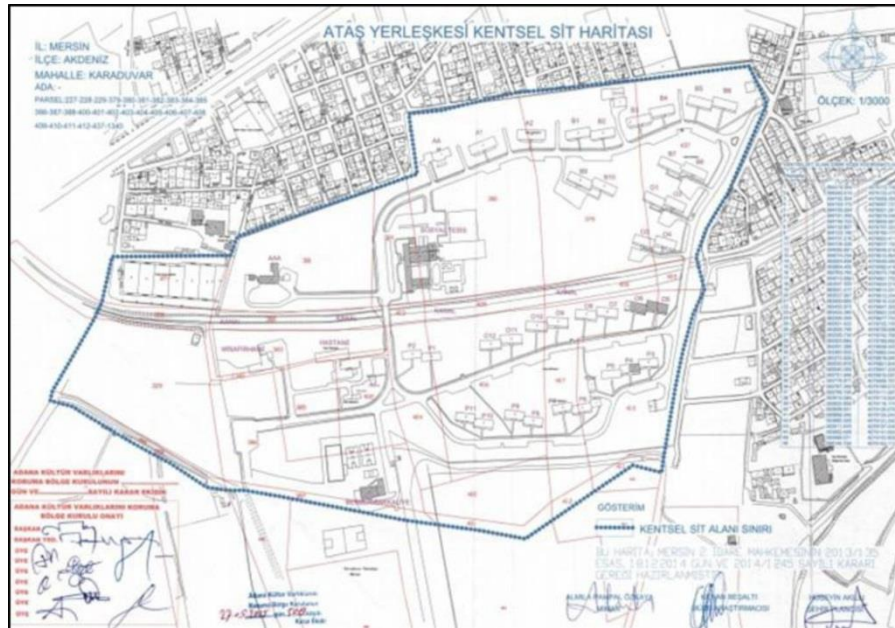


Figure 34: ATAŞ Lodging Campus-Urban Protected Area Border

4.4. CONCLUSION OF THE CASE STUDY

As of its location, Mersin province has an important place in the Turkish economy. In addition to the economic power it possesses with both industrial and agricultural areas, its value increases with the Port, which allows international trade. Akdeniz District, which includes important industrial areas and Mersin Port, is a district that has to cope with all this power and is one of the main targets of capitalism, but it is still untouched. These areas of Akdeniz District were preferred because of forced migration and internal migration, as well as providing employment opportunities for those coming to Mersin and providing cheap housing in the nearby Çay, Çilek, and Özgürlük neighborhoods and this has continued for many years. Invisible until the Mediterranean Olympics were planned to be held in Mersin in 2013, Çay, Çilek, and Özgürlük neighborhoods became targets after that day and the future of the neighborhoods and their inhabitants were given up to the hands of capitalism.

Firstly, these three neighborhoods were announced as one of the main urban transformation areas of Akdeniz District in the Municipal Assembly. In this process, both the Mersin Metropolitan Municipality and Akdeniz Municipality were under the leadership of CHP mayors. TOKİ and Mersin Governorship cooperated and signed a Preliminary Protocol on urban transformation in these neighborhoods. Also, in this period, TOKİ acquired land with the excuse of producing housing for low-income groups, especially in metropolitan cities, and with the support of the Council of Ministers' urgent expropriation decisions. In the areas it has acquired, TOKİ carries out mass housing projects consisting of monotonous, mostly attractive housing units for middle and upper-income groups, which it produces without questioning whether it addresses the culture and lifestyles of the current inhabitants.

In 2009, the Democratic Society Party (DTP) - Peace and Democracy Party (BDP) (December 2009 and after) became the governor of Akdeniz Municipality. This administration also became a partner in the cooperation with the Additional Protocol under the Preliminary Protocol. After the announcement of the Mediterranean Olympics to be held in Mersin, the State Minister in charge of

Foreign Trade of the period visited Mersin, and the letter of Mersin Governor's Office to TOKİ for urban transformation was very effective in accelerating the urban transformation process. The fact that the central government and local representatives of the central government think about the prestige of Mersin during the Olympics process could reflect the general perspective of the period. The reality of inter-city competition brought about by globalization had again passed a few steps ahead of localization. As a developing country, Turkey has sought accumulation by dispossession mostly through TOKİ. This is exactly what was planned for Mersin, Akdeniz District, Çay, Çilek, and Özgürlük neighborhoods.

Akdeniz Municipality initially cooperated with TOKİ, but somehow changed their policies at one point because TOKİ Urban Transformation Project was not participatory, for the public interest and did not depend on local dynamics. Then Municipality canceled the protocol and decided that the process should be carried out with a healthier, more publicly, at the local level and by local hands. The Municipality listed as a reason for the cancellation of the protocol. The proposed projects were taken into consideration by TOKİ, a project in which the residents of the neighborhood were not developed, and no steps were taken to ensure the participation and taking opinions of both Akdeniz Municipality and the inhabitants in the neighborhood. Then, there were two parties, one as the Central Government and its local representatives, and the other as the local government representative of Akdeniz Municipality and inhabitants of the neighborhood.

The survey conducted by TOKİ just before the project planning process includes questions to justify and lay the groundwork for the implementation of one of its similar projects, sometimes exactly the same, and sometimes directs the answers to exactly what they want. However, the answers to a few questions create contradictions with the planned project and legal decisions. For example, in the question about ownership of the living area, it is seen that approximately 7% is settled in the public land, and the remaining part belongs to the inhabitants of the land, although it is allocated to field land title, development title, or land register. However, TOKİ did not hesitate to declare the area “Gecekondu Prevention Zone.” Probably there was thought that there would be no resistance, and the search for

legal rights by Akdeniz Municipality and the local people shows is featured to be the first. A similar situation arises in the number of people and children living in a house. The TOKİ project, which consists of 3 + 1 and 2 + 1 houses, suggested, does not appeal to families with a very high population (consisting of an average of 6 people) and an average of 3 children. There is no planning on how mostly low-income residents living in these neighborhoods can afford to live in these relatively high-income, new housing. The survey, which was almost never concerned with the social dimension of the neighborhood, and its result, did not reveal a social development plan in the same way as the planned project. The current life practices of the residents living in these neighborhoods are already insignificant. It is now a standard procedure in Turkey to try to deal with social and socio-economic problems of neighborhoods by using the urban transformation. People are constantly being displaced, ignoring the fact that the inhabitants have been displaced or forced to relocate due to forced migration because of another urban transformation project and/or economic conditions. It was up to Akdeniz Municipality to defend people who have been subjected to bullying and marginalization due to their ethnic identity (known to be Kurdish and Arab origin people living in Çay, Çilek, and Özgürlük neighborhoods).

Akdeniz Municipality selected Çay Neighborhood for the survey it has prepared, which was designed similarly to TOKİ's survey but additionally evaluating TOKİ and its project. It would not be wrong to think that the high level of opposition and organization of the inhabitants of Çay Neighborhood had a great effect on this selection. The survey results strengthened this prediction as expected. Although there are similarities in demographic characteristics with the TOKİ survey, the results of urban transformation and the future of the area are almost opposite. The most striking part of the survey results is that 94% of the participants have negative opinions about TOKİ implementations. Another point is that 97% of people have positive opinions about urban improvement. In addition to the fact that the survey was conducted in the Çay Neighborhood, the TOKİ project was known any more, and the fact that Akdeniz Municipality informed the people about the marginalization of the project was thought to have contributed to these results. The main factor in the acceptance of previous TOKİ projects was the lack of

information. While those living in poor and deprived neighborhoods supported these projects with the hope of owning houses and living in higher standards of housing and neighborhoods, they did not know that they would not be able to live in new housing areas and could not meet these standards financially and this was not clearly told to them.

Contrary to the perception in Turkey, ‘Urban Improvement,’ which is actually a part of urban transformation, is the main idea of the project of the Akdeniz Municipality. As in the results of the survey, it is clear that there is an opposed relationship between TOKİ and Akdeniz Municipality regarding the projects offered. The project had been prepared for cleaning the neighborhoods, eliminating service deprivations, and improving the houses by taking into consideration the houses that need to be demolished and rebuilt, and Çay Neighborhood had been selected for the pilot implementation. Contrary to the belief that raising living standards should be experienced in higher buildings and new houses, it is important for the future of local governments in Turkey that Akdeniz Municipality wants to show that more quality and healthier urban life can be reached by improving the quality of the buildings and facilitating the daily life practices without destroying the existing structures and the neighborhood culture in the area.

In addition to the well-designed projects, the legally executed process also emerges as a first in terms of local governments in Turkey. Without any legal basis, no municipality has continued its legal struggle to the end of the confiscated areas by declaring a ‘Gecekondu Prevention Zone’ and ‘Urgent Expropriation Decision.’ While it is clear enough that the area does not comply with the definition of ‘Gecekondu’ within the scope of Article number 2 of Gecekondu Law (Law No. 775), there can be no legal explanation for declaring the area as ‘Gecekondu Area.’ Moreover, in the counterclaim against this declaration, TOKİ's explanations stating that it has the authority to declare any place as a transformation area, even if it is not a Gecekondu area, clearly shows the depth of the problem. In addition to this announcement, issuing the ‘Urgent Expropriation Decision’ by the Council of Ministers enables TOKİ to establish control over the unjustified lands. The fact that the statement ‘if deemed necessary by the Council of Ministers’ is provided in the

law regarding urgent expropriation and that the situation of ‘urgency’ is not clearly stated in the law makes the future of the cities of Turkey uncertain. Nevertheless, as a final effort, the case was brought to the Council of State, and the decisions were concluded in favor of the Municipality and the neighborhood.

One of the important points in this process is about ownership status in the Çay, Çilek, and Özgürlük neighborhoods. Each survey of TOKİ and Akdeniz Municipality and fieldwork in the neighborhoods shows that most inhabitants have their own property in the area. This is important to negotiate with inhabitants by TOKİ. However, an interview with an expert from TOKİ shows that TOKİ never engaged in the field and did not negotiate with inhabitants. After the first grant a motion for stay of execution by the court, TOKİ stopped its works for Urban Transformation Project. An expert from Mersin Metropolitan Municipality said that TOKİ asked Mersin Metropolitan Municipality and Akdeniz Municipality to negotiate with inhabitants; however, both municipalities were not open to doing this. They choose the local side because of the inhabitants’ protest. Another important thing from the interview with an expert from TOKİ is that TOKİ always prepares projects for urban transformation and then meet people for negotiating about their rights. It is the most important indicator showing that projects of TOKİ are not participatory.

Since its establishment, Turkish governments have been producing solutions to housing and the social problems behind it, either late or unable to produce the right solutions. Initially, urban problems were postponed by intervening through the law, and it became difficult to intervene with the difficult conditions and migrations. In the 1980s and after, local authorities were given some duties and responsibilities to cope with urban problems. However, these authorities were both insufficient and not financially supported. Moreover, contradictions were created by granting authorization to the central government and some organs administered by the central government above these powers to the local governments. Similarly, in urban transformation, there are conflicts of authority between TOKİ and Municipalities. In municipal areas, TOKİ’s authorization only consultation with

municipalities but without permission raises serious obstacles in front of the decentralization in Turkey.

CHAPTER 5

CONCLUSION

The main purpose of this study is to discuss approaches of the central government and local government in Turkey to the issue of urban transformation taking the case of Çay, Çilek and Özgürlük neighborhoods as an example in line with the argument that cities must be planned through local decision-making processes. In the course of this discussion, firstly, how the urban transformation processes have changed over the years, especially in developed countries, was discussed. Later, the change of the concept of urban transformation in Turkey, the effectiveness of the central government and local governments in implementation were examined. Laws relating to urban transformation in Turkey were investigated, and the urban transformation process in Mersin, Akdeniz District, Çay, Çilek, and Özgürlük neighborhoods was analyzed. Also, there were examples of Urban Transformation Projects, in which TOKİ was included. These examples have the same reasons or same results with the case of Çay, Çilek, and Özgürlük neighborhoods. The surveys of TOKİ and Akdeniz Municipality, which constitute the basis of the projects planned for the area, and the projects put forward, were reviewed and compared. The process in Çay, Çilek, and Özgürlük neighborhoods consists of three different lawsuit proceedings on Gecekondu Prevention Zone, Urgent Expropriation Decision and Ataş Protection Area Announcement. For all three processes, Akdeniz Municipality had challenged legally, each of these processes had resulted positively, and Akdeniz Municipality and residents had been the ones who proved right.

The cities that existed before Christ have changed and transformed their status to the present day and still continue to evolve. With the destruction after the Second World War, the cities in Europe have undergone a restructuring process. The concept of urban transformation has come to the forefront as a part of the Neoliberal restructuring process since the 1980s. Especially in the 1970s, while the

physical transformation experienced in the abandoned and collapsed areas of the cities was observed, the changes focused on these physical features continued until the 1980s. However, with the acceptance of the parallelism of economic and urban changes, a new phase has begun. The relationship between urbanization and the urban economy has led to differences in approaches to cities after this period. Neoliberal restructuring processes and the competitive environment created by globalization between cities also play a significant role in this change. Projects for the revitalization of cities and urban centers have been developed to take part in this competitive environment. These projects have been socially weak and have moved away from the principle of participation in decision-making processes. This was reflected in the policies and projects of the 1990s. Based on the idea of making improvements and transformation in existing urban areas within the framework of sustainability, the concept of "sustainable urban transformation," which is planned to achieve the goals of economic development, social justice, and protection of the environment together, has emerged (Balaban, 2013, p. 55). Today, however, more projects are being developed to protect the environment. Studies on climate-friendly and low-carbon urban development models are increasing, but these studies appear to be the projects that are planned in the long term and will be concluded in the long run.

There are too many definitions under the word 'Urban Transformation.' These definitions vary from country to country and from space to space. Urban transformation varies according to the dynamics of each space, the factors affected by the transformation process, and the resulting project. However, in this study, the term urban transformation was used as an umbrella word.

Although the breaking points of urban development and transformation processes in the world and in Turkey are similar, they have not been experienced in parallel. The processes in Turkey are divided into four periods. Economic changes and the social and political changes influenced by these economic changes have been instrumental in making such categorization. Nation-state based process was taking place during the period from 1923 until the 1950s. That is marked with Gecekondus caused by the intense migration from rural to urban and the policies

for Gecekondu during between the years of 1950-1980. The dominance of the capital on cities with influences of neoliberal strategies has left a strong impression from the 1980s to the 2000s. After 2002, it is observed that the central government has a changing role in housing supply, especially after the authorities given to TOKİ started to increase in 2002.

While the post-war reconstruction in America and Europe took place, with the establishment of a new state in 1923, the construction of a new state took place primarily in Turkey. It was observed that migration processes began to accelerate during this period. Towards the 1980s, priority was given to industrialization, leading to delay in urban interventions, and as a result of these policies, a significant increase in the formation of gecekondu areas was seen. After 1980, the reflections of the change in the Turkish economy and economic policies in the next period were reflected in the city-related policies. Neoliberal restructuring policies were also effective in the production of the built environment, and the economic problems and social problems caused by these financial problems were tried to be solved with built environment production. Although various policies were developed for Gecekondu until the 2000s, the policy of development peace, legalization of structures, and the distribution of rent obtained from the production of new structures among small producers and low-income groups was implemented. While the authorities given to the local administrations regarding the cities are seen as important developments of the period, it is difficult to say that there was a real decentralization since these powers are not supported by financial means and legal conflicts are not prevented. In the early 1980s, the state established TOKİ to intervene in the housing problem. However, the increase in TOKİ's activity was the result of the policies that changed with the AKP's success in the 2002 elections. The liberalization and deregulation of urban transformation, planning, and zoning order came into question in these years. By increasing the powers of TOKİ, legitimizing any state intervention in cities has made local governments powerless against the central government.

Examples of Turkey's application in urban transformation in the 2000s are similar to the projects already implemented in the 1980s in many developed countries in

the world. Moreover, Turkey's practices have been shaped without taking lessons from those projects. As a developing country, Turkey's inability to localize and create sustainable, environmentally sensitive, and most importantly fair, participatory cities are due to its falling behind of them and not deriving lessons from the developed countries' experiences.

After the 2000s, neoliberal restructuring policies first appeared in Ankara and Istanbul and then spread to other cities, especially metropolitan cities, with increasing of TOKİ's powers. Especially when AKP gained election in 2002, policies for urbanization have changed. A lot of consecutive laws have been enacted in these years. Laws on solving urban problems in general meaning have not been enacted. Each law is to solve only a problem or complementary to the previous one. Sometimes, specific laws have been enacted for each problematic area. Most of the laws serve TOKİ to have more powers in cities. Law No. 6306, enacted in 2012, is important in this sense. Most of the problems in urban transformation projects until the date of this law had been solved with the enacting of this law. For two of the urban regeneration projects given as an example, the public has fought legally and continues to do so. However, TOKİ gained serious powers with the Law No. 6306 and the way of transformation is opened in the cities.

In this study, there are three examples except from the case study. All transformation projects were planned after 2002. The first example was Ayazma-Tepeüstü Urban Transformation Project in İstanbul. This project is a good example of displacement. The people living in the project area (Ayazma) were moved to another area (Bezirganbahçe), and the project area was used for rent generation. While prestigious houses were built in Ayazma, structural problems have already arisen in the houses built in Bezirganbahçe. These residences also show the quality of TOKİ residences. The second example was İstanbul-Tozkoparan Urban Transformation Project. This project has not been implemented yet. The proposed transformation project for 50-year-old residences in Tozkoparan has not been accepted by the residents. Moreover, until the Law No. 6306 enacted for the transformation of this neighborhood and so on, no legal basis had been found for

transformation in this area. In this earthquake zone, the fact that the buildings previously constructed by the central government are again being desired to be transformed by the central government with the risk of a disaster has raised many questions. The last example was Doğanbey Urban Transformation Project in Bursa. This project which was discussed about the distribution of property ruined skyline of Bursa. The proximity of the area to the historical buildings and protected areas in the city center had not been taken into consideration adequately in the project, and integrity had not been designed. After the project, lack of environmental planning, failure to eliminate elevator breakdown, explosion of boilers, flooding on car park flooding, cracked walls of buildings, dismantling of building plasters are mentioned as the main problems experienced.

These three examples and selected neighborhoods for the case study have many common characteristics. All these neighborhoods are close to job opportunities. In all neighborhoods, people from the lower-income group live with crowded families. In Ayazma and Çay, Çilek and Özgürlük neighborhoods, it is seen that ethnic people live and are subject to or want to be subjected to a second displacement. All neighborhoods have their own culture, and the neighborhoods are strong. Therefore, people living in neighborhoods do not want to lose this culture and relations, as in the case of Ayazma and Doğanbey. It is clear that not only all projects are aimed at producing prestigious residences that address the upper-income group, but also solving urban problems by displacing the lower-income group. In addition, it is known that those living in the neighborhoods do not have the financial power to meet their new housing and new living conditions. Also, it is understood from the examples that the quality of the houses constructed by TOKİ is low. The housing of the Ayazma-Bezirganbahçe Urban Transformation Project, which was implemented first, is seen as an example for other neighborhoods. It is clear that even though the residences built for the Doğanbey Urban Transformation Project are 7 years old yet, the quality of houses is low, the landscaping is insufficient, and even the parking areas are still not completed. Moreover, there is no answerer regarding the problems in the project area. All three project areas have been subject to expropriation and demolition-reconstruction methods.

In all three projects, it is seen that local administrations cooperate with TOKİ on provincial and district level. Again, all three project areas are/were located in important locations and transportation networks. When the plans of the projects carried out by TOKİ are examined, it is observed that the luxury houses and prestigious areas were planned. This shows that all areas selected as examples in this study are mainly profit-oriented. In addition, it is clear that it is difficult for the people living in the project areas to keep living in those areas after the completion of the projects. Lastly, some local initiatives were formed in each neighborhood; however, while local initiatives were established as a result of problems arising after the implementation of the projects in Ayazma and Doğanbey, a local initiative of Tozkoparan was established during the project. All these examples were selected because of the similarity to the project planned for Çay, Çilek, and Özgürlük neighborhoods and the possible results of this project.

Mersin, on the other hand, was exposed to the effects of the internal migration process and forced migration process due to its proximity to the eastern and southeastern regions. In the 2000s, it became clear that it would be the host of the Mediterranean Olympics. The poorest of the city, which was excluded due to ethnic backgrounds, had to live in unhealthy conditions and faced Neoliberal restructuring in this process. In the general characteristics of the neighborhood, it is seen that there is a party loyalty for HDP, people from lower-income groups live and have been subjected to displacement before. However, as a result of lawsuits in years, Akdeniz Municipality for Çay, Çilek and Özgürlük neighborhoods has emerged as the winner of the legal struggle. During the legal process, both TOKİ and Akdeniz Municipality prepared their project for Çay, Çilek, and Özgürlük neighborhoods after conducting their surveys. Approaches to these projects were different from each other. While TOKİ wanted to implement expropriation and demolition-reconstruction methods, Akdeniz Municipality wanted to implement the Improvement and Rehabilitation Project because their wishes for the neighborhoods were different. There were trading area usage, prestigious houses and malls in TOKİ's project. On the other hand, in the project of Akdeniz Municipality, there was rehabilitation of houses and streets, usage of public spaces and required usages for the inhabitants like vocational courses, for the children.

Turkey has been criticized by reason of ethnic issues and policies towards minorities. In general, ethnic problems are basically a function of recognition of ethnic identity, the legal status of ethnic identity rights, the sharing of power by ethnic groups, and the correction of socioeconomic conditions. It can also be said that these problems arise from the conflict between the frontiers of the ethnic minority and the boundaries of the state (Kurubaş, 2008). This can be said not only for ethnic groups but also for minority groups. The marginalization of ethnic and minority groups with urban transformation projects problem remains the subject in Turkey which seems to deepen.

To overcome the economic and political problems, interventions to the cities with urban transformation projects further deepen the problems and reveal the problem of the inability to manage of central government. While ethnic groups, minority groups, and people from lower-income groups want to have a right to speak when their living areas are transformed, the central government puts policies on return only with the idea of trying to implement projects aimed at solving economic and political problems and transforming cities into prestige spaces.

One of the features of urban transformation is ‘A means of determining policies and actions designed to improve the condition of urban areas and developing the institutional structures necessary to support the preparation of specific proposals (Roberts and Sykes, 2000, p.22)’. However, the bad results of the central government acting alone while developing these policies, actions, and institutional structure are seen from TOKİ examples.

In fact, when the results are examined, urban transformation projects should be carried out with local inhabitants and local activities by local governments and local actors with the support of the central government. Increasing accountability and transparency should also be taken into consideration as a function of public authority (Batuman and Erkip, 2017). Differences between the central government and local governments’ projects should be minimized by the central government. Urban transformation is not a means of solving the economic and political problems of the central government, but rather an urban transformation should be seen as a method of improvement that provides solutions to the socio-economic

problems of the urbanites, offering better living conditions and not ignoring the wishes and life practices of the urbanites.

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APPENDICES

APPENDIX A: TURKISH SUMMARY / TÜRKE ÖZET

Bu çalışmanın temel amacı, şehirlerin yerel karar verme süreçleri ile yönetilmesi gerektiği savı doğrultusunda Çay, Çilek ve Özgürlük Mahalleleri örnek olaylarına dayanarak, Türkiye'de merkezi yönetim ve yerel yönetimlerin kentsel dönüşüm konusuna yaklaşımlarını tartışmaktır. Merkezi yönetimin görevi olarak kabul edilen kentsel alanlara, Türkiye'de hem merkezi yönetim hem de yerel yönetimler tarafından farklı açılardan yaklaşılmıştır. Bu deneyimlere bağlı olarak, bu çalışma, kentsel alanların karar alma sürecinin nasıl yerelleştirilebileceği; kentsel dönüşümüne bağlı olarak kentsel alanlarda sosyal, sosyo-ekonomik ve fiziksel sorunlara nasıl yaklaşılması gerektiği; kentsel dönüşüm süreçlerinde yaşam tarzı, yaşam pratikleri ve yerel halkın kültürlerinin dikkate alınıp alınmadığı tartışılmıştır. Bu süreç boyunca, merkezi hükümetin yerel dinamiklere yaklaşımları da ele alınmıştır.

Günümüze kadar var olan kentler devamlı olarak değişmiş ve değişmeye de devam etmektedir. İkinci Dünya Savaşı'ndan sonraki yıkımla, Avrupa'daki şehirler yeniden yapılanma sürecinden geçmiştir. Ancak, kentsel dönüşüm kavramı 1980'lerden bu yana Neoliberal yeniden yapılanma sürecinin bir parçası olarak ön plana çıkmıştır. Özellikle 1970'lerde, kentlerin terk edilmiş ve çökmüş bölgelerinde fiziksel dönüşüm planları gözlenirken, bu fiziksel özelliklere odaklanan değişiklikler 1980'lere kadar devam etmiştir. 1980li yıllarda ise ekonomik ve kentsel değişimlerin paralelliğinin kabulü ile birlikte yeni bir aşama başlamıştır. Kentleşme ile kent ekonomisi arasındaki ilişki, bu dönemden sonra şehirlere yaklaşımda farklılıklara yol açmıştır. Neoliberal yeniden yapılanma süreçleri ve kentleşmeye ek olarak küreselleşmenin yarattığı rekabet ortamı bu değişimde önemli bir rol oynamaktadır. Bu rekabetçi ortamda yer almak için kentlerin ve kent merkezlerinin yeniden canlandırılmasına yönelik projeler geliştirilmiştir. Bu projeler sosyal açıdan zayıf olmuş ve karar alma süreçlerinde katılımcılık

ilkesinden uzaklaşmıştır. Bu durum, 1990'ların politikalarına ve projelerine de yansımıştır. Sürdürülebilirlik çerçevesinde mevcut kentsel alanlarda iyileştirme ve dönüşüm yapma fikrine dayanarak, ekonomik kalkınma, sosyal adalet ve çevrenin birlikte korunma hedeflerine ulaşılması planlanan "sürdürülebilir kentsel dönüşüm" kavramı ortaya çıkmıştır (Balaban, 2013, s. 55). Dahası bugün çevreyi korumak için daha fazla proje geliştirilmektedir. İklim dostu ve düşük karbonlu kentsel gelişim modellerine ilişkin çalışmalar artmaktadır, ancak bu çalışmalar uzun vadede planlanan ve uzun vadede sonuçlandırılacak projeler olarak görünmektedir.

“Kentsel Dönüşüm” kelimesi altında çok fazla tanım vardır. Bu tanımlar ülkeden ülkeye ve mekandan mekana devamlı olarak değişmektedir. Kentsel dönüşüm, her mekanın dinamiğine, dönüşüm sürecinden etkilenen faktörlere ve ortaya çıkan projeye göre değişmektedir. Ancak bu çalışmada kentsel dönüşüm(Urban Transformation) terimi şemsiye kelimesi olarak kullanılmıştır.

Dünyadaki ve Türkiye'deki kentsel gelişim ve dönüşüm süreçlerinin kırılma noktaları benzer olsa da, paralel olarak yaşanmamıştır. Türkiye'deki bu süreçleri dört dönemde incelemek mümkündür. Ekonomik değişimler ve bu ekonomik değişimlerden etkilenen sosyal ve politik değişimler, bu kategorilerin oluşmasında etkili olmuştur. 1923'ten 1950'lere kadar olan dönemde ulus devlet merkezli bir süreç yaşanırken, 1950-1980 yılları arasında kırsal alanlardan kentlere yoğun göçün neden olduğu Gecekondu ve Gecekondu politikaları ile belirgin bir süreç yaşanmıştır. Sermayenin Neoliberal stratejilerin etkisiyle kentlerdeki egemenliği, 1980'lerden 2000'lere kadar güçlü bir izlenim bırakmıştır. 2002'den sonra, özellikle TOKİ'ye verilen görevlerin 2002'de artmaya başlamasından sonra, merkezi hükümetin konut arzı konusunda değişen bir rolü olduğu görülmüştür. Bu doğrultuda oluşturulan dört dönem aşağıdaki gibidir.

1. Ulus-Devletin İnşası: 1923 ve 1950 Yılları Arası
2. Emek Günün Kentleşmesi: 1950 ve 1980 Yılları Arası
3. Sermayenin Kentleşmesi: 1980 ve 2000 Yılları Arası
4. Kentsel Dönüşüm: 2000 Sonrası

Amerika ve Avrupa'da savaş sonrası yeniden yapılanma gerçekleşirken, 1923'te yeni bir devletin kurulmasıyla birlikte, Türkiye'de öncelikle yeni bir devletin inşası gerçekleşmiştir. Bu dönemde göç süreçlerinin hızlanmaya başladığı görülmüştür. Yeni devletin inşasında sanayileşmeye öncelik verilmesi, kentsel müdahalelerde gecikmeye yol açmış ve bu politikalar sonucunda 1980li yıllara kadar gecekonduların oluşumunda önemli bir artış görülmüştür. 1980'lerden sonra, Türkiye ekonomisindeki değişimin ve gelecek dönemde ekonomik politikaların yansımaları kentler ile ilgili politikalara yansımıştır. Neoliberal yeniden yapılandırma politikaları yapıları çevrenin üretiminde de etkili olmuş ve bu finansal sorunların neden olduğu ekonomik problemler ve sosyal problemler yapıları çevre üretimi ile çözülmeye çalışılmıştır. Her ne kadar Gecekondular için 2000'li yıllara kadar çeşitli politikalar geliştirilse de, imar barışı politikası, kaçak yapıların yasallaştırılması ve küçük üreticiler ve düşük gelirli gruplar arasında yeni yapıların üretilmesinden elde edilen rant dağılımı uygulanmıştır. Yerel yönetimlere kentlerle ilgili olarak verilen görevler 1980-2000 yılları arasındaki dönemin önemli gelişmeleri olarak görülmekle birlikte, bu yetkiler finansal yollarla desteklenmediği ve yasal çatışmalar önlenmediği için, gerçek bir yerelleşme olduğunu söylemek zordur. 1980'lerin başında, devlet konut sorununa müdahale etmek için TOKİ'yi kurmuştur. Ancak, TOKİ'nin faaliyetlerindeki artış, Adalet ve Kalkınma Partisi(AKP)'nin 2002 seçimlerindeki başarısıyla değişen politikaların bir sonucudur. Kentsel dönüşüm, planlama ve imar düzeninin serbestleşmesi bu yıllarda gündeme gelmiştir. TOKİ'nin yetkilerini artırarak, şehirlere herhangi bir devlet müdahalesinin meşrulaştırılması, yerel yönetimleri merkezi hükümete karşı güçsüz kılmıştır.

Türkiye'nin 2000'li yıllarda kentsel dönüşümdeki uygulamalarına örnekler, 1980'lerde dünyadaki birçok gelişmiş ülkede hâlihazırda uygulanmış projelere benzemektedir. Ayrıca, Türkiye'nin uygulamaları bu projelerden ders alınmadan biçimlendirilmiştir. Gelişmekte olan bir ülke olarak, Türkiye'nin sürdürülebilir, çevreye duyarlı ve en önemlisi adil şehirleri, yerelleştirme ve yaratmadaki yetersizliği, katılımcı şehirlerin geride kalmasından ve gelişmiş ülkelerin deneyimlerinden ders çıkarmamasından kaynaklanmaktadır.

2000'li yıllardan sonra Neoliberal yeniden yapılandırma politikaları önce Ankara ve İstanbul'da ortaya çıkmış ve daha sonra TOKİ'nin yetkilerinin artmasıyla birlikte diğer şehirlere, özellikle de büyük şehirlere yayılmıştır. AKP, 2002'de seçim kazandığı zaman kentleşme politikaları değişime uğramıştır. Bu yıllarda pek çok ardışık yasa çıkarılmıştır. Ancak, kentsel sorunların genel anlamda çözülmesi ile ilgili kanunlar çıkarılmamıştır. Her yasa sadece bir problemi çözmek için veya öncekini tamamlayıcı nitelikte olmuştur. Bazı durumlarda ise sorunlu alanlar için özel yasalar çıkarılmıştır. Yasaların çoğu, TOKİ'nin kentlerde daha fazla yetki sahibi olmasına hizmet etmiştir. 2012 yılında çıkarılan 6306 sayılı Kanun bu anlamda önemlidir. Kentsel dönüşüm projelerinde yer alan ve özellikle TOKİ'nin kentsel dönüşüm projeleri süreçlerinde önüne çıkan yasal sorunların çoğu, bu yasanın yürürlüğe girmesiyle çözülmüştür.

Bu çalışmada, vaka çalışması dışında üç örnek bulunmaktadır. Tüm dönüşüm projeleri 2002'den sonra planlanmıştır. İlk örnek İstanbul'daki Ayazma-Tepeüstü Kentsel Dönüşüm Projesidir. Bu proje TOKİ'nin yerinden etme politikası için iyi bir örnektir. Proje alanında (Ayazma) yaşayanlar başka bir alana (Bezirganbahçe) taşınmak zorunda kalmış ve proje alanı kiralık olarak kullanılmıştır. Ayazma'da prestijli evler inşa edilirken, Bezirganbahçe'de inşa edilen evlerde yapısal sorunlar ortaya çıkmıştır. Bu konutlar ayrıca TOKİ konutlarının kalitesini de göstermektedir. İkinci örnek ise İstanbul'daki İstanbul-Tozkoparan Kentsel Dönüşüm Projesi olmuştur. Bu proje henüz uygulanmamıştır. Tozkoparan'da 50 yıllık konutlar için önerilen dönüşüm projesi mahalle sakinleri tarafından kabul edilmemiştir. Ayrıca, 6306 sayılı Kanun çıkıncaya kadar, bu mahallenin dönüştürülmesi için alanda dönüşüm için yasal bir temel bulunamamıştır. Bu deprem bölgesinde, daha önce merkezi hükümet tarafından inşa edilen binaların yine merkezi hükümet tarafından afet riski sebebi ile dönüştürülmesinin istenmesi, birçok soruyu gündeme getirmiştir. Mahalleli 30 yıllık devlet konutlarının, 30 yıl önce de var olan afet riski sebebi ile dönüştürülmek istenmesinin arkasında başka sebepler olduğunu düşünmektedir. Dahası Bezirganbahçe örneğindeki konutların kalitesinin düşük olması, bu alana afet riski sebebi ile yapılması planlanan konutların kalitesi konusunda mahalleliyi endişelendirmektedir. Son örnek Bursa'daki Doğanbey Kentsel Dönüşüm Projesi olmuştur. Çok düşük tapu sahibine

bile konut vererek dönüşümü gerçekleştirme yoluna gidildiği için, mülkiyetin dağılışı ile ilgili tartışılan bu proje, Bursa'nın kent görüntüsü bozmuştur. Bursa için en önemli yerlerden biri olan Uludağ'ın kentteki görünürlüğünün azalmasının yanı sıra proje alanında yaşayanların kenti göremiyor olması alanı F-Tipi Cezaevine benzetmesi gibi sonuçları doğurmuştur. Bölgenin tarihi binalara ve şehir merkezindeki korunan alanlara yakınlığı projede yeterince dikkate alınmamış ve proje bir bütünlük içerisinde tasarlanmamıştır. Projenin çevreye olan bu duyarsızlığı TOKİ'nin başka alanlar için planladığı kentsel dönüşüm projelerine karşı ön yargıyı artırmaktadır. Mahalleli projenin ardından çevre planlaması eksikliği, asansör arızalarının giderilememesi, kazanların patlaması, otopark baskını, binaların çatlak duvarları, bina sıvalarının sökülmesi gibi yaşadıkları sorunlar olduğuna değinmektedir. Hatta bu sorunlarına yönelik muhatap bulmakta bile zorlanmaktadırlar.

Bu üç örnek ve vaka çalışması için seçilen mahallelerin birçok ortak özelliği vardır. Bütün bu mahalleler iş olanaklarına yakın olması sebebi ile seçilmiş ve yerleşilmiş mahallelerdir. Tüm mahallelerde, düşük gelir grubundaki insanlar kalabalık ailelerle yaşamaktadır. Ayazma ve Çay, Çilek ve Özgürlük Mahallelerinde, etnik kökenli insanların yaşadığı (Arap ve Kürt kökenli) ve ikinci kez yerinden edilmeye maruz kaldığı (Çay, Çilek ve Özgürlük Mahallelerinde zorunlu göçe maruz kalmış ya da ekonomik koşulları sebebi ile göç eden insanlar yer alırken, Ayazma Mahallesiinde yine ekonomik sebepler ve iş bulma kaygısı ile Mahalleye yerleşmiştir.) veya kalma durumu ile karşı karşıya olduğu görülmektedir. Tüm mahallelerin kendisine özgü kültürleri vardır ve mahallelilik ilişkileri güçlüdür. Dolayısıyla mahallelerde yaşayan insanlar, Ayazma ve Doğanbey'de uygulanan projelerin sonuçlarında görüldüğü gibi bu kültürü ve ilişkileri kaybetmek istememektedir. Tüm projelerin yalnızca üst gelir grubuna hitap eden prestijli konutlar üretmeyi amaçlamadığı, aynı zamanda düşük gelir grubunu bu alanlardan öteleyerek kentsel sorunları çözmeyi amaçladığı açıktır. Ayrıca, mahallelerde yaşayanların yeni konutlarını ve yeni yaşam koşullarını karşılayacak finansal güce sahip olmadıkları bilinmektedir. Bunlara ek olarak, TOKİ tarafından inşa edilen evlerin kalitesinin düşük olduğu örneklerden anlaşılmaktadır. Önce hayata geçirilen Ayazma-Bezirganbahçe Kentsel Dönüşüm Projesi'nin konutları diğer mahallelere

örnek olarak görülmektedir. Doğanbey Kentsel Dönüşüm Projesi için inşa edilen konutların henüz 7 yıllık olmasına rağmen evlerin kalitesinin düşük olduğu, peyzaj düzenlemelerinin yetersiz olduğu ve park alanlarının hala tamamlanmadığı ortaya çıkmıştır. Ayrıca, proje alanındaki sorunlara ilişkin bir muhatap bulunmamaktadır. Tüm proje alanının tamamı devlet tarafından TOKİ eli ile kamulaştırma ve yıkıp-yeniden yapma yöntemlerine tabi tutulmuştur.

Her 3 projede de yerel yönetimlerin il ve ilçe düzeyinde TOKİ ile işbirliği yaptığı görülmektedir. Yine, 3 proje alanının tamamının önemli yerlere ve ulaşım ağlarına yakın olduğu görülmektedir. TOKİ'nin yürüttüğü bu projelerin planları incelendiğinde lüks evlerin ve prestijli alanların planlandığı görülmektedir. Bu durum, bu çalışmada örnek olarak seçilen tüm alanların ağırlıklı olarak rant elde etme odaklı olduğunu göstermektedir. Ayrıca, projelerin tamamlanmasından sonra, proje alanlarında yaşayan insanların bu bölgelerde yaşamaya devam etmesinin ekonomik olarak zor olduğu açıktır. Özellikle İstanbul-Tozkoparan için planlanan projede mahalleli ekonomik koşullar sebebi ile yaşadıkları alandan uzaklaşmak zorunda kalmaktan, mevcutta yakın oldukları iş yerlerine uzaklaşmaktan endişe duymaktadır. Son olarak, her mahallede bazı yerel girişimler kurulmuştur; ancak, Ayazma ve Doğanbey'deki projelerin uygulanmasından sonra ortaya çıkan sorunlar neticesinde yerel inisiyatifler kurulurken, proje sırasında Tozkoparan'ın yerel inisiyatifi kurulmuştur. Tüm bu örnekler Çay, Çilek ve Özgürlük Mahalleleri için planlanan projeye benzerlikleri ve bu projenin olası sonuçları nedeniyle seçilmiştir.

Liman kenti olan Mersin, sanayi, tarım ve ticaretle uğraşmaktadır. Çukurova'nın denize açılan kapısı olarak değer kazanan Mersin Limanı, iç ticaret, depolama, hizmet ve turizm gibi ekonomik faaliyetleri de içermektedir (Uzunçarşılı Baysal, 2012). Bu nedenle Mersin'de yoğun göçler ve hızlı kentleşme yaşanmıştır. Ayrıca yoğun sermaye birikimi nedeniyle kentin planlı gelişimine önem verildiği görülmektedir. Ancak tüm bu çabalara rağmen sağlıksız gecekondu önlenememiştir (Önge ve Temiz, 2012). Özellikle 1970 ve 1990 yılları arasında şehir merkezinin dışındaki bölgelere yerleşmek daha ucuz olmuş ve göçle gelenler en çok bu alanları tercih etmişlerdir. Bu şekilde şehirde iki tip kentsel örüntü

oluşmuştur: ilki planlanmadan gelişen gecekondu alanları, diğeri ise paylaşılan arazilerdir.

Öte yandan Mersin, doğu ve güneydoğu bölgelerine yakınlığı nedeni ile iç göç sürecinin ve zorla göç sürecinin etkilerine maruz kalmıştır. 2000'lerde, Mersin'in Akdeniz Olimpiyatları'na ev sahipliği yapacağı belli olmuştur. Kentin en fakirleri, zaten sağlıklı koşullarda yaşamak zorunda kalmışken, bu süreçte Neoliberal yeniden yapılanma ile karşı karşıya kalmışlardır. Mahallenin genel özelliklerinde, politik olarak Halkların Demokratik Partisi(HDP)'ne sadakatının yüksek olduğu, düşük gelirli gruplardan insanların yaşadığı ve daha önce zorunlu göç ve ekonomik zorunluluklardan kaynaklanan iç göçler sebebi ile yerinden edilmeye maruz kalan insanlardan oluştuğu görülmektedir. Tüm bunlara rağmen, yıllarca süren davalar neticesinde, Akdeniz'deki Çay, Çilek ve Özgürlük Mahalleleri yasal mücadelenin kazananı olarak ortaya çıkmıştır. Yasal süreçte hem TOKİ hem de Akdeniz Belediyesi anketlerini yürüttükten sonra TOKİ Çay, Çilek ve Özgürlük Mahalleleri için, Akdeniz Belediyesi ise Çay Mahallesi için projelerini hazırlamıştır. Bu projelere yaklaşımlar birbirinden oldukça farklıdır. TOKİ, kamulaştırma ve yıkıp-yeniden yapma yöntemlerini uygulamak isterken, Akdeniz Belediyesi İyileştirme ve Rehabilitasyon Projesini uygulamak istemiştir. Akdeniz Belediyesinin bu yaklaşımının sebebi mahallelinin isteklerinin TOKİ'nin projesinden farklı olmasıdır. TOKİ'nin projesinde çok fazla ticaret bölgesi kullanımı, prestijli evler ve alışveriş merkezleri bulunmaktadır. Öte yandan, Akdeniz Belediyesi projesinde ev ve sokakların rehabilitasyonu, kamusal alanların kullanımı ve meslek kursları gibi sakinler ve çocuklar için gerekli kullanımlar bulunmaktadır.

Dönüşüm süreci, 06.03.2008 tarihinde Mersin Akdeniz Kentsel Yenileme (Gecekondu Dönüşüm) Projesi ön protokolü ile, sonrasında ise yine TOKİ, Mersin Büyükşehir Belediyesi, Akdeniz Belediyesi ve Mersin Valisi arasında imzalanan 27.04.2010 tarihli ek protokol ile başlamıştır. 2008-2011 yılları arasında TOKİ tarafından Çay, Çilek ve Özgürlük Mahallelerinde mahalleler ve kentsel dönüşüm projesi çalışmaları hakkında daha fazla bilgi edinmek için anketler yapılmış ve buna göre taslak projeler hazırlanmıştır. Daha sonra TOKİ tarafından hazırlanan taslak projeler, 11.10.2011 tarihinde valilikte yapılan toplantıda yetkililerle

paylaşmıştır. Akdeniz Belediyesi TOKİ'nin taslak projelerini değerlendirmiş ve Belediye tarafından alternatif bir proje hazırlamaya karar vermiştir. TOKİ ve TOKİ'nin kentsel dönüşüm projeleri hakkında kamuoyunu bilgilendirmek için bir anket yapmıştır. Benzer bir anket TOKİ tarafından da yapılmış, ancak sonuçlar oldukça farklı çıkmıştır.

TOKİ'nin planlandığı proje alanı Çay Mahallesi'nde 500.000 m², Çilek Mahallesi'nde 320.000 m² olarak belirlenmiştir (Uzunçarşılı Baysal, 2012). Projede, zemin kat hariç, 12 katlı toplam 92 bina, 2+1 ve 3+1 konutlar halinde planlanmaktadır. Plana göre Özgürlük Mahallesi tamamen yıkılacak ve bu mahallede yaşayanlar Çay ve Çilek Mahallelerinde yapılması planlanan konutlara taşınacaktır. Çay Mahallesi'ne 2236, Çilek Mahallesi'ne ise 2548 konut yapılması planlanmaktadır. Proje kapsamında, yerleşim alanları dışındaki ticari gayrimenkul alanlarına birçok kentsel alan ayrılmıştır. Ticaret alanı için yaklaşık 11.000 m², fuar alanı için 137.000 m², ticari showroamlar için 82.000 m², küçük ticaret alanı için 5.000 m², otomobil satıcıları için 78.000 m² ve alışveriş merkezleri için 71.000 m² ayrılmıştır. Çilek mahallesinde bu alanlar blok ticaret alanı için yaklaşık 16.000 m² ve ticari showroamlar için 50.000 m²'dir.

Çay ve Çilek mahallelerinin yerleşim planlarını incelendiğinde, D-400 karayolunun her iki tarafında bulunması planlanan ticari showroamlar görülmektedir. Bu alanlar fuar alanı, alışveriş merkezi ve diğer ticaret alanları ile desteklenmektedir. Bu alanların arkasında ise yerleşim alanları planlanmaktadır. 2+1 ve 3+1, 12 katlı binalardan oluşan yerleşim alanları, mevcut konut yapısından farklı olan ve daha önce bu alanlarda yaşamış olanların yaşam tarzlarına hitap etmeyen konutlar olarak görülmektedir. Projeye göre, Ataş tesislerinin atıl alanlarının evleri boşaltılacak olanlara tahsis edileceği öngörülmektedir. 3 farklı mimaride 17 bina bulunmaktadır. Hem tarihi hem de yeşil olan bu alanın, dolgu-boş uygulama için kullanıldığında ciddi şekilde hasar göreceği ve fuar alanı / alışveriş merkezi gibi ticari işlevlere dönüştürüleceği öngörülmektedir (Uzunçarşılı Baysal, 2012).

Çay ve Çilek Mahallelerinde yaşayanların aksine Özgürlük Mahallesi'nde yaşayanların Kentsel Dönüşüm Projesi'nde daha sıcak veya daha istikrarsız görünmeleri, TOKİ anketinin Akdeniz tarafından yapılan ankettten farklı olmasının

nedenlerinden biri olarak görülebilir. Ayrıca TOKİ'nin anketinin kentsel dönüşüm süreci başlamadan önce, yani herhangi bir proje veya mahkeme süreci başlamadan önce gerçekleştirilmiştir. Öte yandan, Akdeniz Belediyesi anketi TOKİ tarafından hazırlanan taslak projelerden sonra gerçekleştirmiştir. Bu durumda, mahalle sakinlerinin TOKİ tarafından hazırlanan taslak projelerden memnun olmadığı sonucuna varılabilmektedir.

TOKİ tarafından hazırlanan taslak projeler kentin dinamikleri ile birlikte tartışılmış, incelenmiş ve alternatif bir proje yapılması Akdeniz Belediyesi tarafından kararlaştırılmıştır. Bu amaçla 10 kişilik bir proje ekibi kurulmuştur. Ayrıca mahallelileri bilgilendirmek, görüş ve önerileri değerlendirmek üzere toplantılar ve anketler yapılmıştır. Bu süreçler devam ederken TOKİ, Çay, Çilek ve Özgürlük Mahallelerini Gecekondu Önleme Bölgesi ilan etmiş ve ardından Bakanlar Kurulu proje alanı için Acele Kamulaştırma Kararı çıkarmıştır. Dahası alan ile ilgili yetkileri de TOKİ'ye devretmiştir. Hem yerel sakinler hem de Akdeniz Belediyesi kararlara karşı dava süreçlerini başlatmışlardır. Ayrıca Adana Bölge Kültür Varlıkları Koruma Kurulu Bölge Müdürlüğü'ne Ataş Yerleşkesi için koruma alanı talebi ile başvuru yapılmıştır.

Akdeniz Belediyesi "Kentsel Dönüşüm-İyileştirme ve Sosyal Politikalara Alternatif Yaklaşımlar" konulu bir panel düzenlemiştir. Ayrıca, "İyileştirme Programı" adlı bir çalıştay da düzenlemiştir. Akdeniz Belediyesi tarafından kurulan proje ekibi, bir İyileştirme ve Rehabilitasyon Projesi hazırlamış ve analizler sonucunda alternatif bir proje üretmek TOKİ'ye göndermiştir. Bu süreçte, alternatif projeyi uygulamak için mahallelerde saha çalışmalarına başlamıştır. Projenin temel amacı Akdeniz Belediyesi tarafından şöyle belirtilmiştir;

Bu proje; kentin ve kentte yaşayan yurttaşların geleceğini belirlemede; güç odaklarına, rant anlayışına, tepeden inme, yerleşim alanından koparıp kümelenmiş izole konutların hedeflendiği çalışmaların aksine mahallelinin sosyal, kültürel ve ekonomik durumunu göz önüne alarak kentsel yaşam standardını yükselten, mahalle kimliğini koruyarak halkın ihtiyaç ve beklentilerini karşılayan bir planlama yaklaşımı ile yerinde iyileştirme ve yerinde ıslah (sağlıklaştırma) çalışmalarını hedeflemektedir.

2013 yılında Akdeniz Belediyesi imzalanan protokolleri tek taraflı olarak iptal etmeye karar vermiştir. Ardından Akdeniz Belediyesi Çay Mahallesi'nde Alternatif Proje uygulamaya başlamıştır. Bu uygulamanın ana vizyonu, yüksek eğitim seviyesine sahip, yoksulluk ve yoksunlukla mücadele ederek kültürel değerlerini koruyan yaşanabilir bir Çay Mahallesi oluşturmaktır. Öncelikle mahallenin eski binaları elden geçirilmiş ve yenilenmeye başlamıştır. Yollar, kaldırımlar, bahçe duvarları iyi durumda olmadığı için bu alanlarda iyileştirmeler de yapılmıştır. Mahallelerin dükkanları yeniden düzenlenmiş ve dükkanlara tabelalar yerleştirilmiştir. Sokaklarda temizlik yapılmıştır. Mahalleye yeşil fidanlar dikilmiştir. Fiziksel çalışmalara ek olarak, kadınlar ve çocuklar için de çalışmalar yapılmıştır. Kadınlara dikiş ve nakış kursları açılmış ve bu kurslara kadınların katılımı sağlanmıştır. Kadınlarla beraber tandırlar kurularak ekmekler yapılmıştır. Mahallenin çocukları için zihin haritaları oluşturulmuştur. Duvar boyama etkinlikleri düzenlenmiştir. Sosyal projeler için Akdeniz Belediyesi tarafından kurulan sosyal tesislerde mesleki kurslar, dikiş nakış eğitimi, okuryazarlık kursları ve çocuk bakım kursları gibi kurslar verilmiştir. Bu tesiste ayrıca bir kadın danışma merkezi ve kreş bulunmaktadır.

Bu süreçteki önemli noktalardan biri Çay, Çilek ve Özgürlük Mahalleleri'nde mülkiyet-sahiplik durumu ile ilgilidir. TOKİ ve Akdeniz Belediyesi'nin mahallelerdeki saha çalışmalarında görüldüğü gibi bölgede yaşayanların büyük bir çoğunluğu oturdukları evin arazisinin tapu sahibidir. Bu durum mahalle sakinleri için TOKİ ile müzakere süreçlerinde önemli bir avantaj oluşturmaktadır. Bununla birlikte, TOKİ'den bir uzmanla yapılan görüşmede, TOKİ'nin asla sahaya inmediği ve mahalle sakinleri ile müzakere etmediği ortaya çıkmıştır. TOKİ ilk defa mahkemenin yürütmenin durdurulması kararından sonra TOKİ, Kentsel Dönüşüm Projesi çalışmalarını durdurmıştır. Mersin Büyükşehir Belediyesi'nden bir uzman ise TOKİ'nin Mersin Büyükşehir Belediyesi ve Akdeniz Belediyesi'nden halkla müzakere etmesini istediği; ancak, her iki belediyenin müzakere yapmaya yanaşmadığını belirtmiştir. Mahallelilerin yapılması planlanan TOKİ projesine karşı protestoları sebebi ile belediyeler yerelin yanında olmayı seçmişlerdir. TOKİ'den bir uzmanla yapılan görüşmeden ortaya çıkan bir diğer önemli veri ise TOKİ'nin daima kentsel dönüşüm için projeleri hazırladıktan sonra haklarıyla ilgili

görüşmeler için insanlarla bir araya gelmesidir. Bu durum TOKİ'nin proje süreçlerine yereli dahil etmediği, katılımcılık ilkesini uygulamadığının en önemli göstergesidir.

Aynı dönemde üç dava açılmıştır. Bunlardan ilki Gecekondu Önleme Bölgesi'nin ilanı ve iptal kararlarıdır. TOKİ tarafından 30.11.2011 tarihinde; Çay, Çilek ve Özgürlük Mahalleleri'nin kentsel dönüşüm ve gelişme projesi alanları Gecekondu önleme alanları olarak ilan edilmiştir. Daha sonra, Bakanlar Kurulu, bu mahallelerin proje alanlarının acele kamulaştırılmasına karar vermiş ve yetkileri TOKİ'ye devretmiştir. Gecekondu Önleme Bölgesi'nin ilanı için Akdeniz Belediyesi ve halk tarafından dava açılmıştır. Bu süreçte iki bilirkişi mahallelerde keşif yapmış ve ilki belediye lehine sonuçlanırken, ikinci rapor ise belediyeye karşı olmuştur. 18.06.2016 tarihinde, Danıştay, bu üç mahallede alınan Gecekondu Önleme Bölgesi'nin kararının 775 sayılı Kanun'a aykırı olduğuna karar vermiştir.

İkinci dava süreci, Ataş Koruma Bölgesi'nin koruma alanı ilan edilmesi sürecidir. Akdeniz Belediyesi, Adana Kültür Mirası Koruma Bölge Müdürlüğünden Ataş Kampüsü'nü korumalı alan olarak ilan etmesi talebinde bulunmuştur. Ancak Adana Kültür Mirası Koruma Kurulu Müdürlüğü tarafından olumsuz bir karar verilmiştir. Adana Kültür Mirası Bölge Koruma Kurulu Müdürlüğü'nün kararı ise İdare Mahkemesi kararıyla iptal edilmiştir. Davanın olumlu sonuçlanmasının ardından, 27 Mayıs 2015 tarihinde Kültürel Mirası Koruma Bölge Kurulu tarafından Adana'da yapılan ve 19 Haziran 2015 tarihinde imzalanan toplantıda yerleşim “Kentsel Koruma” olarak ilan edilmiştir.

Son dava süreci, Gecekondu Önleme Bölgesi ile aynı alan için Acele Kamulaştırma Kararının verilmesi olmuştur. 2013 yılında, Akdeniz Belediyesi ve mahalle sakinleri tarafından Bakanlar Kurulu'nun acele kamulaştırma kararının iptali için bir eylemde bulunmuştur. Oldukça uzun bir süreç olan bu dava nihayet Danıştay tarafından 10.02.2016 tarihinde sonuçlandırılmıştır, sonuç belediye ve mahalleli lehine olmuştur. Bunun sebebi olarak 'Acele Kamulaştırma Kararı' için şartların sağlanmaması gösterilmiştir.

Türkiye, azınlıklara yönelik etnik meseleler ve politikalar nedeni ile çokça eleştirilmiştir. Çünkü etnik ve azınlık grupların, örneklerde de görüldüğü gibi, kentsel dönüşüm projeleri ile marjinalleşmesi sorununun Türkiye'de kalmaya devam ettiğini göstermektedir.

Ekonomik ve politik sorunların üstesinden gelmek için, kentsel dönüşüm projeleri ile şehirlere yapılan müdahaleler sorunları daha da derinleştirmekte ve merkezi hükümetin yönetememe sorununu ortaya koymaktadır. Etnik gruplar, azınlık gruplar ve düşük gelirli gruplardan insanlar, yaşam alanları dönüştürülürken söz hakkına sahip olmak isterken, merkezi hükümet, yalnızca ekonomik ve politik sorunları çözme amaçlı projeler uygulama fikriyle politikalar ortaya koymaktadır.

Kentsel dönüşümün özelliklerinden biri “Kentsel alanların durumunu iyileştirmek için tasarlanmış politika ve eylemleri belirlemek ve belirli tekliflerin hazırlanmasını desteklemek için gerekli kurumsal yapıların geliştirilmesinin bir aracıdır” (Roberts ve Sykes, 2000, s.22). Ancak, merkezi hükümetin bu politikaları, eylemleri ve kurumsal yapıyı geliştirirken tek başına hareket etmesinin kötü sonuçları TOKİ örneklerinden görülmektedir.

Sonuçta, örnekler incelendiğinde, merkezi yönetimin desteği ile, yerel ve yerel dinamiklerle, yerel yönetimler ve yerel aktörler tarafından kentsel dönüşüm projeleri gerçekleştirilmelidir. Hesap verebilirliğin ve şeffaflığın artırılması, kamu otoritesinin bir fonksiyonu olarak da dikkate alınmalıdır (Batuman ve Erkip, 2017). Merkezi hükümet ile yerel yönetimlerin projeleri arasındaki farklılıklar merkezi hükümet tarafından en aza indirilmelidir. Kentsel dönüşüm, merkezi hükümetin ekonomik ve politik sorunlarını çözmenin bir yolu değildir; bunun yerine, kentsel dönüşüm, kentlilerin sosyo-ekonomik sorunlarına çözüm sağlayan, daha iyi yaşam koşulları sunan bir yöntem olarak görülmelidir. Kentlilerin istekleri ve yaşam pratikleri kentsel dönüşüm projelerinde ihmal edilmemelidir.

APPENDIX B: TEZ İZİN FORMU / THESIS PERMISSION FORM

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Bölümü / Department : Kentsel Politika Planlaması ve Yerel Yönetimler

TEZİN ADI / TITLE OF THE THESIS (İngilizce / English) : A Review of Urban Transformation Approaches: The Case of Çay, Çilek and Özgürlük Neighborhoods, Mersin

TEZİN TÜRÜ / DEGREE: Yüksek Lisans / Master

Doktora / PhD

1. **Tezin tamamı dünya çapında erişime açılacaktır.** / Release the entire work immediately for access worldwide.
2. **Tez iki yıl süreyle erişime kapalı olacaktır.** / Secure the entire work for patent and/or proprietary purposes for a period of **two years.** *
3. **Tez altı ay süreyle erişime kapalı olacaktır.** / Secure the entire work for period of **six months.** *

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A copy of the decision of the Institute Administrative Committee will be delivered to the library together with the printed thesis.

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Tarih / Date