

**Analysis of Illegal Physical Development in
Metropolitan Cities : An Izmir Case**

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ABSTRACT

The main aim of this study is to analyze the production processes of illegal housing, industrial, commercial and other types of buildings and also to examine the municipalities' acts and attitudes against the illegal-uncontrolled development. In this connection, quantitative and physical database about illegal development in Ýzmir Metropolitan City was searched by using statistical data and Geographical Information Systems as a tool and to generate information about local and physical features of Ýzmir.

Illegal physical development is an urbanization problem, so to understand the characteristics-dynamics of the problem and to search the reasons behind the uncontrolled and illegal development; social, economic and political determinants of the subject such as industrialization, migration and urbanization should be analyzed. Therefore, to understand the process of illegal physical development, background of the phenomenon was discussed.

In this study, illegal physical development issue has been regarded as a global problem, which is the result of quantitative and qualitative transformation of the economic, social, political and cultural structure in the 3rd world countries. Thus, samples from 3rd world countries, from Turkish Cities and from Ýzmir were given to present different variations as a comparative research. Policies, laws, regulations, applications and institutions about the prevention of illegal building production were evaluated. In the case study of the thesis, the enforcement notices (yapý tatil zaptý) that were given by supervision of each 9 district municipality of Ýzmir Metropolitan Municipality, during January 2000-December 2000 period were analyzed. The last step was to search for a strategic approach to prevent illegal-uncontrolled development in urban space.

Key Words :

1. Illegal Physical Development
2. Illegal Settlements
3. Illegal Building Production Processes
4. Evaluation of Housing and Land Policies
5. Municipalities' Acts and Attitudes

ÖZ

Bu tezin temel amacý, yasadýpý konut, sanayi, ticaret ve diđer tipteki binalarýn üretim süreçlerini arařtırmak ve belediyelerin yasadýpý– kontrol edilemeyen yapılaşmaya karřý eylem ve tavýrlarýný sorgulamaktır. Tezin amacýna yönelik olarak ve yerel özelliklerle ilgili bilgi üretmek amacýyla Ýzmir'deki yasadýpý yapılaşmayla ilgili sayýsal ve fiziksel veriler arař týrılmýř, bu ařamada istatistiksel veriler ve Cođrafi Bilgi Sistemleri araç olarak kullanýlmýřtır.

Yasadýpý fiziki geliřim, bir kentleşme sonuđudur. Buradan hareketle problemin karakterini ve dinamiklerini anlamak ve arkasýndaki sebepleri ortaya çýkarmak için, tezin arař týrdýđý konularýn sanayileřme, göç, kentleşme gibi sorunun sosyal, ekonomik ve politik belirleyicilerini de kapsamasy gerekir. Bu nedenle, yasadýpý fiziki yapılaşma sürecini anlayabilmek için olgunun arka planý da tartýpılmýř tır.

Bu çalıřmada yasadýpý fiziki geliřim konusu, 3. dünya ülkelerindeki ekonomik, sosyal, politik ve kültürel niteliksel ve niceliksel dönüřümlerin bir sonucu olarak kabul edilmiřtir. Bu bađlamda, 3. dünya ülkeleri kentlerinden, Türkiye kentlerinden ve Ýzmir'den, birbirinden farklı ve karřýlařtırılmalý örnekler verilmiřtir. Yasadýpý yapılaşma kavramýyla ilgili politikalar, yasalar, düzenlemeler, uygulamalar ve kurumlar deđerlendirilmiřtir. Tezin alan çalıřması kýmýný oluřturan bölümde, Ýzmir Büyükşehir Belediyesine bađlý 9 ilçe belediyesi özelinde, yapılan denetimler sonucu yapılarla uygulanan cezalar, Ocak 2000 ve Aralık 2000 zaman aralıđında incelenmiřtir. Son olarak ise, kentsel alandaki yasadýpý – kontrol edilemeyen geliřmeleri önleyecek bir stratejik yaklařı geliřtirilmeye çalıřılmýřtır.

Anahtar Kelimeler :

1. Yasadýpý Fiziki Yapılaşma
2. Yasadýpý Yerleşmeler
3. Yasadýpý Bina Yapımý Süreçleri
4. Konut ve Arsa Politikalarýnýn Deđerlendirilmesi
5. Belediyelerin Eylem ve Tavýrları

TABLE OF CONTENTS

LIST OF FIGURES.....	viii
LIST OF TABLES	xiii
Chapter 1. INTRODUCTION	1
Chapter 2. ILLEGAL PHYSICAL DEVELOPMENT AND UNPLANNED URBAN TRANSFORMATION	6
2.1. Main Causes of the Problem : Background and Justification from Historical and Socio-Economic Perspective	6
2.2. Migration Problem and Population Growth.....	8
2.2.1. World	8
2.2.2. Turkey	10
2.3. Rapid Urbanization and Problems.....	13
2.4. Legal-Illegal and Formal-Informal Conflict.....	15
2.5. Imperatives of Market Economy and Challenges to Planning.....	18
2.6. Unplanned and Disorganized Development and Urbanization.....	19
Chapter 3. ILLEGAL SETTLEMENTS.....	21
3.1. Historical Background, Present Perspectives and Future Estimations About Illegal Settlements.....	21
3.1.1. Squatter Settlements and Slums.....	23
3.1.2. Establishment Process of Squatter Settlements.....	28
3.1.2.1. Moving to the City.....	29
3.1.2.2. Land Invasion or Acquisition.....	32
3.1.2.3. Legalizing the Plot and House.....	33
3.1.2.4. Improving the Circumstances and Connecting to the City.....	34
3.1.2.5. Investing as a Rentier.....	37
3.2. Illegal Settlement Examples from 3 rd World Cities.....	39
3.3. Illegal Settlement Production Experience of Turkish Cities.....	46
3.3.1. Gecekonu	46
3.3.2. Unauthorized-Illegal Buildings with Shared Deeds or with Illegal Deeds.....	52
3.4. Illegal Physical Development of Ýzmir Metropolitan City.....	55

Chapter 4. ILLEGAL BUILDING PRODUCTION PROCESSES IN TURKEY..	68
4.1. Illegal Industry, Trade, Tourism and Other Types of Buildings.....	68
4.2. Samples of Planning Contravention	69
4.3. Actors' Participation in Illegal Building Production.....	75
Chapter 5. EVALUATION OF POLICIES ABOUT ILLEGAL BUILDING PRODUCTION PREVENTION IN TURKEY.....	77
5.1. Government Solutions in the Past.....	77
5.1.1. Post World War II Years.....	77
5.1.2. Planned Development Years and National Plans.....	78
5.1.3. After 1980s Period.....	81
5.2. Preventive Mechanisms of Development-Building Regulations	85
5.3. Housing and Land Policies.....	87
Chapter 6. CASE STUDY OF ÝZMÝR METROPOLITAN CITY.....	94
6.1. Method of Analysis.....	94
6.2. Development-Planning Regulations About Unauthorized Building Operations	107
6.3. Result of the Analysis.....	109
6.4. Comments.....	147
Chapter 7. CONCLUSION.....	148
REFERENCES.....	155
APPENDIX A. World Maps.....	AA1
APPENDIX B. Selected Articles from Law of 3194.....	AB1
APPENDIX C. An Interview Example with Municipality Officials.....	AC1
APPENDIX D. Government Web Site Example in UK (Scotland).....	AD1
APPENDIX E. Selected Articles from Media.....	AE1

LIST OF FIGURES

Figure 2.1 World Population Change and Prospects – 1999.....	10
Figure 2.2 World Urbanization Rates by Region – 1999.....	13
Figure 2.3 Unemployment in Cities by Region – 1998.....	14
Figure 2.4 Illegal Physical Development and Related Conflicts.....	17
Figure 3.1 The Organization of Urban Living Spaces.....	22
Figure 3.2 Illegal Settlement in Cape Town South Africa.....	24
Figure 3.3 Gecekondus in Narlýdere-Ýzmir-Turkey.....	24
Figure 3.4 Access to Services in Cites by Region – 1998.....	25
Figure 3.5 London Slum – 19 th Century.....	27
Figure 3.6 New York Slum – 1889.....	27
Figure 3.7 Shantytown on Water-Seattle.....	27
Figure 3.8 A Company and Shacks in Seattle.....	27
Figure 3.9 Shantytown, Known as Hooverville in Seattle-1933.....	28
Figure 3.10 Land Price to Income Ratio by Region.....	31
Figure 3.11 House Price & House Rent to Income Ratio by Region.....	32
Figure 3.12 Illegal Tapping of Infrastructure - Electricity, Buca, Ýzmir.....	37
Figure 3.13 Process of a Illegal Land Occupation.....	38
Figure 3.14 Shelter Adequacy-Floor Area per Person in Cities by Region-1998.....	40
Figure 3.15 Slum Area, Rio de Jeneiro-Brazil.....	43
Figure 3.16 Favelas in Rocinha – Brazil.....	43
Figure 3.17 Rio de Jenerio Slum-Brazil.....	43
Figure 3.18 Favelas– Brazil.....	43
Figure 3.19 Rio de Jenerio Slum-Brazil.....	43

Figure 3.20 Rancheros in Caracas-Venezuela.....	43
Figure 3.21 Ma Hang Squatter-Hong Kong.....	44
Figure 3.22 Bandra Slum-Bombay-India.....	44
Figure 3.23 Slum Area in Manila-Philippines.....	44
Figure 3.24 Chawls in Bombay-India.....	44
Figure 3.25 Ho Chi Minh Slum-Vietnam.....	44
Figure 3.26 Shantytown in Sumatra-Indonesia.....	44
Figure 3.27 Squatter Settlement in S.Africa.....	45
Figure 3.28 Squatter Settlement in S.Africa.....	45
Figure 3.29 Shantytown in Cape Town-S. Africa.....	45
Figure 3.30 Informal Settl. in Cape Town-S.Africa.....	45
Figure 3.31 Slum Area in South Africa.....	45
Figure 3.32 Squatter in Soweto-South Africa.....	45
Figure 3.33 Pattern of Old Gecekondus Settlement-Ankara.....	48
Figure 3.34 Gecekondus in Ankara-Altýndađ.....	48
Figure 3.35 Old Gecekondus in Ankara – Hacýbayram.....	48
Figure 3.36 Squatter Settlements in Ankara Metropolitan City.....	49
Figure 3.37 Squatter Settlements in Ankara.....	50
Figure 3.38 Gecekondus Near Ulus District-Ankara.....	50
Figure 3.39 Squatter Settlements in Istanbul Metropolitan City.....	50
Figure 3.40 Gecekondus Settlement – Istanbul.....	51
Figure 3.41 Demolition of a Gecekondus – Istanbul.....	51
Figure 3.42 Mevlana District – Bornova / Izmir.....	53
Figure 3.43 M.Kemal District - Buca / Ýzmir.....	53
Figure 3.44 Squatter Settlement Sample with Shared Deed System – Late 1960s....	54

Figure 3.45 Urban Population Change of Ýzmir Metropolitan City.....	55
Figure 3.46 Total Number of Buildings in Ýzmir Province.....	56
Figure 3.47 Total Number of Dwellings in Ýzmir Province.....	56
Figure 3.48 Total Number of Municipalities in Ýzmir Province.....	57
Figure 3.49 Housing Demand Estimation for Ýzmir Metropolitan City	57
Figure 3.50 Gecekondu Development in Izmir Metropolitan City 1.....	60
Figure 3.51 Gecekondu Development in Izmir Metropolitan City 2.....	61
Figure 3.52 Gecekondu Development in Izmir Metropolitan City 3.....	62
Figure 3.53 Squatter- Mevlana Mah.-Bornova.....	64
Figure 3.54 Squatter Near Buca Koop.-Buca.....	64
Figure 3.55 Gecekondu-Narlýdere1.....	64
Figure 3.56 Gecekondu-Narlýdere2.....	64
Figure 3.57 Squatter-Ye°ilçam-Bornova.....	64
Figure 3.58 Gecekondu-Konak.....	64
Figure 3.59 Illegal Housing Areas in Izmir Metropolitan City 2001-2002.....	66
Figure 4.1 Sultanbeyli District – Ýstanbul.....	68
Figure 4.2 Özdilek Shopping Center – Ýnciraltý -Ýzmir.....	70
Figure 4.3 Hilton – Ýzmir.....	72
Figure 4.4 Gökkafe Center – Ýstanbul.....	72
Figure 4.5 Koç University 1.....	75
Figure 4.6 Koç University 2.....	75
Figure 5.1 Building Permits Comparison by 1984-1998 Period - Turkey.....	84
Figure 5.2 Turkish Housing System.....	88
Figure 5.3 Narbel Gecekondu Renewal Area – Ýzmir.....	90
Figure 5.4 Building Construction Cost Index – Turkey.....	92
Figure 5.5 Building Permits by Periods (Changing Ratio) – Turkey.....	93

Figure 6.1 Location of Balçova District in Ýzmir Metropolitan City.....	96
Figure 6.2 Population Change of Balçova District by Years.....	96
Figure 6.3 Location of Bornova District in Ýzmir Metropolitan City.....	97
Figure 6.4 Population Change of Bornova District by Years.....	97
Figure 6.5 Location of Buca District in Ýzmir Metropolitan City.....	98
Figure 6.6 Population Change of Buca District by Years.....	98
Figure 6.7 Location of Çiðli District in Ýzmir Metropolitan City.....	99
Figure 6.8 Population Change of Çiðli District by Years.....	99
Figure 6.9 Location of Gaziemir District in Ýzmir Metropolitan City.....	100
Figure 6.10 Population Change of Gaziemir District by Years.....	100
Figure 6.11 Location of Gzelbahçe District in Ýzmir Metropolitan City.....	101
Figure 6.12 Population Change of Gzelbahçe District by Years.....	101
Figure 6.13 Location of Karpyaka District in Ýzmir Metropolitan City.....	102
Figure 6.14 Population Change of Karpyaka District by Years.....	102
Figure 6.15 Location of Konak District in Ýzmir Metropolitan City.....	103
Figure 6.16 Population Change of Konak District by Years.....	103
Figure 6.17 Location of Narlıdere District in Ýzmir Metropolitan City.....	104
Figure 6.18 Population Change of Narlıdere District by Years.....	104
Figure 6.19 Case Study Analysis Method.....	106
Figure 6.20 Enforcement Notices by Years – Balçova District	110
Figure 6.21 Enforcement Notices by Years – Bornova District	111
Figure 6.22 Enforcement Notices by Years – Buca District	115
Figure 6.23 Enforcement Notices by Years – Çiðli District	122
Figure 6.24 Enforcement Notices by Years – Gaziemir District.....	126

Figure 6.25 Enforcement Notices by Years – Güzelbahçe District.....	129
Figure 6.26 Enforcement Notices by Years – Karpýyaka District.....	134
Figure 6.27 Enforcement Notices by Years – Konak District	137
Figure 6.28 Enforcement Notices by Years – Narlýdere District.....	143
Figure 6.29 Illegal Physical Development Areas in Ýzmir – 2002	146
Figure 7.1 A Small Scale/Low Budget Municipality Information System.....	153
Figure A1 Urbanization Rates	AA1
Figure A2 Urban Population Growth Rates	AA2
Figure A3 World’s Largest Cities	AA3
Figure A4 Access to Services	AA4
Figure D1 Government Web Site Example in UK (Scotland).....	AD1

LIST OF TABLES

Table 2.1 World Urban Population as a % of Total Population.....	10
Table 2.2 Urban Population Annual Growth Rate.....	10
Table 2.3 Urban-Rural Population Change of Turkey.....	11
Table 2.4 Annual Population Change Ratios –Turkey.....	12
Table 3.1 Squatters in Selected Cities of the World – 1998.....	41
Table 3.2 Ankara, Land Area and Population Distribution.....	49
Table 3.3 Annual Population Growth Rate of Ýzmir.....	55
Table 3.4 Districts by Legal-Illegal Classification.....	58
Table 3.5 Squatter Settlement and Gecekondu Areas in Ýzmir Metropolitan City.....	65
Table 5.1 Building Permits Comparison by Years – Turkey	83
Table 5.2 Estimated Composition of Housing Stock and Population – 1980.....	88
Table 5.3 Ratio of Housing Cooperatives in Formal Housing Production – Turkey...91	
Table 6.1 Sample of Bornova District	112
Table 6.2 Sample of Buca District	116
Table 6.3 Sample of Çiđli District	123
Table 6.4 Sample of Gaziemir District	127
Table 6.5 Sample of Gzelbahçe District.....	130
Table 6.6 Sample of Karþýyaka District	135
Table 6.7 Sample of Konak District	138
Table 6.8 Sample of Narlýdere District	144

Turkish Abbreviations Used in Text

DIE : State Institute of Statistics
DPT : State Planning Organization
IYTE : Ýzmir Institute of Technology

Chapter 1

INTRODUCTION

The purpose of this study is to analyze the production processes of illegal housing, industrial, commercial and other type of buildings and to search for a strategic approach to prevent uncontrolled illegal development in urban space. This study will analyze and describe, from theoretical and multidisciplinary perspectives, the process of illegal physical development and will try to understand the characteristics and dynamics of the problem. From this analysis, focused on illegality; political, social and economic factors which are the reasons behind the unplanned-illegal development processes will be explained.

The methodology of the study includes three phases. The first one is to make literature and project survey about the main topic. The second one is to use statistical data and Geographical Information Systems by searching numeric and non-numeric data, especially from İzmir's districts' municipalities. These analyses consist of illegal building statistics include all land use sectors, in other word this study does not examine only illegal housing or gecekondu settlements. In this connection, illegal construction notification statistics were searched, collected and analyzed from districts' municipalities to understand the local government's acts and attitudes against to illegal settlements. Thus, the target is not only to collect quantitative data, also to generate information about local and physical characteristics and production process of illegal buildings.

The statement about illegal physical development of this thesis is that : "Illegal physical development does not consist only illegal housing, it includes other type of buildings such as industry, commerce, education, tourism, summer resorts, etc." Contrary to thesis statement, illegal physical development is mostly, regarded as a housing problem in related literature. But in this study, the illegal building production process accepted as broader phenomena that contains each type of buildings. In order to prove this hypothesis, an operational framework was prepared. Thus, within the case study area of Izmir Metropolitan City Boundary which consist 9 sub-district boundaries, municipalities'

enforcement notices were collected and analyzed to query if there were any record entry of different type of buildings. By this analysis, thesis will try to search for new methodology, strategy and solution proposal from planning perspective to this unsolved illegal building production issue.

In the second chapter, 'illegal physical development and unplanned urban transformation', the main determinants of the problem; migration, population growth, rapid urbanization, illegal-legal and informal-formal sector, market economy, regional-urban development issues are described.

In the third chapter, 'illegal settlements', historical background, present perspectives and future estimations about illegal settlements, squatter settlements and slums, establishment process of squatter settlements, samples from 3.rd world cities, Turkish Cities and İzmir city topics are discussed.

In the fourth chapter, 'illegal building (industrial, commercial and other types) production processes, their diversity and evolution', different illegal, uncontrolled-unplanned building production processes are represented.

In the fifth chapter, 'evaluation of past and present policies about illegal building production prevention in Turkey', according to the literature survey, past studies and present observations, governmental solutions, planning policies, housing and land policies about the problem are described.

In the sixth chapter, 'case study', study of İzmir Metropolitan City (within the metropolitan municipality boundary) in spatial macro perspective (geographical and statistical data integration for each 9 local municipality) will be prepared. Statistical data and Geographical Information Systems used as a tool in presentations. In this section of the thesis, the enforcement notices that were given by supervision of each 9 district municipality of İzmir Metropolitan Municipality during January 2000-December 2000 period, were analyzed in order to prove the thesis statement.

In the last chapter, 'conclusion', comments, alternatives and solution strategies will be discussed.

Contribution to Problem Definition

Socio-economic and political changes which are the results of industrialization and its outcomes urbanization, showed their effects on physical and socio-cultural environments in the world and in our country. Since 1950, Turkey has witnessed as a result of mechanization in agriculture and industrialization, radical structural change occurred by the migration from rural to urban areas. Population expansion in urban areas has risen rapidly. The sudden growth in the population particularly was observed in the big cities of Western Turkey.

In this study, the illegal settlements have been regarded as being part of a total process of rural migration and urbanization, or modernization which is the quantitative and qualitative transformation of the economic, social, political and cultural order in the third world countries. The Turkish illegal settlements has been compared with similar establishments in Latin America, Africa and Asia, whose establishment and growth is similar but whose urban integration seems to differ slightly from the rest.

Cities in the developing world have a number of characteristics that distinguish them from cities in more developed countries. Among these are the high levels of urban poverty and the difficulties of obtaining suitable priced accommodation. This leads to specific spatial settlement patterns that are unplanned and which demonstrate a rapid growth over time. These 'illegal settlements' represent a significant part of a city's housing stock and constitute a major constraint on the capacity of cities to plan and manage development.

Unplanned-illegal development is an urbanization problem. But it is not enough to explain it only by urbanization. Political, social, economic and planning policies of the governments are strong factors.

Industrialization : Changes in the ways and means of production
in both urban and rural areas



Capital Agglomeration in Urban Areas



Regional Disparities : Income, service and investment injustice



Migration : From rural to urban (both push and pull factors)



Unplanned Development : Socio-economic, sectoral and spatial
(3.rd world economic development model)



Unplanned and Disorganized Urbanization: Uncontrolled physical
development of urban space.



Illegal Physical Development Processes : Illegal land occupation and other
type of illegal building production and planning breaches.

Although the definition of the problem from planning perspective displays like mentioned above but generally definition must include and analyze the imperatives of the market economy. Uncontrolled development gives various benefits to the state, market and the actors in society. After World War II period, market economy exploits the immigrants labour and uses this exploitation to maximize the profit and to be a competitive in global economy. So unplanned development process is a tool for capital to use cheap labour. All these factors challenges to planning.

One of the main problems for planning discipline is the authority conflict between the governmental institutions. Sometimes this problem causes unplanned, uncertain disorganized implementation processes and this situation

is one of the reasons of the corruption. In fact there is central and local governance problem about decision making and authorization process. Municipalities can not sufficiently control developments in cities. They are far from the solution of their local problems. They use their limited budget unplanned, inefficient and unbalanced manner. Usually, mayors' populist policies are to support their political party and acting for vote. Bringing capital to their territory by providing physical development projects for investors is the second populist policy. Undoubtedly, visual improvement and development of urban space is an important issue for public satisfaction. Applications do not usually include comprehensive plans and strategies. If they use planning, it becomes a tool to realize market demands. By the recent struggles in government-planning arena, both central and local governments perceive it as a block to fulfill their acts.

As in many 3rd world countries, poverty is a big problem in Turkey. Global development policies causes great-endless economic crisis in 3rd world nations and increases poverty level. According to the poverty level, housing problems appear. Urban poor (especially migrant), can not afford the prices; they lose the opportunity to own or rent legal-formal house.

Housing is a human right, which is accepted by whole countries in the world. But similar to the many 3rd world country, Turkish governments can not provide effective planning-housing policies to solve housing problem. Before the 1980 period, government tried to prevent the production of illegal buildings, but in fact it only legalized the illegal buildings in the past. Hence, illegal housing production process becomes an alternative solution of the housing problem especially for the poverty.

Other types of illegal buildings, which includes illegal or disorganized industry, commerce, etc, have different various problematic reasons to exist out of legal-formal area. These reasons may be political such as market-investor demand which is opposite to proposed application plan, authorization-supervision conflict or insufficiency, decision making failures in planning processes and others which will be detailed in related chapters.

Chapter 2

ILLEGAL PHYSICAL DEVELOPMENT AND UNPLANNED URBAN TRANSFORMATION

2.1. Main Causes of the Problem : Background and Justification from Historical and Socio-Economic Perspective

Urban problems can be rooted back to the World War II, which has caused considerable changes in the ways and means of production in both urban and rural areas. The result was the rapid increase in population, natural population increase on one hand, and migration from rural areas on the other. As the legislative and institutional structure of the planning practice could not pace up with this increase to orient the requirements and the demand, urban housing supply could not encounter the demand; the housing policies could not be integrated with that of urban land; and the housing subsidies could not help to serve low-income groups. (<http://www.deu.edu.tr/gundem21>)

Today, 3rd world countries, which is defined as “that group of nations frequently labeled ‘underdeveloped’ which contains almost two-thirds of the world’s population and geographically, includes virtually all the countries of Africa, Asia and the Middle East and Latin America and omits developed nations such as Japan and Israel and also excludes Communist countries of China, North Vietnam, North Korea and Cuba” confront similar challenges and problems. (Patton, 1988, p.xv)

Politically, they are struggling to establish and consolidate democratic reforms and implementing privatization process to transform an inefficient public sector as IMF demands. Economically, they are facing the globalization of the world economy from disadvantaged position. They face the challenge of building internal and external markets and at the same time maintaining or constructing macroeconomic stability and steady growth. Socially, they face deep inequity, poverty, class conflict, ethical destruction, etc. As a result, millions of people live

without access to health, education, employment and housing. (Florian, Velasco, 2000)

This situation is evident when physical structure is performed; in fifty years 3rd world cities changed from being a rural settlements to being an urban one and this cities that grew are a reflection of new politics, economics, social issues and culture.

Problems about the cities are in close relation with urbanization and migration. In 3rd world countries and Turkey, reasons behind the uncontrolled, unplanned over-growth of metropolitan areas have various determinants as structural transformation of socio-economic system, capital agglomeration in industrial city centers, regional inequity between regions and urban-rural areas, migration, inadequate housing supply and the other factors. Market demands have strong effects on urbanized industrial centers. Uncontrolled development may be the demand of the market economy and the actors in society which challenges to planning. Market economy exploits the immigrants labour and uses this exploitation to maximize the profit and to be a competitive in global economy. In fact, this situation observed after World War 2 period, in 3rd world countries as a result of decentralization of industrial production from developed countries to underdeveloped and developing ones. So unplanned development process is a tool for capital to use cheap labour in fordist and postfordist production processes. That is one of the main reason of why governments are forced to favor this phenomena.

By the illegal land occupation the market economy obtains three benefits :

1. The reduction of the reproduction cost of the labour force in general, through the non-economic transfer of land and a consequent reduction of reproduction costs and wages.
2. The inclusion of the urban land into the urban capitalist economy that gives extended investment possibilities in commerce, services and when the rent is high enough also in housing construction.

3. Localization of the labour force will try to adjust to the existence of employment possibilities, reducing the transportation costs. This in spite of the fact that real planning most likely could do a better job than the market. (Vittrup, 1982, p. 19)

The other dimension of the same economic development is that rural migration is making available to small enterprises cheap manpower, cheap even by the standards of the third world. Moreover, by easing the rent pressure indirectly the illegal settlement assists in the accumulation of capital and the growth of a middle class. (Karpat ,1976)

2.2. Migration Problem and Population Growth

2.2.1. World

Rural migration, which feeds the population growth and illegal settlements in the third world cities, was prepared historically by grand changes in the economy and social structure of the third world in the nineteenth and twentieth centuries. These changes undermined the traditional land tenure, the system of production and exchange and the social system that supported them. The fluctuations in the world markets occurring toward the end of the nineteenth century tended to further aggravate this trend, while the national economies of the third world countries became dependent on industrial and financial centers in the West. (Karpat ,1976)

The disintegration of the traditional-social structures that began in the nineteenth century, caused by the expansion of trade, the introduction of a cash economy and the rise of urban centers serving as exchange places and export outlets may be cited as the first major historical factor preparing the ground for migration. Consequently, agricultural methods, as well as the entire pattern of production and the traditional social organization were changed. Unemployment began to rise in towns among the working population.

Similar historical causes of social disintegration and migration can be added, nevertheless it must be noted that the economic crisis of 1929-30 was a turning

point in the economy of the third world and in the history of migration. These countries seem to have developed their agriculture largely according to the food and raw material needs of industrial centers in the West, while cities were established primarily for trade, communication, administrative and military purposes. Later some industries were located, in these cities and stimulated their growth and occupational differentiation. The economic development in the third world, dependent on outside centers of financial and economic power, nevertheless brought culture, which began to alter the rural structure in some of these countries. All this came to a halt in 1929-31, as farm prices fell and the agricultural employment dropped considerably. Large numbers of people were ready to migrate where ever employment opportunities became available. (Karpal ,1976)

By the mechanization of agriculture after World War II, agricultural workers and most of farmers became jobless. New techniques that facilitate efficient-profitable industrial production increased the pressure for migration in rural areas. Better economic, social, educational facilities and other factors helped further the population growth.

As a result, the disintegration of the traditional, social and political structures in the nineteenth century and accelerated economic development in the form of industrialization and political independence, aided by high birth rates and low mortality after World War II have caused a vast movement of rural migrants into cities in the developing world. The urban population of the less developed areas has risen, according to the United Nations, from 220 million in 1940, 490 million in 1960, 1.045 million in 1980 and 1.750 million in 2000 (most of the growth is due to rural migration).

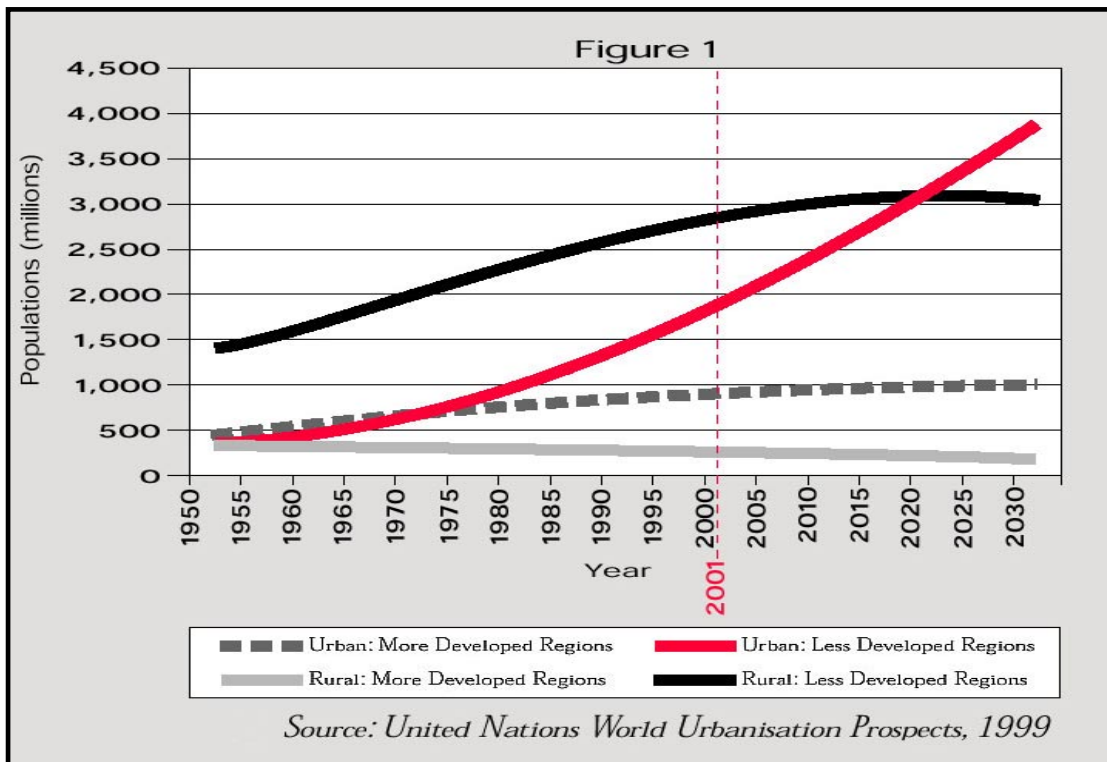


Fig. 2.1 : World Population Change and Prospects – 1999
Source : www.citiesalliance.org

Countries	1970	1995	2015
Underdeveloped	% 12,7	% 22,9	% 34,9
Developing	% 24,7	% 37,4	% 49,3
Developed	% 67,5	% 73,7	% 78,7

Table 2.1 World Urban Population as a % of Total Population
Sources : UNDP-Human Development Report 2000

	1970-1995	1995-2015
Underdeveloped	% 5,1	% 4,6
Developing	% 3,8	% 2,9
Developed	% 1,1	% 0,6

Table 2.2 Urban Population Annual Growth Rates

2.2.2. Turkey

The main push factor in rural migration is regional disparities, poverty or low income and all it entails, such as lack of educational and medical facilities. The pull factor in the cities is the opportunity for employment and higher income and the availability of educational, medical and other facilities.

Socio-economic and political changes which are the results of industrialization and its outcomes urbanization, showed their effects on physical and socio-cultural environments in the world and in our country. Rural to urban migration in Turkey since the 1950s has increased the share of urban population. In absolute numbers, the urban population rose from 5 million to 40 million over the same period. Populations living in major cities almost doubled in one decade throughout the 1960s. Increases in the population of cities such as İstanbul, Ankara and İzmir were more alarming with an average annual rate of urban growth nearly 10 percent during the period of 1960 – 1975. By 1980, more than five times as many people lived in cities and towns as had in 1950.

Migration has been the prime driving force behind urban growth in Turkey. By the 1980s, over 700000 rural dwellers a year were moving to urban areas.

Census Years	Urban Population	%	Rural Population	%	Total Population
1927	3305879	24,2	10342391	75,8	13648270
1935	3802642	23,5	12355376	76,5	16158018
1940	4346249	24,4	13474701	75,6	17820950
1945	4687102	24,9	14103072	75,1	18790174
1950	5244337	25	15702851	75	20947188
1955	6927343	28,8	17137420	71,2	24064763
1960	8859731	31,9	18895089	68,1	27754820
1965	10805817	34,4	20585604	65,6	31391421
1970	13691101	38,5	21914075	61,5	35605176
1975	16869068	41,8	23478651	58,2	40347719
1980	19645007	43,9	25091950	56,1	44736957
1985	26865757	53	23798701	47	50664458
1990	33326351	59	23146684	41	56473035
1997	40882357	65	21983217	35	62865574
2000	44006274	64,9	23797653	35,1	67803927

Table 2.3 : Urban-Rural Population Change of Turkey
Source : DIE-Census Data

Periods	Total	Urban	Rural
1927-1935	2,11	1,75	2,22
1935-1940	1,96	2,67	1,73
1940-1945	1,1	1,51	0,91
1945-1950	2,17	2,25	2,17
1950-1955	2,77	5,56	1,75
1955-1960	2,85	4,92	1,95
1960-1965	2,46	3,97	1,71
1965-1970	2,52	4,73	1,25
1970-1975	2,5	4,17	1,38
1975-1980	2,06	3,05	1,33
1980-1985	2,48	6,26	-1,05
1985-1990	2,17	4,31	-0,56
1990-2000	1,83	2,68	0,42

Table 2.4 : Annual Population Change Ratios –Turkey
Source : DIE-Census Data

After 1980, Turkey witnessed with another problem which accelerated migration sharply. Some 2,685 villages and hamlets in Turkey's eastern and southeastern provinces have been completely or partially depopulated, because of fighting broke out in the region since 1984 between government forces and the Kurdistan Workers Party (PKK), an armed group which until recently had the avowed goal of an independent Kurdish state. Although there has been some migration for economic reasons from the region, most of the depopulation has been the result of a government struggle intended to deprive the PKK of logistical support. Many of the houses in depopulated villages are destroyed, and at times the belongings of the displaced - including farm animals and implements - are wrecked along with their homes. Most of this forced migration has occurred 1984 – 1992, and estimates of the number of individuals displaced range from 275,000 to two million.

The forced migration connected with the conflict in southeastern Turkey has been chaotic and unorganized. Individuals who forced out of their villages in southeastern Turkey haphazardly sought refuge in already overburdened provincial towns and cities within the region or in Turkey's western urban centers. (<http://www.hrw.org/reports/1996/Turkey2.htm>)

2.3. Rapid Urbanization and Problems

Rapid growth of population and its concentration in cities around the world are affecting the long-term outlook for humanity. Despite four millennia as centers of civilization and economic activity, cities never attracted more than a few percent of the global population until the last century. Now, at the beginning of the 21st century, systems of cities have become a dominant factor in the world's social, economic, cultural and political matrix. Burdened with all the problems of growth, cities are increasingly subject to dramatic crises, especially in developing countries. Unemployment, environmental degradation, lack of urban services, deterioration of existing infrastructure and lack of access to land, finance and adequate shelter are among the main areas of concern. (UNCHS, 2001, p. 10)

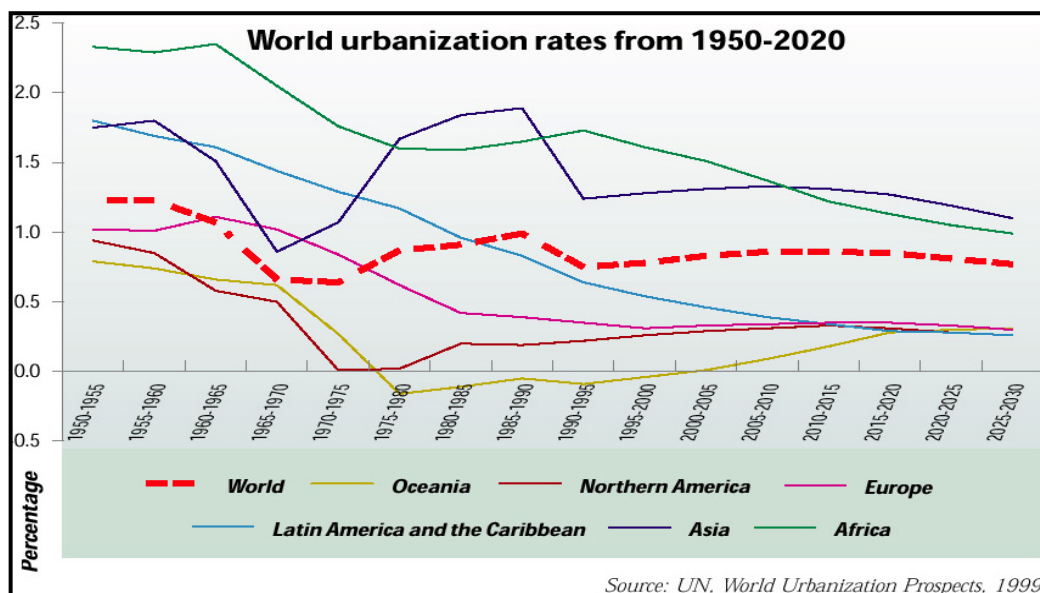


Fig. 2.2 : World Urbanization Rates by Region – 1999

Source : UNCHS, 2001, p. 11

Migration and urbanization should be regarded as a consequence of economic development in general and of agricultural conditions particular. The transfer of workers from agriculture to industry appears as a movement of manpower from village to town. Thus, the basic shift in the direction and goals of production, from agriculture to manufactured goods and from export to domestic consumption, dramatically showed the cities to be the most efficient units of production and consumption and intensified labor division. (Karpát, 1976)

However, population growth in many third world countries is above or equal to economic growth, thus providing limited or no increase in living standards. Moreover, a large number of third world countries, are faced with unemployment or marginal employment (sector). Thus in some cases, urbanization in the third world is taking place without industrialization.

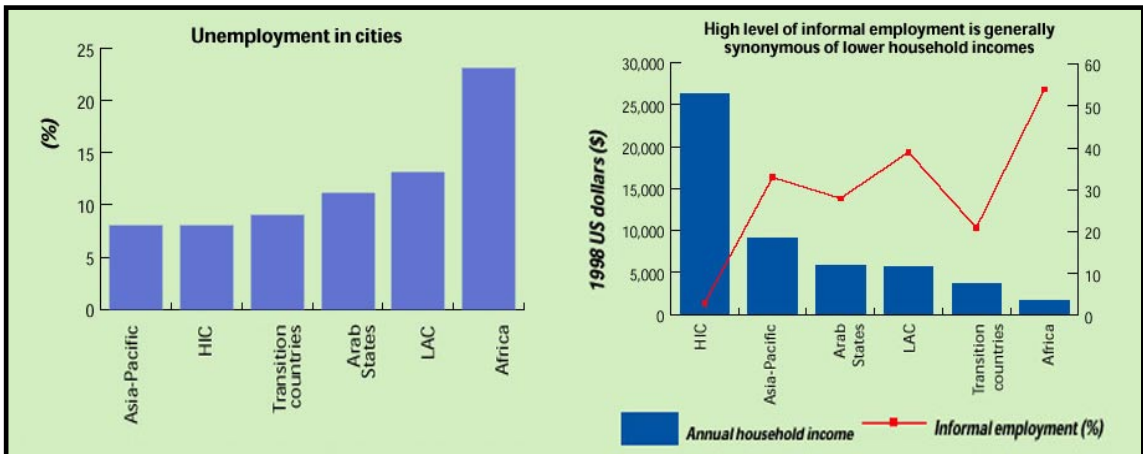


Fig. 2.3 : Unemployment in Cities by Region – 1998

Source : UNCHS, 2001, p. 85

In general, governmental or privately owned industrial and commercial enterprises could not provide adequate housing for their employees. This situation, coupled with the rise in rents, placed the workers (most migrants fall into this category) in a difficult financial position. When the opportunity presents itself, the worker-migrant builds his own dwelling usually on the public land, sometimes privately owned land (absolute invasion & illegal subdivision). Moreover, the location of the shantytowns on the outskirts of cities is an indirect boost to investment; many new plants are established on the outskirts of cities in order to avoid the high prices for land or rentals in the city proper. A series of general economic conditions related to capital formation and industrialization favors rural migration and the establishment of illegal settlements. (Karpavicius, 1976)

Consequently, after the failure of conventional shelter policies based on public-private sector provision of housing, most governments and planners from

developing countries have come to accept the idea that squatter settlements are an inevitable and integral part of the city.

Illegal physical development expands because of inadequate provision of affordable land/housing as well as lack of administrative and institutional frameworks that are insensitive to the needs of the poor and contrary to market demands.

2.4. Legal- Illegal, Formal- Informal Conflict

To inquire about the characteristics of the illegal building production process, a first conceptual step must be taken: to analyze the informal production process. This requires a revision of the concept of informality. A wide set of definitions and approaches to the concept have been used.

Simplistically and traditionally, informality has been seen as subsidiary as complementary and as opposite to formality; such approaches limit the analysis of informality to comparison and implicate that every element of one side must have its analogous element on the other. Formality has been identified as good and informality as bad; formality has been seen as stability and informality as change. An alternative is to decode the formal and informal characteristics of a particular fact or situation, recognizing the presence of both everywhere. Thus, informality is understood as a reality not totally separated from the formal system, but rather linked to and shaped by it. Informality might be conceived as a structure of action that contains both harmonious (adaptation) and contradictory (resistance) relationships as a site of power in relation to external disciplinary and control power. These approaches broaden the concept and give light to the present analysis. Informality has been conceptualized depending on whether it is conceived of as a separate reality or as a part of formality. On one hand, the informal system is sometimes conceived of as an alternative system; it implies that it is a separate reality. (Florian, Velasco, 2000)

There exists an informal city located just beneath and in the interstices of the formal city. The metaphor is not geographical, but rather structural and

hermeneutical. It is the city of behind-the-scene maneuvers, an informal ethos that everyone seems to participate in, although usually unspokenly because of the highly sensitive character (personal, sometimes unethical or perhaps illegal) of the activities carried out there that shape the formal outcome. These informal practices which are by no means trivial constitute an important factor in the shaping of everyday life at the personal, group and institutional levels. It shows that these informal practices shape, sustain, support, undermine and influence in many different ways the flow of processes and activities of the formal system of society. The informal practices shape everyone's daily life, and not only influence the formal system, but are essential for its smooth functioning, a depth without which would the facade of formality fall in the slightest breeze. It further demonstrates that, without them, the formal system would not be able to function smoothly, because they constitute an integral part of its operation. (Laguerre, 1994)

In conclusion, a definition of informality must take into consideration a large number of variables. These include: its origin, either as preceding the formal system or as growing from it: its juridical condition; its relation to the formal system; the participation of its actors in the formal system; time and space factors; the meanings of everyday practices; and the structural location of informal practices in relation to other practices. (Florian, Velasco, 2000)

According to the related literature and from a juridical perspective, informality is related to illegal and formality to legal. The formal is legal and visible, and the informal is hidden and sometimes illegal. Finally, formality and informality are regarded as representing the poles of a continuum.

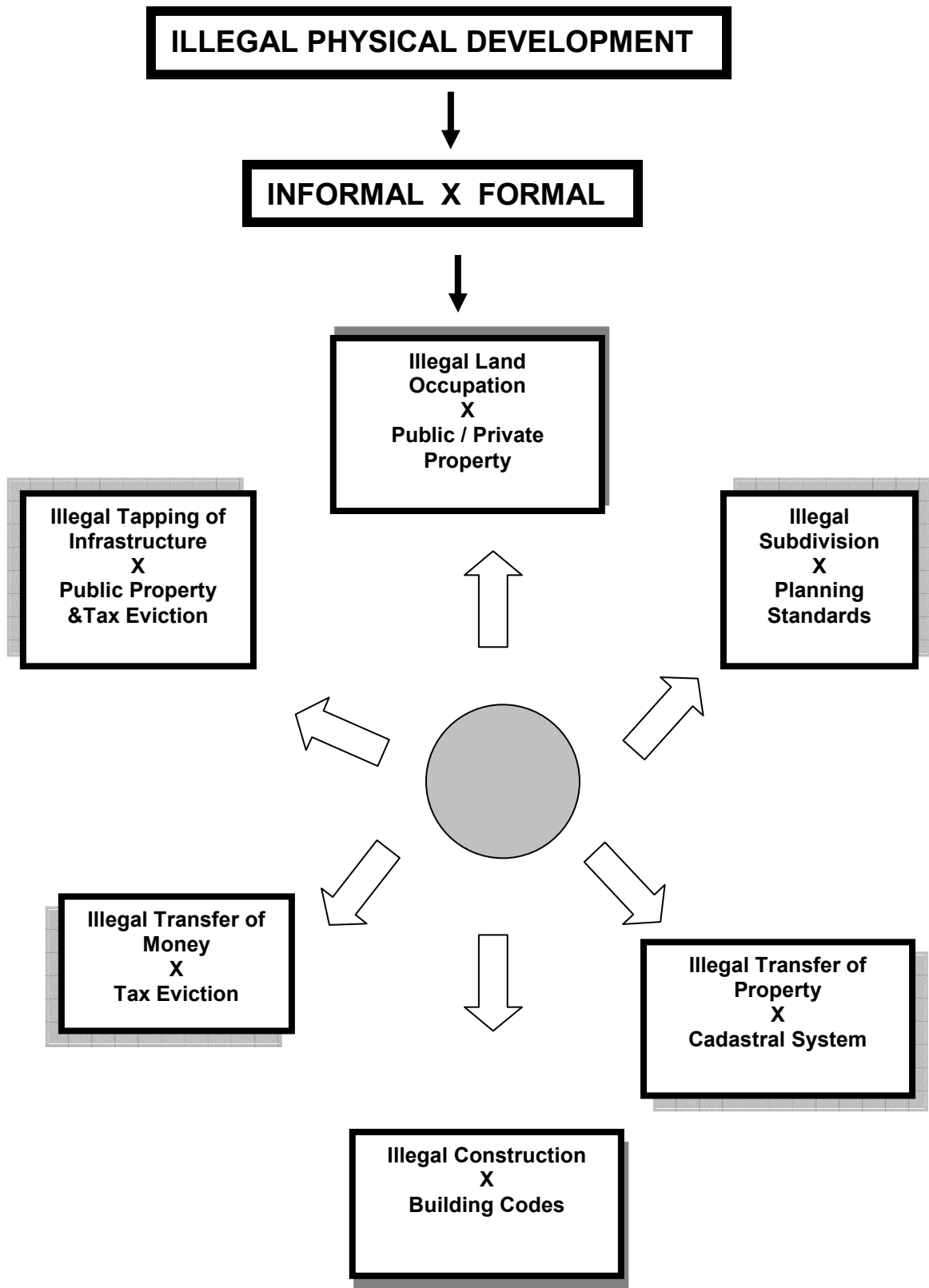


Fig. 2.4 : Illegal Physical Development and Related Conflicts

Source : Vittrup, 1982, p. 10

2.5. Imperatives of Market Economy and Challenges to Planning

City planning is fundamentally concerned with the process of development. Development activity can be influenced by the work of urban planners. Planning is concerned with people like land owners, developers, investors, politicians and ordinary members of the public who shape the built environment as they relate to each other and react the development pressure. These people tries to influence urban planning and wish to see urban plans modified to their own advantage. Whether planning exists or not, people ensure that, most towns and cities gradually evolve through a continuous process of change and development. City planning neither overrides nor fully controls this process, but aims instead to influence it. (Adams, 1994, p. 2)

Plans provide spatially differentiated frameworks for guiding regulatory decisions about land use and development. In theory, they are commonly also intended to provide an explicit framework for public and private investments. The purpose of plans is to provide, in one way or another, a store of decision rules to guide a subsequent stream of regulatory and investment decisions. (Adams, 1994)

City planning does not replace the market but works through it, affecting the value of land as it is bought and sold and creating potentially profitable development opportunities for others to implement. In a market economy, no theory of planning, which assumes that the planning authority controls the urban environment lonely, is valid. Rather, it is about the process of bargaining, negotiation and compromise over the distribution of scarce environmental resources. Moreover, since the planning has the potential to alter the resource and property distribution that market forces produce, causing some people to gain and others to lose, it is a political and financial activity. For this reason, authorities often reach planning decisions that may appear practically-technically defective. (Adams, 1994)

Imperatives of the market economy must be included to the planning process. Lack of a participatory planning process may cause conflict between the decision makers and market forces which generates uncontrolled development. Many urban planners do not explain and define their activities in relation to market processes. As a result, the potential of urban plans to confront market imperfections and failure remains poorly articulated and insufficiently developed.

2.6. Unplanned and Disorganized Development and Urbanization

Economic development occurs unevenly across space and time. In terms of regional disparities, therefore, most 3rd world countries show wide differences in levels of income and economic activity between urban and rural areas, between large cities and small and between central regions and the periphery. In many countries, especially those attempting to follow an accelerated capitalist growth, such disparities are often widening. There has been a continuing tendency in most of 3rd world countries for growth to occur in very restricted geographical areas. In response, national or international populations are on the move; migrating from poor regions to areas of economic growth. As a result of this process, big cities are growing ever larger than the others and become sprawled metropolis. (Gilbert, Gugler, 1992, p.33)

In 3rd world countries, the ability of governments' to use planning to control and influence development and urbanization has been severely constrained. Moreover, urbanization has been so rapid that growth often has overwhelmed the limited capabilities that are available to control urbanization. Land-use and building controls have been weak and local plans have not affected most local decisions. In many countries, regulations were made to control building density, building heights and street widths, but no comprehensive planning concepts were developed. The most striking evidence of the failure of land, building and planning controls are the squatter houses, conventional apartments and factories that have been constructed illegally. (Keleş, Danielson, 1985, p.191)

Most urban growth has occurred along the periphery of the cities. Development in the outer portions has been less intensive than the older sections. Increase in transportation facilities has made the same effect on the metropolitan cities. As in all developing countries, illegal development has been an extremely important element in the rapid spread of the metropolis. (Keleş, Danielson, 1985, p.63-64)

This kind of spontaneous development exceeds the provision of public services and opposite to development-building codes. In the implementation process of development plans, building operations breach planning control. In many city of the developing world, the spreading metropolis has spilled over the core city's governmental boundaries. Therefore, this fact became the main determinant of the macroform of the metropolitan cities.

Chapter 3

ILLEGAL SETTLEMENTS

3.1. Historical Background, Present Perspectives and Future Estimations About Illegal Settlements

Industrialization, economic development, population growth and mechanization of agriculture, changes in land tenure and increased communication and transportation facilities have all contributed to the scope of rural migration and urbanization in 3rd world. Thus, rural migration and urbanization and their by product “the migrant”, or “illegal settlements” are part of a more general process of structural change usually referred to as modernization. Urban forms of association and activity are extended to the people in the countryside, while rural people adopt new occupations and life styles by moving into the cities, which in turn are altered structurally and functionally by the new economic and political forces. (Karpat, 1976)

In this connection, as a result of a combination of factors such as poverty, deficient policy frameworks, lack of authorization, inadequate provision of affordable land and housing, informal settlements were established. Informal settlements are still growing in most major cities in the world.

The main characteristics of informal housing are :

- Housing units are usually owner built and might not conform with prevailing building regulations,
- Lack of security of tenure,
- Low level of infrastructure and social services.

The following differentiation is commonly accepted. Usage tends to vary according to country and region:

The Organization of Urban Living Spaces

1. Formal Systems : Function within a general framework of dominating juridical, administrative, technical and social practices.
2. Informal Systems : In some decisive respects outside the domain of dominating juridical, administrative, technical and social practices, but with a possibility for gradual upgrading and eventual formalization.
3. Marginal Systems : Based on social processes radically divorced from the dominating juridical, administrative and technical processes. Possibility for minimal upgrading. (The most primitive squatter settlements)
4. State Supported Projects : Special state promoted projects for low cost housing isolated from the general juridical, administrative and technical structures that define the proper formal space.

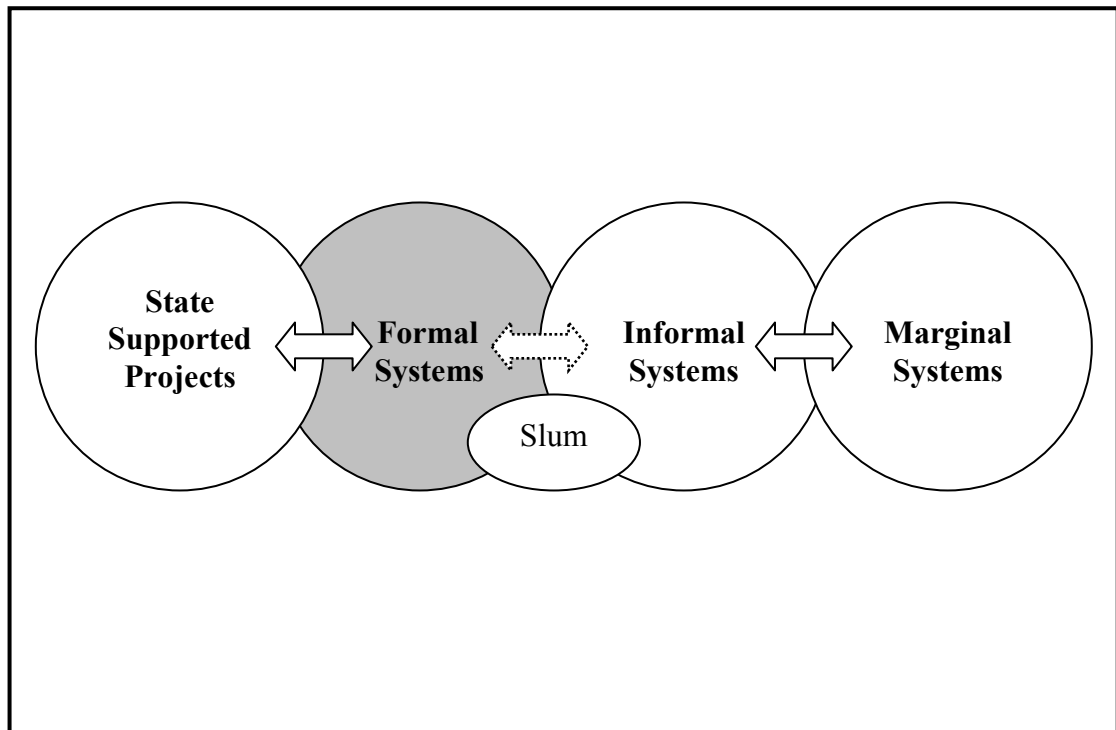


Fig. 3.1 : The Organization of Urban Living Spaces

Source : Marcussen, 1982, p. 49

3.1.1. Squatter Settlements and Slums

The **squatter settlements** have been defined in a variety of ways, chiefly according to their physical appearance or legal status. The United Nations refers to them simply as “illegal occupation of land or construction of buildings by low income people”.

The squatter settlements, shantytowns, gecekondu, uncontrolled settlements, illegal settlements or transitional settlements in the third world usually – though not exclusively – are inhabited by migrants from villages and rural towns, who represent one of the most strategically located groups to study the transformation of a rural group into an urban one.

“John F. C. Turner has viewed squatter settlements in the light of four hypotheses : as a manifestation of normal urban growth under historically abnormal conditions, as vehicles for social change, as the product of the difference between the popular demand for housing and that demanded and supplied by institutional society and as phenomenon that could be controlled by the encouragement of popular initiative through the government servicing of local resources.” (Karpat, 1976)

Squatter settlements, notwithstanding their poor reputation, must be seen as part of the process of occupational change and social mobility, demand making, political participation and eventual urban-national integration that is transforming the rural society in much of the third world. Squatter settlements throughout the world are rather similar to each other, making global policies to deal with the problems relatively easy to develop. They were viewed as an abnormal urban growth and then as self-help projects undertaken by low income families, mostly migrants attempting to build homes with their own skills and resources.

The outstanding features of squatter settlements seem to be, first, that they are found in nearly all the cities of the third world nations and, second, they occupy a

high percentage in the total urban population and third, that they are often similar to each other, in terms of their evolution and their relations with the city. It is not easy to find another world-wide social phenomenon whose structural and functional similarities greatly surpass their local, regional, and even cultural differences. (Karpat,1976)

Squatter zones often lack critical facilities like running water, sewerage, electricity, garbage disposal and amenities like paved streets, playgrounds, parks, health care facilities and educational and cultural services. Squatter settlements are densely clustered in unplanned developments using substandard materials, with no consideration of their vulnerability to natural and other disasters. They are often located on land that is already disaster prone, subject to flash flooding, land-slides, erosion or otherwise unsuited to development. Since they proceed without permits, the builders are not forced to conform to basic engineering and architectural requirements or safety codes. (Geray, Keleş, 1995)



Fig. 3.2 Illegal Settlement in Cape Town – South Africa

Source : <http://qsilver.queensu.ca>



Fig. 3.3 Gecekondu in Narlıdere-İzmir-Turkey

Source : CP 501-502 Planning Studios, İzmir Institute of Technology, Faculty of Architecture, Department of City and Regional Planning–City Planning Master Programme, 2001-2002

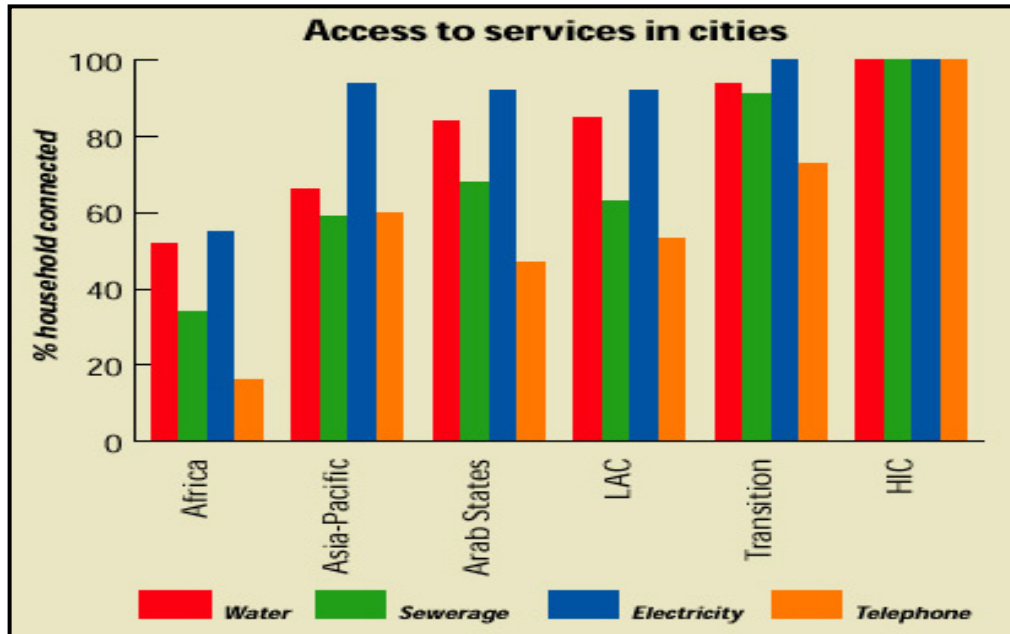


Fig 3.4 : Access to Services in Cites by Region – 1998

Source : UNCHS, 2001, p. 40

Slums, according to one view, represent the end of product of forces in American society that are divisive and destructive, the dictionary defines a slum as a thickly, populated street or alley marked by wretched living conditions. Some scholars regard the slum, mostly following the characteristics of the American model, as a source of poverty, rundown housing, crowded concentration of lower class people, high rate of crime and divorce, violence and alienation, isolation, strife with the conventional word, detachment from the city people, low literacy, family disintegration, loss of identity, child neglect, sexual indecency, racial discrimination, gangsterism, hatred of police and urban guerillas. (Karpal, 1976)

According to one view, slum can be regarded as a social necessity for the elite, providing them with services (cheap labor, marginal-flexible marketing, underworld connections); others see it also as a place of fulfillment, giving to its residents a sense of identity, independence and satisfaction.

Squatter settlements should not be confused with the slums in the industrially developed nations, notably in the USA and similar ones (usually located in the older quarters of the city) in the third world cities. Few of the features of the slum are applicable to the squatter. Indeed, aside from low income poor looking houses, lack of the normal city facilities, few squatter settlements show any symptoms of social or psychological disintegration, moral depravity and crime. But slummification could also occur in squatter areas. The difference between slums and squatter settlements deserve special attention.

It is interesting to note that squatter towns and slums appeared also in some of the cities in the USA, England and the USSR during periods of intensive industrialization and urbanization. For example, One hundred and seventy years ago, such forces were at work in Victorian England, the first industrialized society on earth. Throughout the 19th century, England's expansion of national wealth and consumer purchasing power continuously outpaced the rise in population, so there was much to be said for industrialization. The promise of employment in the fast-growing cities ensured that rural-to-urban migration rapidly transformed England into an urban society. However, the contrast of living conditions between rich and poor in the city remained glaring. (UNCHS, 2001)

In the latter half of the 19th century, New York, the main gateway to the New World, grew to become the largest city on earth. Many immigrants arrived from the crowded slums of Europe and settled in conditions just as bad or worse than those they had left. The "rail-road flats," 5 to 7 storey versions of the London slum, were a standard solution to unprecedented demand for city space. Parked together like crates in a warehouse, these elongated walk-up flats had no side windows, water supply or sanitary facilities. A small rear yard contained a communal latrine, and sometimes a well, creating appalling public health conditions. (UNCHS, 2001)



Fig. 3.5 : London Slum – 19th Century

Source : UNCHS, 2001, p. 20



Fig. 3.6 : New York Slum – 1889

Source : UNCHS, 2001, p. 21

Another Example for USA is Chicago City. From 1848 to 1857, the growth of Chicago as a manufacturing center was accompanied by the mushrooming of forty of fifty acres of squatters mostly workers and their families. Also different squattertowns-shantytowns sprang up during the years of great depression (after 1929 period) in USA. (Karpal, 1976)

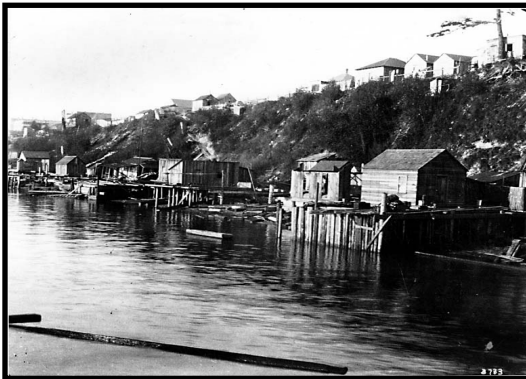


Fig. 3.7 : Shantytown on Water-Seattle, 1933

Source : www.lib.washington.edu

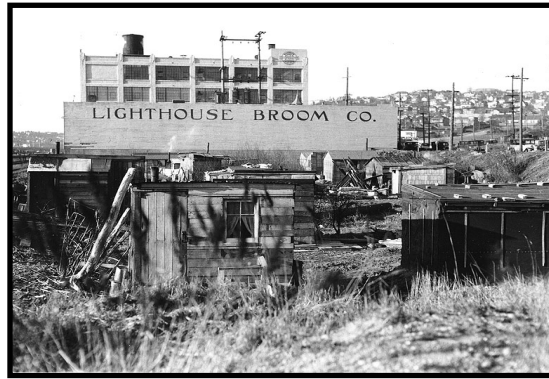


Fig. 3.8 : A Company and Shacks in Seattle, 1933

Source : www.lib.washington.edu

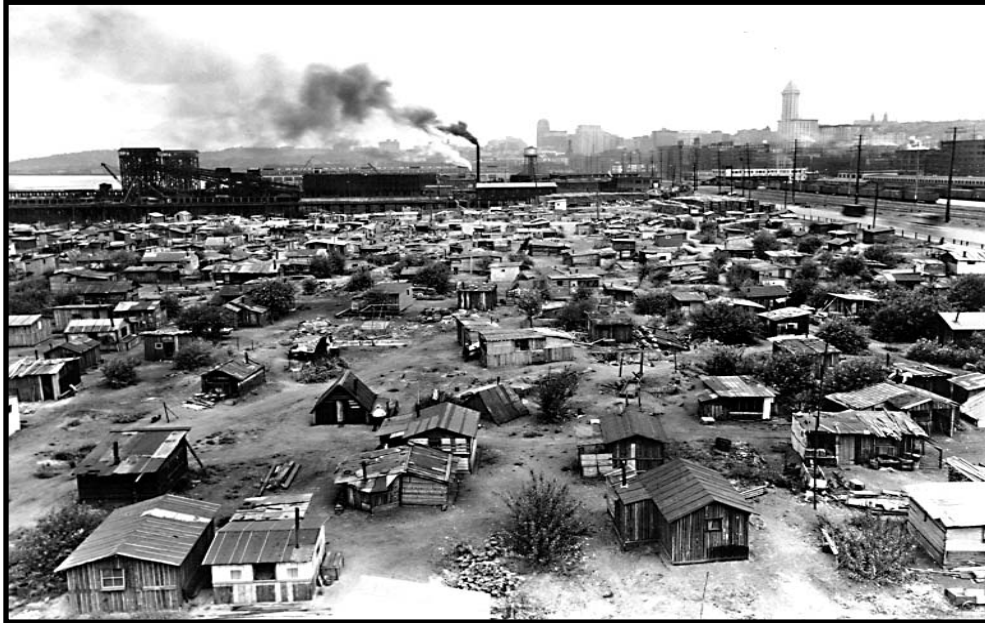


Fig. 3.9 : Shantytown, Known as Hooverville in Seattle-1933 (post crisis years)
Source : www.lib.washington.edu

3.1.2. The Establishment Process of the Squatter Settlements

Squatters settlements in the third world countries start their establishment process (take possession of the land, plan and build their dwellings and eventually expand them) is very similar. The immediate cause prompting such action is the shortage of housing coupled with high rentals in the city. This situation is aggravated by lack of a proper government housing policies, lack of social concern and planning experience or most often from investment priorities that favor industrialization and defense rather than social welfare.

Illegal settlements appear in general as conglomeration of built squatters on the outskirts of cities; they range from one-room dwellings to full-size houses with or without a small garden, depending on the availability of land. Most post World War II squattertowns were established in the near the work places. Invasion was a frequent but not exclusive method for establishing a settlement. It has not been unusual to see empty hills covered in a single night with a great number of shacks

in which thousands of people moved with their belongings in a matter of hours. (Karpal, 1976)

In some cases, a few individuals may establish a few dwellings on a large, vacant and rather inaccessible piece of land and then divide and sell it to the relatives and friends. In Turkey there were gecekondu dealers who have built and sold dwellings to migrants and became rich in the process. In some other cases, the settlement may be established as the consequence of an organized mass invasion by dwellers living in the overpopulated city quarters or older squatter settlements. The decision to invade a vacant lot is made after it has been surveyed in advance. Next step is to build shacks on it with the assistance of friends and relatives. (Karpal, 1976)

Illegal dwellings everywhere expand in a more or less similar manner. Usually new units are added to the original room, especially after the deed to the land has been legally acquired. The physical shape of squatter dwellings and the materials used show great variation from country to country.

3.1.2.1. Moving to the City

The first step that a rural migrant makes after arriving to the city is to rent a house or share the dwelling with family members that arrived earlier or built their own. These multi-family shared houses are located usually in the medium-low and low-income sections of the cities. The physical and sanitary conditions are far from good.

New migrants use these accommodations as a place to stay while they learn how the city works and what they have to do to earn a living. The adaptation to the city dynamics is not easy. It depends on the educational level of people and their ability to find a job.

Definitely, the housing offered by the legal-formal urban developers is not among the choices which a low-income family has. It is estimated that, at present, the cheapest house available in the market surpasses 100 monthly minimum wages; only middle or low-income families can afford them. Additionally, the availability of credit is scarce and the requirement to access it—which is usually to already own real estate—is ridiculous. The other choice is to build a house. The reason for this trend is that the poor have no option. Most planners agree that the distinctive characteristics of self-help housing is that it always begins as a rudimentary form of shelter lacking all kinds of service and is developed on land which either lacks planning permission or which has been invaded. In a broader perspective, self-help implies that the occupier has built some or all of the accommodation. (Florian, Velasco, 2000)

According to the UNCHS survey about land and housing prices in 1998, two indicators were illustrated; the median house-price-to-income and rent-to-income ratios serve as reminders of the differences between regions, countries and cities, and do not always reflect the wide variability in quality of the local housing stock or of local income inequalities.

1. *Land Price to Income Ratio* : Land price is a major guide to land availability and development in cities. A responsive urban environment should have land available at a range of prices wide enough to meet the demands of individual households and the private sector. The ratio of land price to household income not only indicates if affordable land is available for different segments of the population, it also shows if local government is able to develop infrastructure or provide incentives for new development. Low values for this ratio, found in African cities and Transition countries, indicate that land markets are not highly speculative and are driven by relatively high supply and low demand for land.

2. *House Price to Income & Rent Price to Income Ratio*: The house-price-to-income ratio is indicative of the general level of excess demand in housing markets, and is often associated with reduced housing consumption (in relation to measures of crowding and dwelling space) and lower rates of home ownership. Countries that have particularly high house-price-to-income ratios are also those with high construction costs and high land prices, caused in part by tight regulatory environments affecting land use and housing construction, with complicated and time-consuming regulations. Rent-to-income ratios are lowest in transition countries where public housing is still dominant. People living in poor regions typically spend 30-40 percent of their incomes on rent. The ratio for African cities is more than twice that of the cities of highly industrialized countries. The main trend is, not surprisingly, that the cost of housing relative to income is highest in the poorest regions (e.g. Sub-Saharan Africa and Asia). Individual examples also indicate that the relative cost is particularly high for the poorest groups.

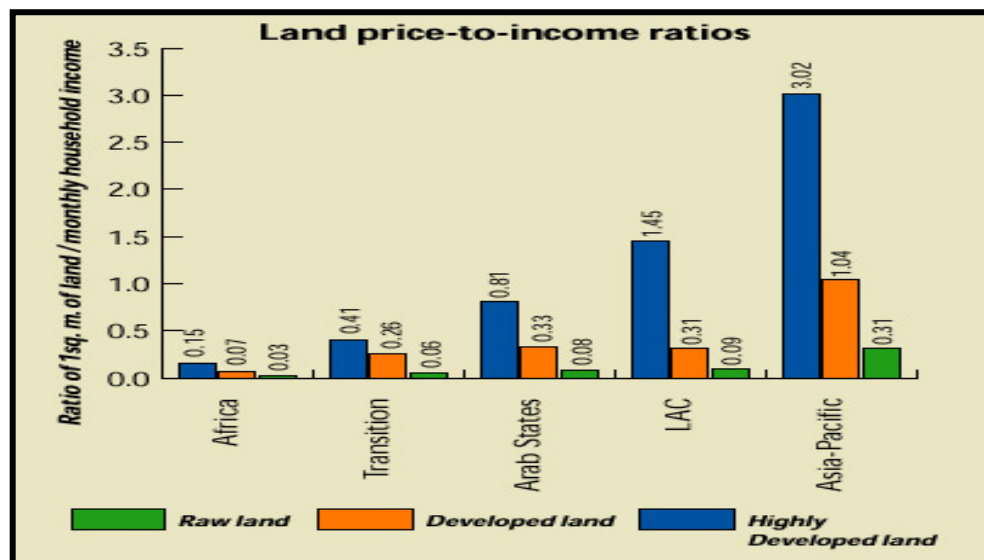


Fig. 3.10 : Land Price to Income Ratio by Region

Source : UNCHS, 2001, p. 36

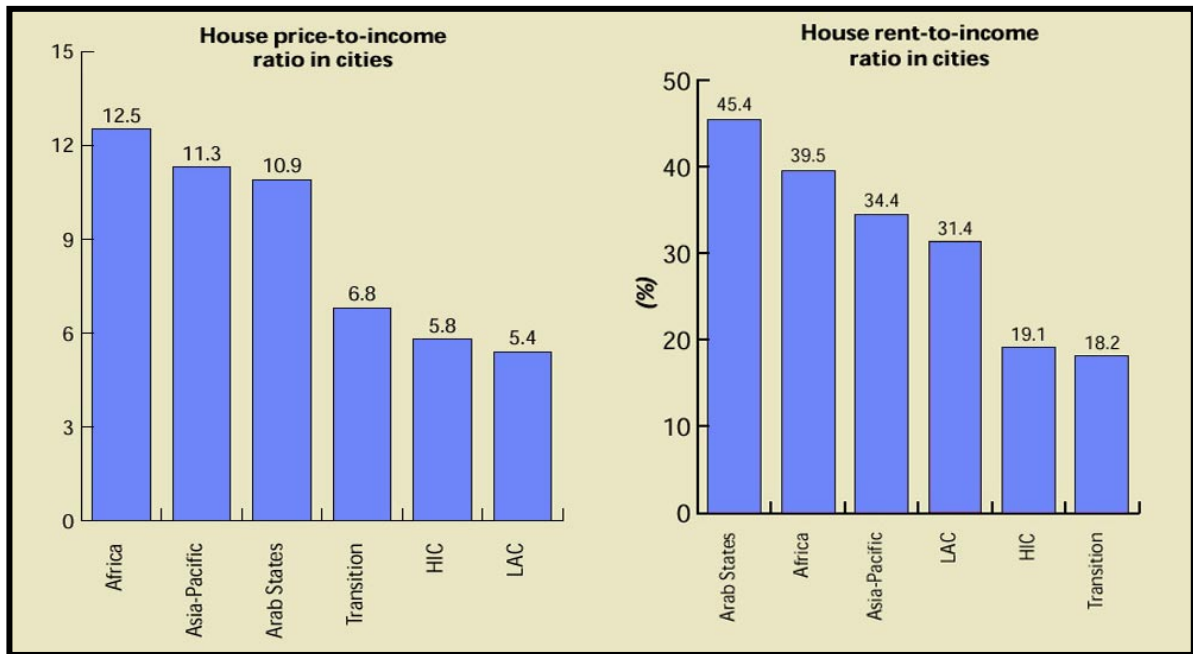


Fig. 3.11 : House Price & House Rent to Income Ratio by Region

Source : UNCHS, 2001, p. 31

In many 3rd world countries, the existing housing stock could not cope with migration reaching the cities and with urban population expanding by the years. Due to the formal construction methods, a proper house is clearly beyond the reach of most poor families.

3.1.2.2. Land Invasion or Acquisition

The actual structure of land property, in third world countries must be the important element of analysis with respect to land acquisition for illegal settlements. Most of these countries are characterized by large landowners; it means that a minority of the population owns the majority of the land. The particular form of land occupation that has developed depends upon the local pattern of land ownership, the price of peripheral land, the attitude of the political authorities, the political organization of the poor, the physical nature of the terrain and the pace of urban growth. The most critical element has been the reaction of the state. In some places, the authorities

were fully prepared to tolerate invasions or illegal forms of settlement. In other situations, the authorities did not share this attitude. (Florian, Velasco, 2000)

In addition to those who manage to buy a plot in the formal market, there is a semi-legal (semi-illegal) mechanism to acquire land which is in the hands of those popularly known as private urban developers. These "entrepreneurs" are dedicated to "selling" land possession, an intermediate stage among invasion and ownership. Their business consists of invading huge plots of land that they detect as "free" (public, in a legal dispute, owned by foreign people or not looked after) and wait until real possession is given to them. Following, they sell the rights to people that only have to wait the legal term to achieve tenure and who are at no risk of eviction. Another business of these urban developers is to sell those legal lands that are not destined for housing, protected by the incapacity of the city to design and control land zoning, or by the "approval" of political forces. The presence of these developers is remarkably large, and it shows the economic interests that the informal housing production process inspires. As a complement, and considering that invaded land has a market, it is also common to see "professional invaders", who are dedicated to obtaining land and starting the legal process on a reduced (unitary) scale. (Florian, Velasco, 2000)

By another choice, people have the option to invade land. In this case, they might be lucky and find a plot which is free and where they can settle with the intention to stay, or they can find a way to gather political support from a local government. Then land invaders must start a legal process to acquire the property.

3.1.2.3. Legalizing the Plot and House

A legal problem is generated when lands are invaded. Different norms give access to property by different modes, and a long and specialized process is needed in order to solve such problems. Most of the time the solution is inaccessible and the law protects landholders. If the conditions to obtain the title are given, the

complicated legal structures that must be utilized to achieve the property rights generate additional requirements.

Many of the 3rd world government attempted to legalize existing illegal settlements and prohibited new ones as a prevention policy in time. Governments openly promised to give land titles to the inhabitants of illegal settlements, in effect indirectly encouraging them. Building and use permits can be issued after improvements are made and pardons granted even when buildings were constructed in violation of planning and building regulations.

In Turkey, in keeping with the government's liberal policies, legalization laws facilitate the process of giving title deeds to inhabitants. With these laws, formalities for land registration were eased and upgrading and development plans were no longer a condition. Pardoning has allowed cities to legalize the settlements and provide them with public services. (Keleş, Geray, 1995)

3.1.2.4. Improving the Circumstances and Connecting to the City

In the first days of land occupation, the shack is the first attempt of a family and demonstration of their presence to the authorities. Some shelters are not improved for several years, although those are the ones located in conflict areas or where the authorities have destroyed settlers. Also, rudimentary shelters are frequent when tenure is uncertain; residents do not improve their dwelling when there is high risk of having it destroyed by the local government.

The majority of self-help homes improve over time. Once the settlers know that they will be left alone, they begin to consolidate. Titles are not absolutely necessary, and signs of authority approval are enough to propel improvements.

In the illegal settlements of Latin America, wooden or corrugated iron shacks may front some plots but a concrete and brick room is usually under construction behind. The owners spend their spare time constructing the permanent home, and if they do not have enough expertise, neighbors and kin offer expertise. When the owners do not know how to undertake some task, external work is hired; plumbing and electric installations are placed that way. Some tasks require several simultaneous workers, and neighbors usually perform those jobs in a cooperative manner. Installing a concrete roof over the weekend is a regular practice. (Florian, Velasco, 2000)

Because of the settler's work, some settlements are gradually transformed from poor-primitive structures into consolidated neighborhoods. Some families develop much faster than the others, the critical variable being the availability of money to buy construction materials and provide-hire labor. Families with savings can improve their homes rapidly, and those who lack funds remain in a basic hut or fail to move into the settlement at all, continuing to share or rent accommodation somewhere else.

The squatter begins its social metamorphosis as a village dweller, changes into a rural migrant and low-paid worker in the city, turns into a squatter and finally, if successful, integrates himself into the city to become an urban dweller. Urbanization among rural migrants appears to them mainly as a process of economic and occupational integration rather than strictly a matter of culture change. The illegal settlements have a variety of associations established for social activities. These are for contact with the city authorities, political parties, and government. There are essentially pressure groups designated to protect the property, develop the community and secure the basic urban facilities such as water, electricity and bus service from the city authority. Political organization and action in the squatter settlements are by far the most dynamic form of interaction with city and national governments; they are a vehicle for making the squatter settlements progressive, usually in the political systems that compete for the votes

of the electorate. Hence, the squatter attach great importance to the political parties and the right to vote not only as channels of communication and pressure on authorities but also as mechanism for integration into the city. (Karpat, 1976)

Their struggle for survival as a community and as individuals in the city eventually creates habits of collective action, a sense of communal and civic responsibility. Political groupings and associations become also channels of communication through which the squatters gradually define their new urban identity and relate themselves to the outside world, on the basis not only of tradition but also of rational decision and interest. Indeed, if the squatters' integration into the city is delayed, their economic situation worsens and their sense of alienation deepens, they may turn into a formidable radical political force.

In most of third world country, adequate shelter requires utilities and initially, a community may steal what it needs. Illegal settlers need city amenities and in some situations they bring them illegally. Tapping into the water lines is a regular practice and linking a transformer to the electricity mains is an easy task for a local electrician. Illegal tapping of infrastructure is unsatisfactory, not long-term solution, unsustainable and even dangerous. The local governments are not likely to provide services to these settlements for several reasons. First of all, scarcity of resources, second in several occasions the areas are not included in the local jurisdiction, and finally, the cities do not have the administrative, technical or physical capacity to cope with the demand. By any manner of means, the settlements acquire water, sewerage and electricity. One alternative is to obtain investment from the public sector to build infrastructure and receive regular services, the second option is to negotiate sharing the costs and having credit to fund the infrastructure. The third solution is to maintain the illegal connection, and the final alternative is to raise political support. Sewerage, water, electricity and access are the principal physical services that the new residents require from the city; however, these are not the only ones. Health, education and employment as well as social and cultural

incorporation to the "formal" society are also needs of the disadvantaged population. (Florian, Velasco, 2000)



Fig 3.12 : Illegal Tapping of Infrastructure (Electricity), Buca, İzmir

Source : CP 501-502 Planning Studios, İzmir Institute of Technology, Faculty of Architecture, Department of City and Regional Planning, City Planning Master Programme, 2001-2002

3.1.2.5. Investing as a Rentier

It is clear that the house is the major destination of investment in the household. In some of the 3rd world countries, like Turkey, after a short time illegal occupation, illegal settlement dwellers expect to become the legal owners of the lands and the houses by the governmental legalization process. If the dwellers own the property by this way, they get success at free enterprise. Not at the beginning of the illegal building production process, but after the former migrants get expertise, there have been dealers who have built and sold (also rent) dwellings to migrants and become rich in the process. Since this dilemma exists, illegal housing loses its position as being a shelter accommodation.

There are many factors to invest on real estate. The reasons are, first of all, that "real estate" is the safest investment. Second, low-income populations do not have access to regular financial institutions to save and obtain interests (or if they do, the conditions are not optimal, considering the small amounts they are able to save). Third, the upgrading of the house provides a feeling of belonging to the city and the neighborhood in better conditions. Fourth, once the family satisfies its needs, the household focuses its efforts towards the construction of additional rooms that can provide extra income and receive other family members. The construction of additional storeys and rooms for rent closes the informal housing production cycle; several families start the business to receive the new comers and extra income. (Florian, Velasco, 2000)

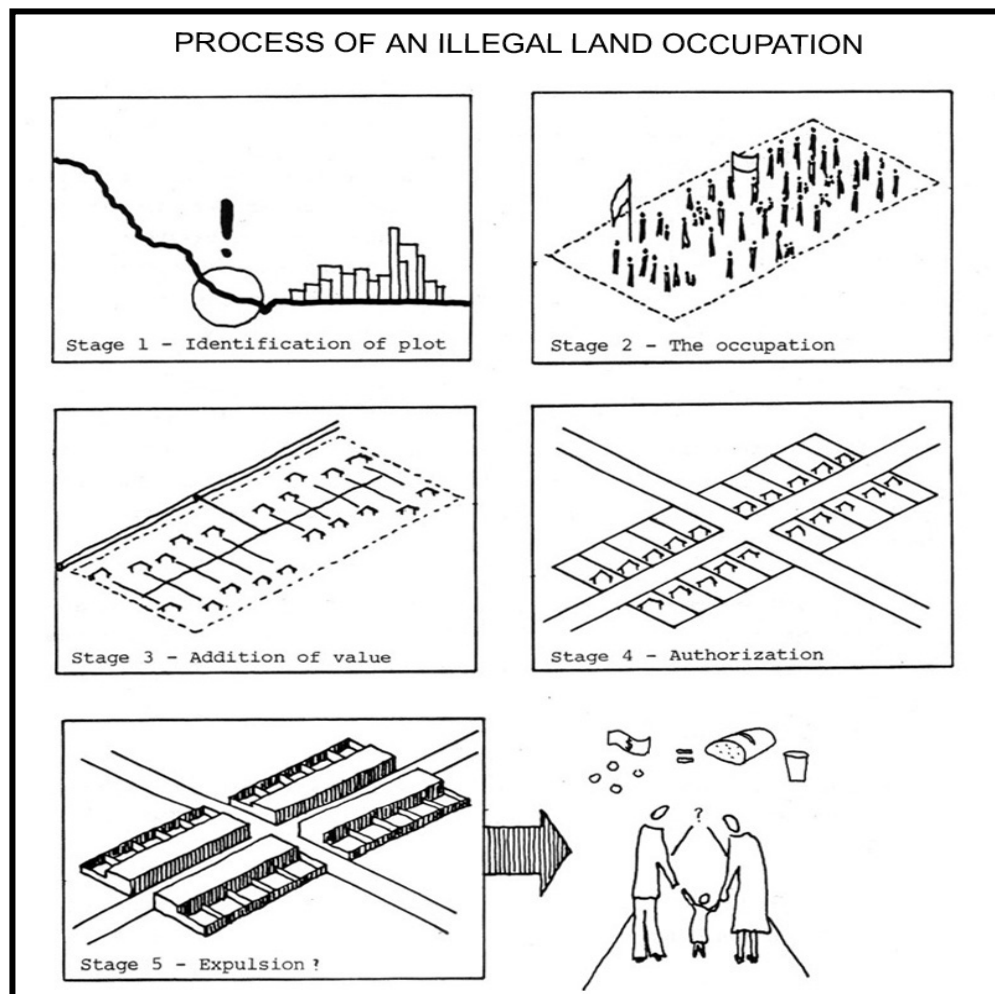


Fig. 3.13 : Process of a Illegal Land Occupation

Source : Vittrup, 1982, p. 30

3.2. Illegal Settlement Examples from 3rd World Cities

The United Nations Committee on Housing, Building and Planning reported that a survey on world housing has confirmed the view that those living in slum and squatter settlements now account for one quarter to one third of the urban population of most rapidly urbanizing developing countries and that this proportion is itself growing rapidly. More than one billion of the world's urban residents live in inadequate housing, mostly in the sprawling slums and squatter settlements in developing countries. Clearly, the rapid growth of slum and squatter settlements is the major factor determining the character of cities in the developing world.

“The lack of adequate housing in the cities of developing countries is one of the most pressing problems of the 21st century, and the cost of providing adequate shelter for all is economically impossible. But, the cost of doing nothing may be even greater. The global housing stock in cities amounts to 700-720 million units of all types. A significant number of those housed, can not be regarded as living in adequate shelter. Worldwide, 18 percent of all urban housing units (125 million units) are non-permanent structures and 25 percent (175 million units) do not conform to buildings regulations. Most insufficient units are found in the cities of developing countries, with more than half of all less than adequate housing units located in the Asia and Pacific region. In the cities of developing countries, housing delivery systems need to cope with an annual additional demand of some 18 million units, amounting an annual increase in housing stock of nearly 5 percent.“(UNCHS, 2001, p. 30)

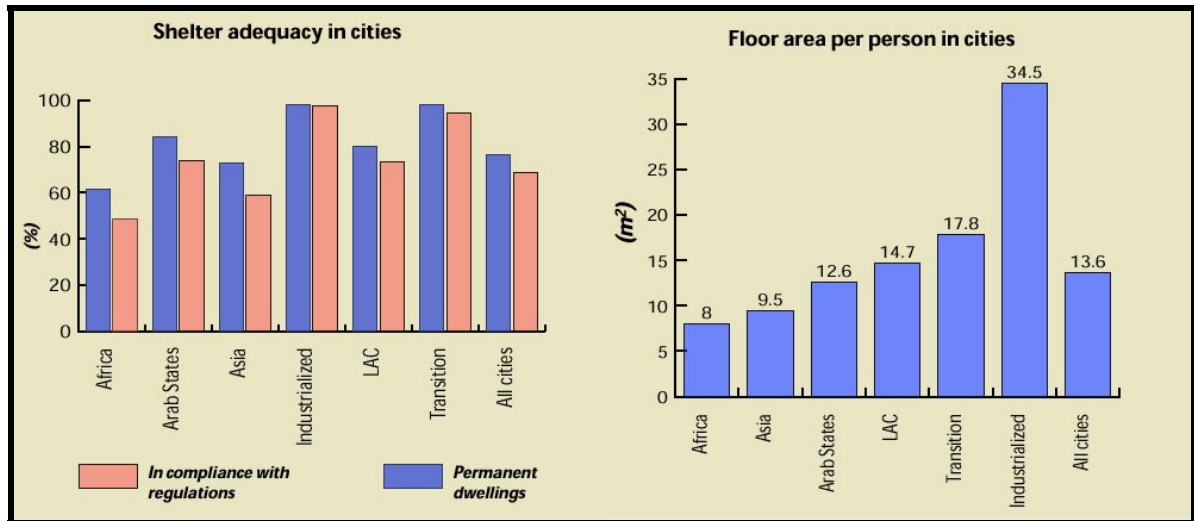


Fig. 3.14 : Shelter Adequacy – Floor Area per Person in Cities by Region – 1998

Source : UNCHS, 2001, p. 30

According to the recent studies of The Panos Institute (www.panos.org.uk, 2000), cities from the developing world shows different variations as above :

- Between 30 and 60 per cent of urban populations in developing countries currently live in slums and informal settlements. Such settlements are likely to account for between 75 and 90 per cent of future urban growth.
- In Cairo, 84 per cent of the population were living in slums in 1990, including thousands who live in a vast cemetery, the “City of the Dead.”
- 19 per cent of the population of Sao Paulo, Brazil, lived in *favelas* (slums) in 1993, up from 9 per cent in 1987.
- 18 per cent of urban households worldwide did not have access to safe water in 1994, and 37 per cent lacked sanitation facilities.
- Typically, people in cities of developed countries use 272 liters per day while the average in Africa is 53 liters per day.
- Between one-third and one-half of the solid wastes generated within most cities in low and middle income countries are not collected. They usually end up as illegal dumps on streets, open spaces and wasteland, blocking drains and contributing to flooding and the spread of disease.

- Contaminated drinking water and an inadequate supply of water account for 10 per cent of the total burden of disease in developing countries.

Squatter settlements occupy a high percentage in the total urban population in nearly all the developing world. For instance, the United Nations has estimated that the uncontrolled or squatter settlements in 23 countries in Africa, Asia and Latin America account for roughly 35 percent of their total urban population. Result of a UNCHS survey, which was about “the squatters in selected cities of the world”, was illustrated in Table 3.1 :

City	Country	% *
Guayaquil	Ecuador	49
Ulaanbaatar	Mongolia	48,4
Monrovia	Liberia	42
Tacna	Peru	30
Mysore	India	18,9
Lima	Peru	18,8
Bankok	Thailand	17,9
Phnom Penh	Cambodia	16,4
Jinja	Uganda	16
Pokhora	Nepal	14
Camaguey	Cuba	10,3
San Salvador	El Salvador	9,5
Cajamarca	Peru	8,5
Vientiane	Lao	7,4
Bishkek	Kyrgyzstan	6
Algiers	Algeria	5,9
Buenos Aires	Argentina	5,7
Cebu	Philippines	5
Vina del Mar	Chile	3,9
Cienfuegos	Cuba	3,3
Belgrad	Yugoslavia	2,3
Valparasio	Chile	1,67
Katowice	Poland	1,5
Kuwait	Kuwait	0,8
Ljubljana	Slovenia	0,1
Yerevan	Armenia	0,04
Gdansk	Poland	0,02

Table 3.1: Squatters in Selected Cities of the World – 1998

* House-holds Living as Squatters

Source : www.unchs.org

“Squatter or uncontrolled settlements appear under a variety of names reflecting the local culture and the specific circumstances of their establishment : gecekondü, “built over night”, (Turkey); favela (Brazil); barriadas (Peru); villas miseria (Argentina); ciudades asilas or ciudades de refugio (Colombia); colonias proletarias (Mexico); corralones, pueblos jovenes (Peru); barriadas brujas (Panama); poblaciones callampas (Chile); cantegriles (Uruguay); rancheros or conqueros (Venezuela); barrios de los pobres (Ecuador); barrios piratas and arrabales elsewhere in Latin America; bustee or basti (Calcutta-Delhi); chawls (Bombay); ahatas (Kampar); cheris (Madras); sarifa (Iraq); berraka and nouala (Morocco); bidonville (Algeria-Morocco); gourbivilles (Tunisia).” (Karpat, 1976)

These variations from the 3d world counties is illustrated below :

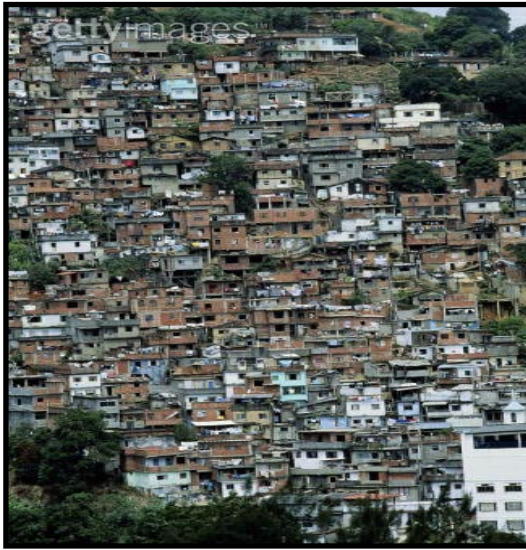


Fig. 3.15 : Slum Area, Rio de Janeiro-Brazil



Fig. 3.16 : Favelas in Rocinha – Brazil

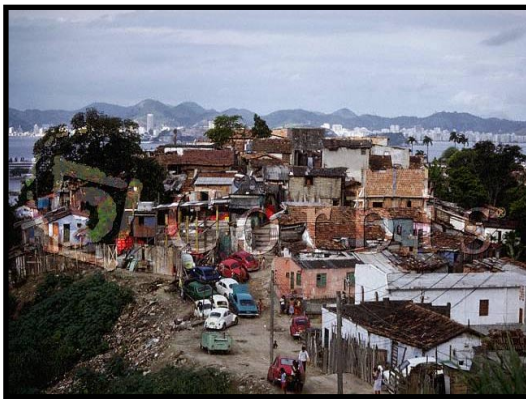


Fig. 3.17 : Rio de Janeiro Slum-Brazil



Fig. 3.18 : Favelas– Brazil

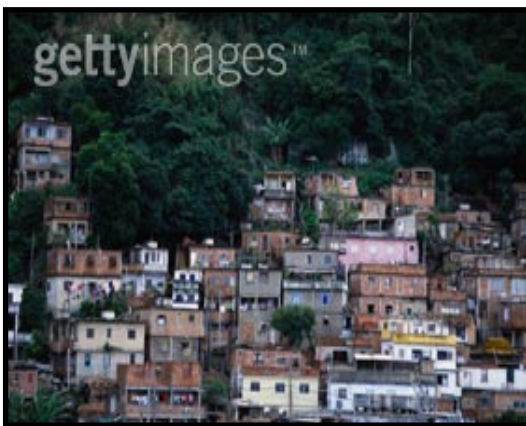


Fig. 3.19 : Rio de Janeiro Slum-Brazil



Fig. 3.20 : Rancheros in Caracas-Venezuela

Sources of Figures 3.15 – 3.20 : www.corbis.com & www.imagebank.com

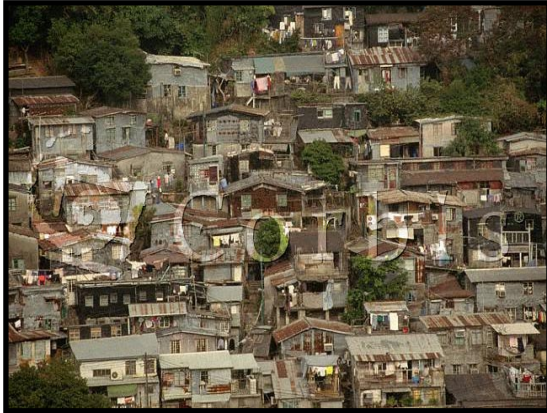


Fig. 3.21 : Ma Hang Squatter-Hong Kong



Fig. 3.22 : Bandra Slum-Bombay-India

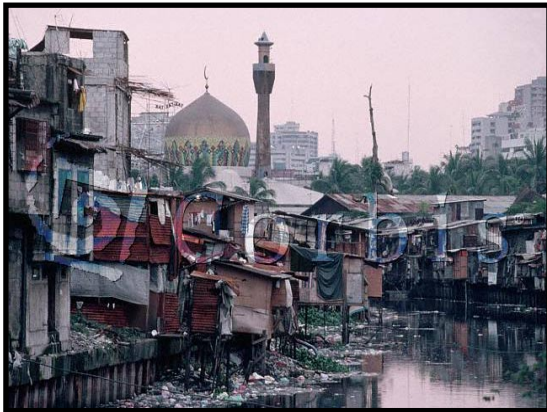


Fig. 3.23 : Slum Area in Manila-Philippines



Fig. 3.24 : Chawls in Bombay-India

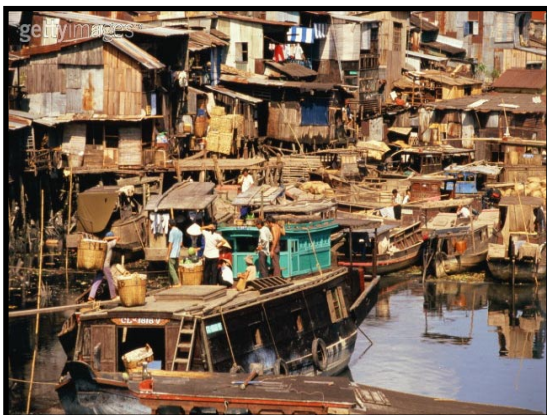


Fig. 3.25 : Ho Chi Minh Slum-Vietnam

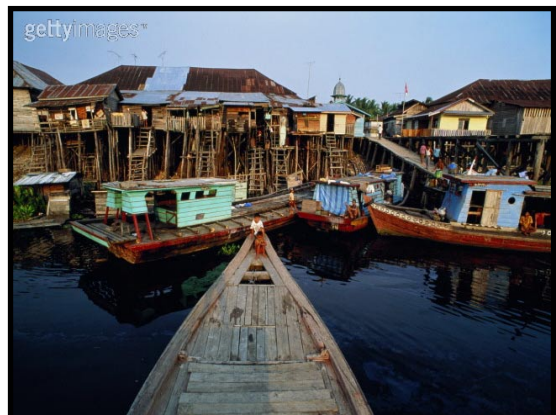


Fig. 3.26 : Shantytown in Sumatra-Indonesia

Sources of Figures 3.21 – 3.26 : www.corbis.com & www.imagebank.com



Fig. 3.27 : Squatter Settlement in S.Africa



Fig. 3.28 : Squatter Settlement in S.Africa



Fig. 3.29: Shantytown in Cape Town-S. Africa



Fig. 3.30: Informal Settl. in Cape Town-S.Africa



Fig. 3.31 : Slum Area in South Africa



Fig. 3.32 : Squatter in Soweto-South Africa

Source : www.lib.washington.edu

Sources of Figures 3.27 – 3.31 : www.corbis.com & www.imagebank.com

3.3. Illegal Settlement Production Experience of Turkish Cities

Rapid growth and massive migration in Turkey since 1950s has increased the share of urban population. This rapid urbanization has turned the largest Turkish cities into sprawling metropolitan areas. The most severe consequences of accelerated urbanization are concentrated in Turkey's three major cities; Istanbul, Ankara and Izmir. Almost two-thirds of all squatter housing was built in and around Istanbul, Ankara and Izmir. The other cities of Turkey which has illegal settlement areas are Adana, Bursa, Diyarbakır, Erzincan, Erzurum, Hatay, Iskenderun, Mersin, Samsun and Zonguldak.

“As a result of the inability of both private and public sectors to provide decent and affordable accommodation to rural migrants, the number of squatter houses in Turkey increased from 240.000 in 1960 to 2.5 million in 2000. These unauthorized dwellings currently make up the quantitative deficit in housing supply. At present 70 percent of the inhabitants of Ankara and more than 50 percent of the inhabitants of İstanbul and İzmir live in squatter settlements. More than illegally built dwellings are located in the largest five agglomerations. The share of the capital city Ankara alone is 30 percent of the total. It can safely be assumed that as much as 29 percent of the urban population (a total of 12,5 million people) is currently living in the 2,5 million gecekondus in the major cities.” (Keleş, 2001)

3.3.1. Gecekondu

Gecekondu: It has come to refer to spontaneous housing developments generally. But actually, gecekondu must be regarded as invasions on public or privately owned lands. These are numerous in Turkey's larger urban areas. Such spontaneous settlements are found in developing countries worldwide. They are evidence of insufficient and inefficient policies for providing land, affordable housing, infrastructure and services in cities. (Geray, Keleş, 1995)

Officially, gecekondus are defined as “dwellings erected on land and lots which do not belong to the builder, without the consent of the owner and without observing the laws and regulations concerning construction and building”. (Law 775 of 1966 – Gecekondus Law)

Most of gecekondus share certain characteristics. They are usually built on public or somebody else’s land without regard to building codes and regulations, they were built without a building permit and the areas where they are found are either inconsistent with residential use, or it is a violation of city development plans and other land use regulations.

Claiming unused public land was a common practice in rural Turkey, where land ownership could be established by use. Two – thirds of all gecekondus have been erected on government land, which was plentiful in and around the major cities. Each year, more unused land was claimed as new gecekondus sprang up and existing settlements expanded. The organizers of the illegal land occupation are usually a small group of people, often with previous experience, who engage in act either in response to pressure from relatives and fellow villagers or simply for profit. (Danielson,Keleş, p 165,1995)

According to the 1991 State Planning Survey, the majority of gecekondus were constructed between 1970 and 1979. A large number were continued to be built after the 1980. The presence of a marginal population in the cities settled as squatters was still considered as temporary anomaly. By the 1950s when the squatter population made up some 15% - 20% of the total urban population and continued to grow, authorities were forced to recognize that certain structural problem existed.

In the early years of gecekondus development, they were built as a shelter of poor migrants. Traditional gecekondus was built in a hurry with substandard materials, the structure was weak and vulnerable. Houses were hastily built and they were

grouped together for security from a hostile outside world. Spatial organization in the gecekondu was strongly influenced by village settlement patterns.

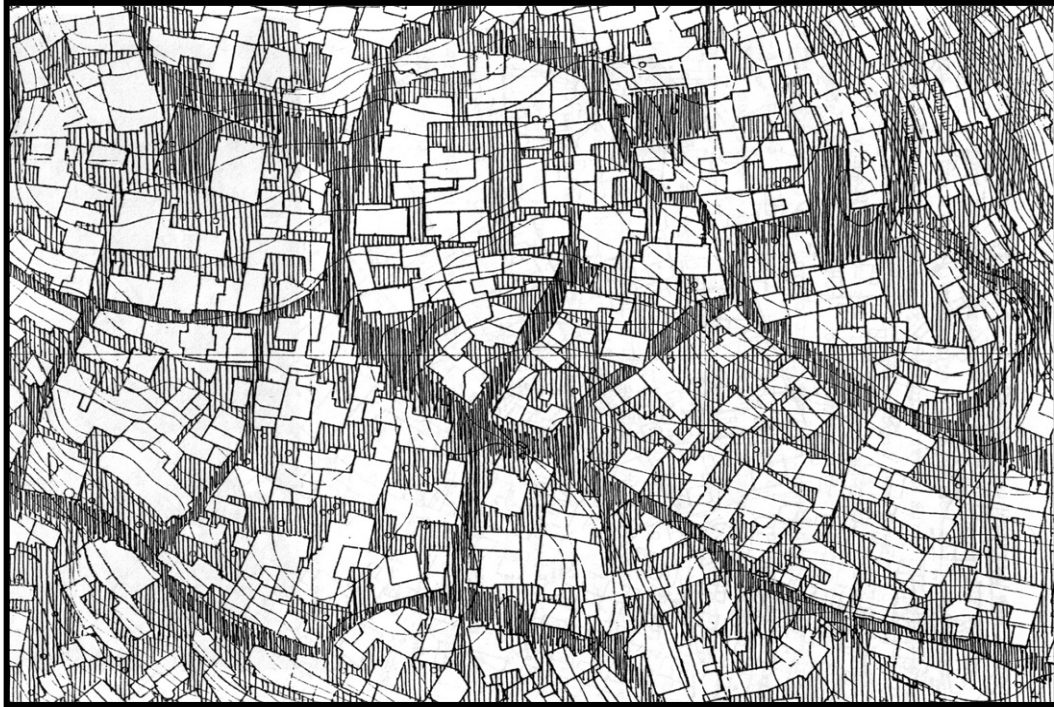


Fig. 3.33 : Pattern of Old Gecekondu Settlement

Source : Ankara Nazım Plan Çalışması, 1970

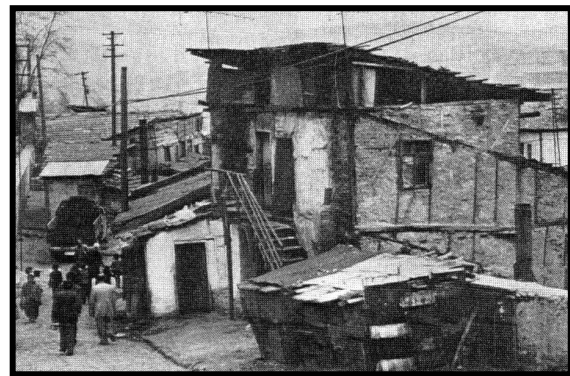


Fig. 3.34 : Old Gecekondus in Ankara-Altındağ Fig. 3.35:Old Gecekondus in Ankara - Hacıbayram

Sources : Marcussen, 1982, p. 118

The first gecekondu appeared at the end of World War II on the outskirts of Ankara and Istanbul. For instance, in Istanbul, settlers erected the first gecekondu in Zeytinburnu in 1947; six years later the settlement population reached to 50000

people. In this connection, the first gecekondu of Ankara were built at the environs of historic castle. According to ŞENYAPILI, this pioneer gecekondu areas of Ankara established between 1940-1950 years in Ankara Kalesi, Ulus and Altındağ districts. (Danielson,Keleş, p 163,1995)

Ankara, Land Area and Population Distribution

Area Definition	Households %	Population %	Gross Area %
Planned	53	43	31
Unplanned			
Pre Plan Area	4	5	
Illegal Condominiums	1	1	3
Squatters	42	51	66
Unplanned Total	47	57	69
Grand Total	100	100	100

Table 3.2 : Ankara, Land Area and Population Distribution

Source : Ankara Master Plan Büro, Urban Development Strategy, 1977

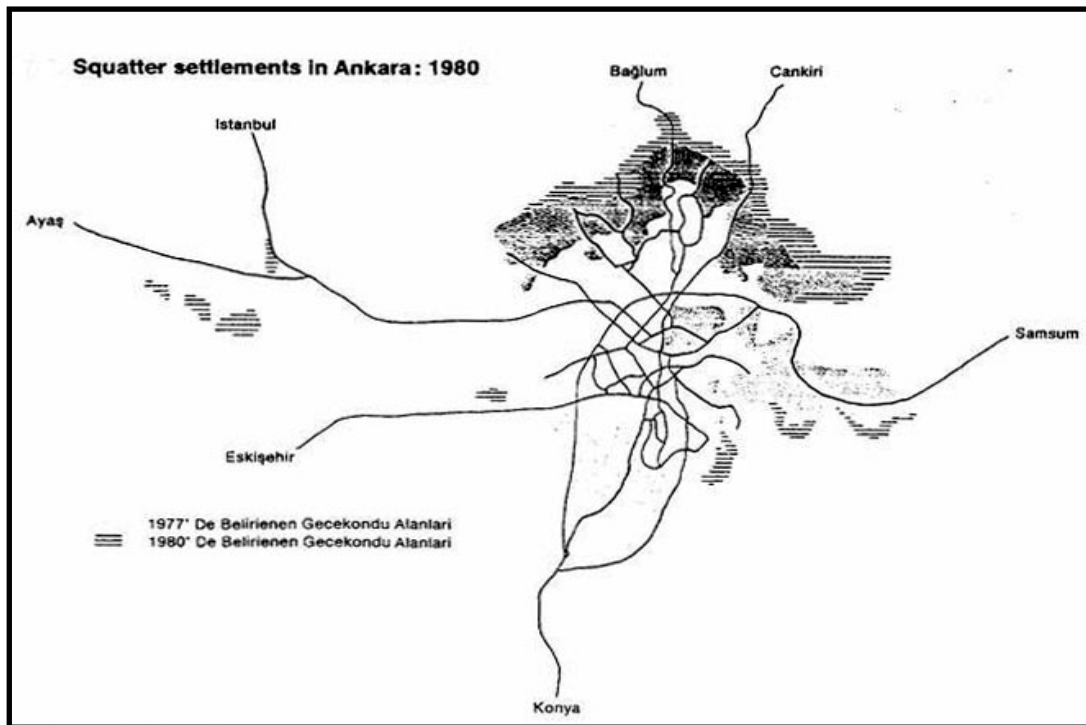


Fig. 3.36 : Squatter Settlements in Ankara Metropolitan City
Source: Ankara Nazım Plan Şeması Raporu 1970-1990

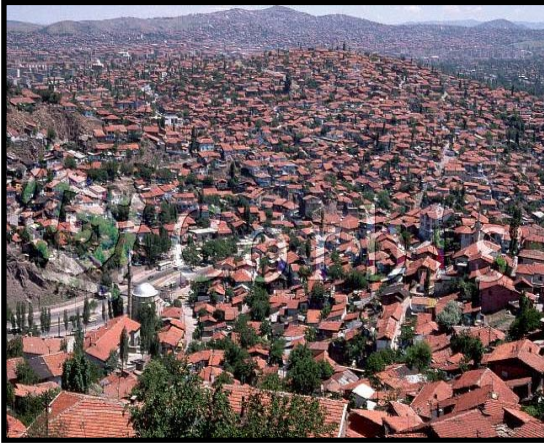


Fig. 3.37 : Squatter Settlements in Ankara



Fig. 3.38: Gecekondu Near Ulus District-Ankara

Sources : www.corbis.com

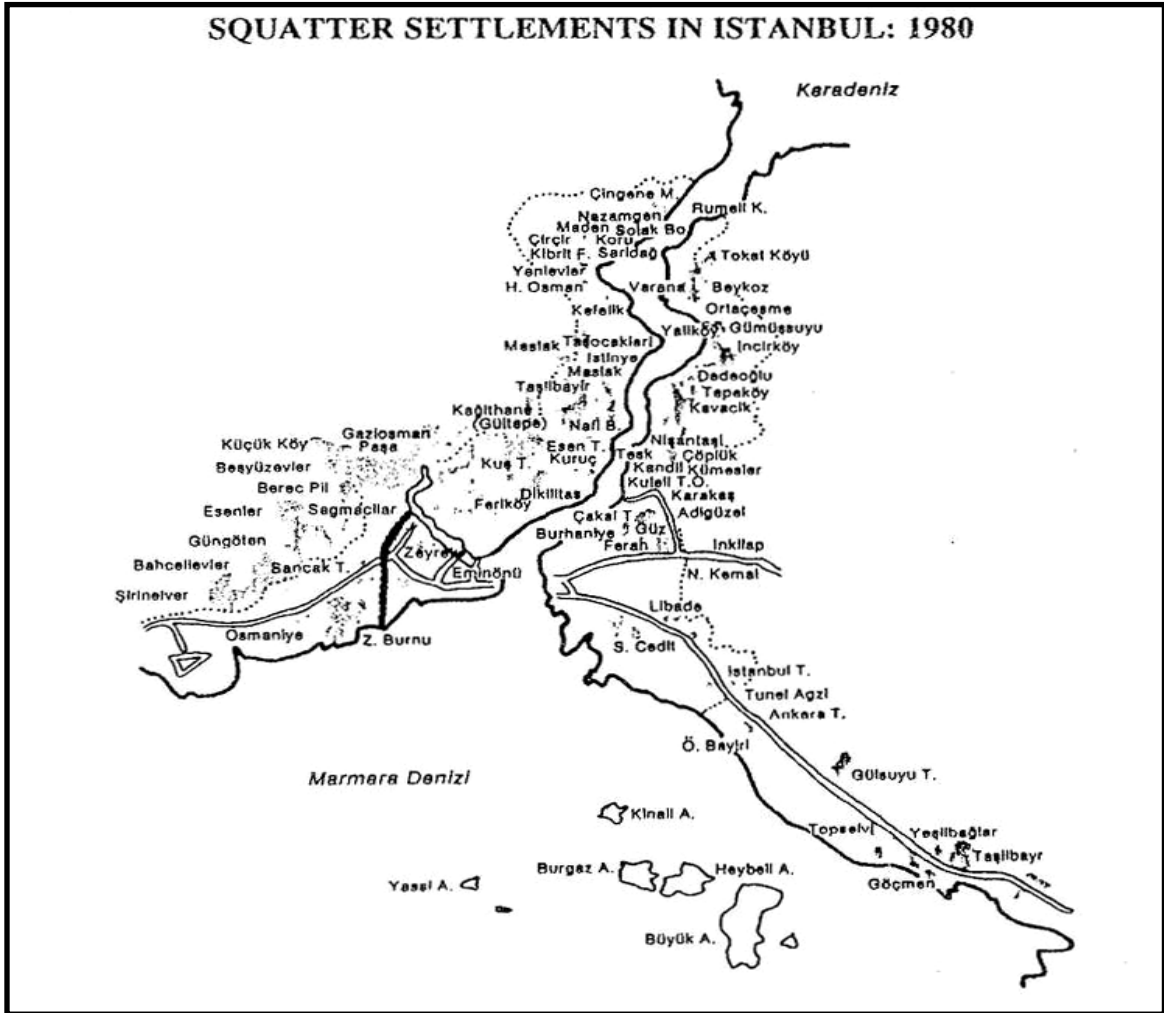


Fig. 3.39 : Squatter Settlements in Istanbul Metropolitan City

Source: ŞENYAPILI Tansı, Gecekondu: Çevre İşçilerin Mekanı, 1982



Fig. 3.40 : Gecekondu Settlement - Istanbul

Fig. 3.41: Demolition of a Gecekondu - Istanbul

Sources : www.corbis.com

During the late 1960s and into the 1970s, the squatting process gradually become more commercialized as squatters began renting out their units – the squatter become an entrepreneur. From the late 1970s onwards, the process become even more commercialized as private firms and developers took the responsibility of securing the land, designing the project and constructing the units. The self-help nature of squatting was replaced by the profit motive. Under these constructions, it is not possible to view the process of squatting as a result of poverty or unemployment. (Keleş, 2001)

Recently, more time and money has been put into their construction and there are even gecekondu apartment houses. Now that most of gecekondu are being built as apartment houses of three or more stories, they have lost their traditional feature of being shelter and also some of them already included into real estate trade. So, illegal building developers specialized in forming new areas and they often get satisfactory profits.

3.3.2. Unauthorized-Illegal Buildings with Shared Deeds or Illegal Deeds

As a result of qualitative transformation of gecekondu, especially after 1980s period, a new type of illegal development has started to establish in Turkish cities. This type of illegal development which is called shared lots / shared deed system (hisseli parsel in Turkish), is differs from gecekondu by its' ownership and structural features such as building material, building quality, building size or storey number. Usually, buildings are physically better than gecekondu. This buildings are erected on multi-shared or private property which means dweller of the building has the own title deed. But, although the land is legal according to ownership statue, building does not have a building permit and occupancy permit (ownership is legal, house is illegal and building process is contrary to building regulations).

Special features of squatter settlements with shared deeds which differentiate it from gecekondu:

- Land is usually generated by illegal subdivision of larger plot by racketeers,
- Buyers can register this shared deed to cadastre office (shared) or certificate it to public notary (illegal) , by then ownership becomes legal that provides security of tenure,
- Physical features and building materials are better than gecekondu, also owners have an opportunity for upgading depend on their household income level,
- Most of these areas do not have development plans, but have a potential to be planned in near future.



Fig. 3.42 : Mevlana District – Bornova / Izmir

Fig. 3.43 :M.Kemal District - Buca / İzmir

Sources : CP 501-502 Planning Studios, İzmir Institute of Technology, Faculty of Architecture, Department of City and Regional Planning, City Planning Master Programme, 2001-2002

The illegal occupation of private land did not originally differ much from the occupation of public land. In this system a real estate broker buys a land in different places and announces it for sale. Prospective customers sign up and begin paying installments sometimes without even knowing where the land, they are supposed to get is situated. When they have paid the agreed amount, they are given a share in the deed on a certain piece of land together with many other families. In some cases, new owners share the land among themselves without any regulation. By then the construction process begins. An ultimate stage of this illegal process is therefore reached when the most families begin redeveloping their plots with multi-story blocks of apartments for improvement, investing on real estate or selling.

The generation of low land prices by the informal real estate sector, attract people with a low income to buy a plot. Consequently they are forced into the illegal land market either by buying a substandard, illegally subdivided plot or illegally occupying private property. Selling or buying this kind of multi-shared lots is not allowed by the laws but it can be made informally or under special circumstances such as inheritance, sales by court order.

Low income families were not always the only people who appropriated land illegally. Kemal Karpat mentions an interesting example of certain conflicts that

might arise among different types of public land invasion. In this case, a retired official had occupied a large tract of land to the vast of Istanbul near the Bosphorus. Then, a group of people, all of them migrants from the same region in Turkey who had lived for several years as tenants in the old district of Rumelihisari, decided to set up their own dwelling on the same land. The invaders found out that the man who illegally occupied this huge piece of land and persuaded him to sell the land at a low price (this sort of transaction is legally useful in claiming that the land was bought). A few days later, the land was divided into several lots and the first 20-30 dwelling were erected in two days. The retired officer forced to receive no more than a symbolic payment. (Karpat, 1976, p.79)

By this process, the development of the informal living spaces has been subjected progressively to the control of racketeer develops, specializes in the illegal subdividing and selling of public and private land, for instance in İzmir there were told in 1979 that the whole gecekondu sector was controlled by some 20 racketeers and real estate brokers. (Marcussen,1982, p. 63)



Fig. 3.44 : Squatter Settlement Sample with Shared Deed System – Late 1960s
Source : İzmir Metropolitan Nazım Plan Bürosu

3.4. Illegal Physical Development of İzmir Metropolitan City

An Aegean metropolitan city, Turkey's third most crowded city, İzmir is gaining importance by rapid urbanization since 1950. İzmir was influenced by the process of development. In this process industrialization, trade and the reorganization of the state motivated the population movement from rural to urban areas. Consequently, migration has been a significant factor in the growth of the city. The process of growth in İzmir City is also related with its environmental-geographic-strategic features such as İzmir Alsancak Port. Hence, figures and tables about İzmir Province is presented below in order to show demographic and physical change.

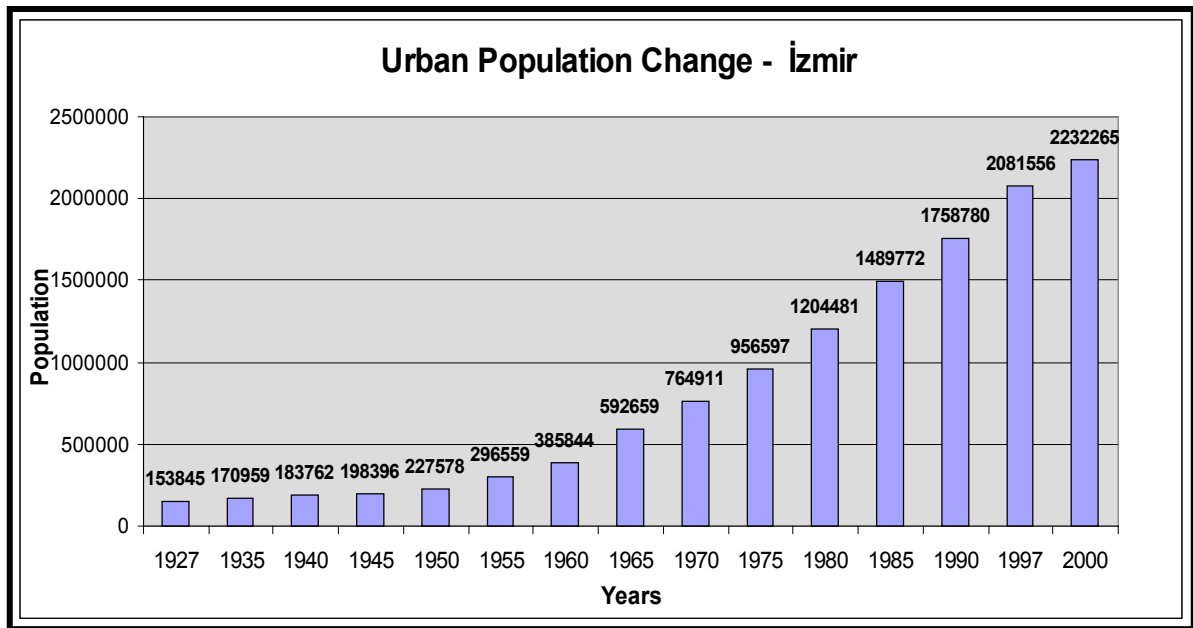


Fig.3.45 : Urban Population Change of İzmir Metropolitan City

Source : DIE Census Data

Periods	1927	1935	1940	1945	1950	1955	1960	1965	1970	1975	1980	1985	1990
	-	-	-	-	-	-	-	-	-	-	-	-	-
	1935	1940	1945	1950	1955	1960	1965	1970	1975	1980	1985	1990	2000
%	1,3	1,5	1,5	2,8	5,4	2,8	5,7	4,6	4,2	3,7	13	3,4	2,4

Table 3.3 : Annual Population Growth Rate of İzmir * Source : DIE Census Data

* 1980-1985 Period : Natural increase & administrative boundary change

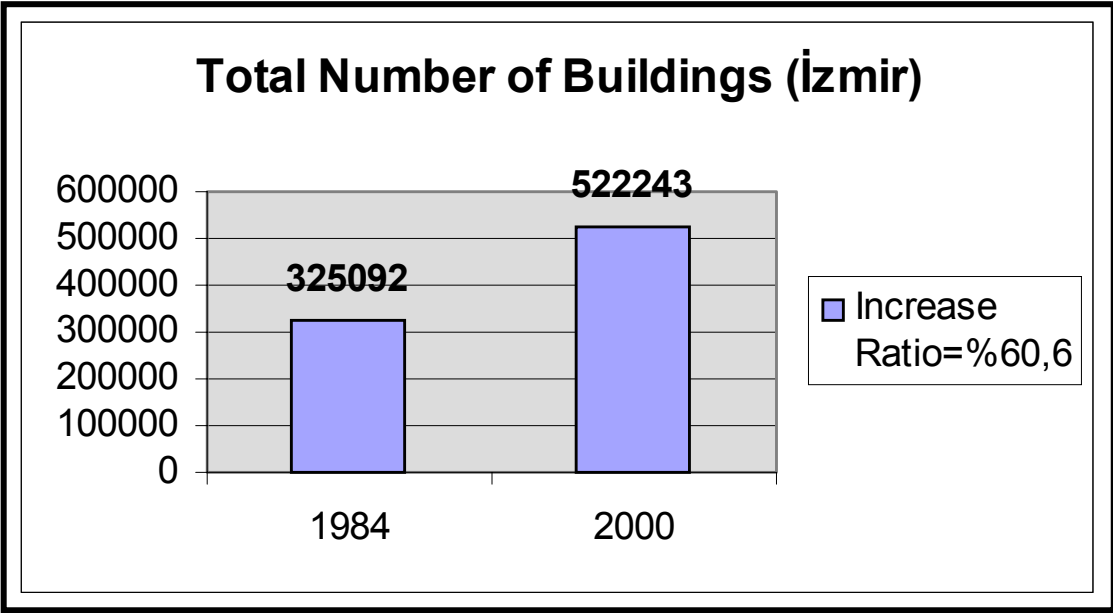


Fig. 3.46 : Total Number of Buildings in İzmir Province
 Source : DIE, Building Stock Survey 2000

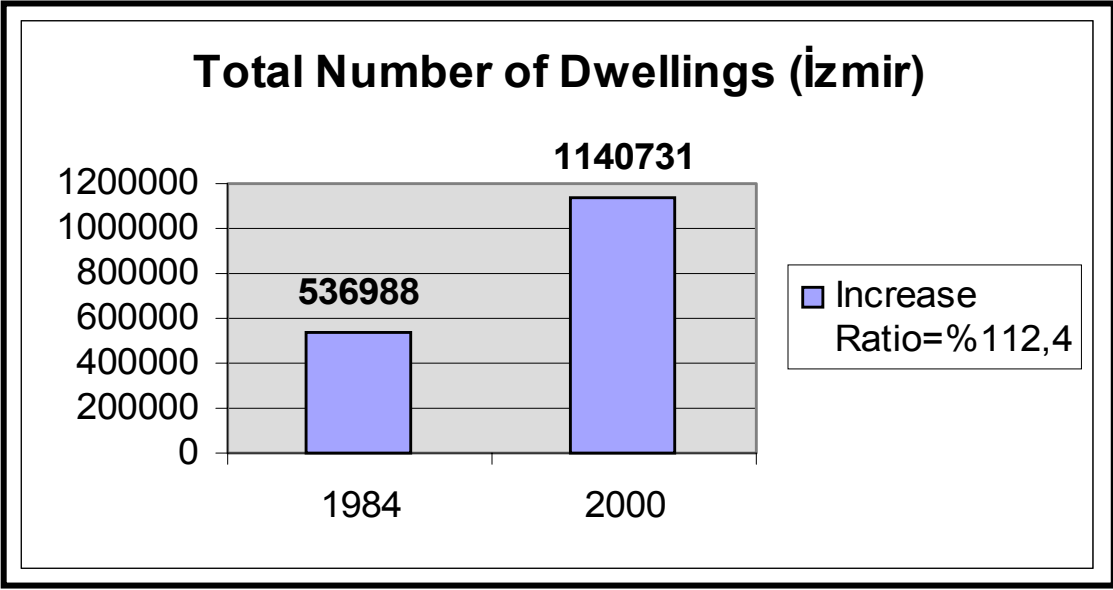


Fig. 3.47 : Total Number of Dwellings in İzmir Province
 Source : DIE, Building Stock Survey 2000

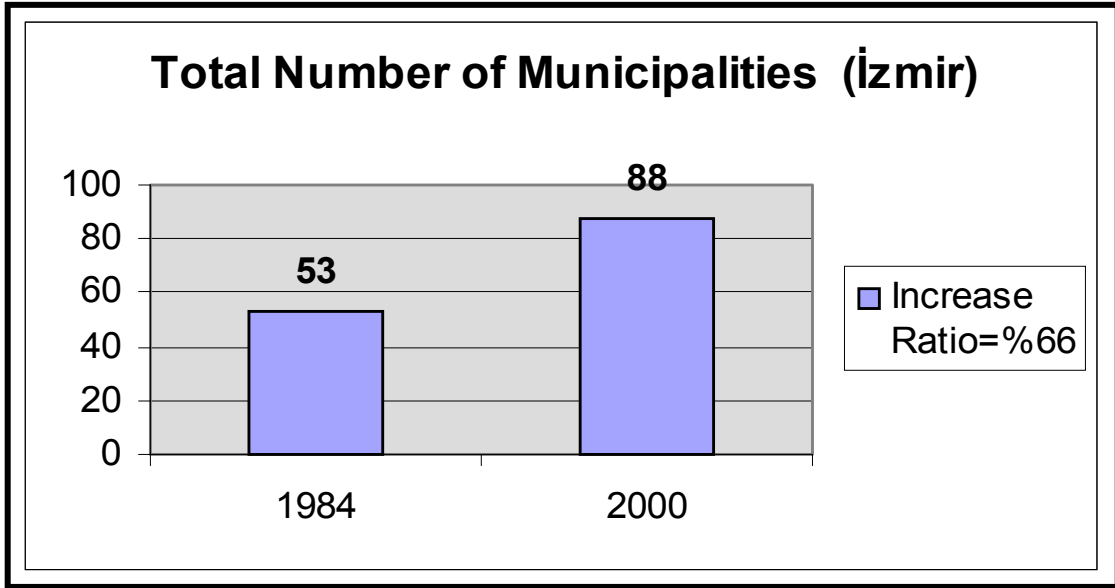


Fig. 3.48 : Total Number of Municipalities in İzmir Province

Source : DIE, Building Stock Survey 2000

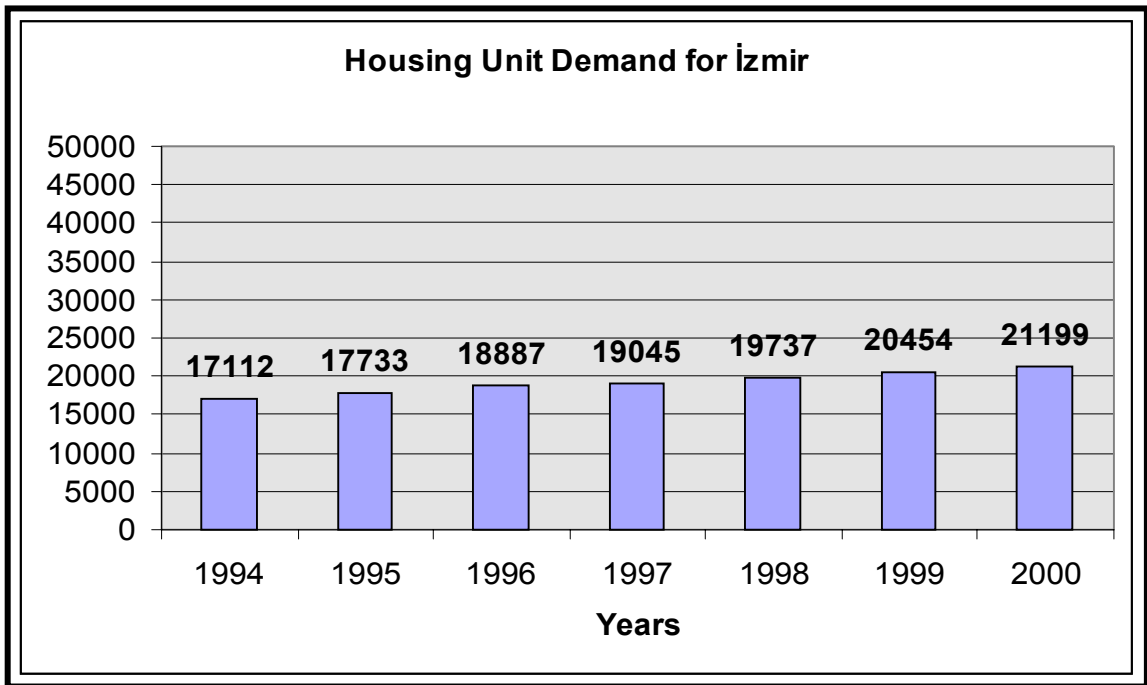


Fig. 3.49 : Housing Demand Estimation for İzmir Metropolitan City

Source : DPT, Nüfusu 20000 ve Üzerindeki Belediyelerde Konut Stoğu ve İhtiyacı Tahminleri, 1994, Ankara

Low-income groups who have moved into İzmir from rural areas in recent years particularly found the urban settlement areas costly and consequently established illegal shanty towns on public lands and privately owned areas that lacking urban services and all kinds of substructures. If we classify the housing areas as legal and illegal, we can say that approximately 58 % of population is living legally, 42 % in illegally constructed houses in metropolitan municipality boundary. The distribution of illegal housing by districts is shown below for year 1986:

(Sevgi, 1988, p 49, 50,51 and www.deu.edu.tr/gundem21)

	<u>Metropolitan Municipality</u>	<u>Konak</u>	<u>Karşıyaka</u>	<u>Bornova</u>
Population (1986)	1.780.476	1077980	424196	278300
Legal Housing (%)	57.90	57.45	52.22	71.82
Illegal Housing (%)	42.10	42.55	47.78	28.18

Table 3.4 : Districts by Legal-Illegal Classification

Source: Sevgi ,1988

In order to examine the illegal development of İzmir City, the process must be defined between different periods. But the dense development process was observed after World War II period.

1923 – 1950 Period: As a result of 1929 global economic crisis, national economy depressed and living circumstances get worsened. In the following years, 1. Kadriye, Yeni istiklal, Zeytinlik and Yeşildere gecekondu areas established which are located in the Basmane-Buca axis. On the Basmane-Çiğli axis, Cumhuriyet and Naldöken districts has started to develop. Between 1935 – 1942 years, no new gecekondu areas observed. After 1942, 2. Kadriye, Kadifekale, Gürçeşme, Boğaziçi, Gültepe, Ferahlı illegal settlement areas constructed.

1950 – 1975 Period: Agora, Şirinyer environs, Bayraklı and environs, Halkapınar, Tepecik, Mersinli, Çamdibi, Altındağ districts established, and former gecekondu areas such as Kadifekale became wider.

After 1975 Period: New illegal development districts established such as Çay Mahalle, M.Erener, Çiçek, Imariye, Cennetoğlu, Vezirağa and Bozyaka near the Kadifekale. On the north axis, Soğukkuyu, Yamanlar, Örnekköy, Yamanlar, Imbat, Maltepe, Güzeltepe, Balatçık and Gümüşpala; on the south axis Uzundere, Özgür, Devrim, Barış, Günaltay, Peker and Yunus Emre; in Buca District, Ufuk, Çamlık, Bahçekapı, Adatepe, Kozağaç, Gediz, Fırat and Çaldıran; on the west axis 2. İnönü constructed illegally. (*Karadağ, 2000, p. 124, 125,126*)

Analytic surveys and projects about the gecekondu development in İzmir are illustrated in figures 3.50, 3.51, 3.52. All the projects were focused only to the gecekondu development in the city. The methods of the surveys were similar. These surveys tried to define gecekondu development zones within the metropolitan city. However the values and presentations are not up to date now.

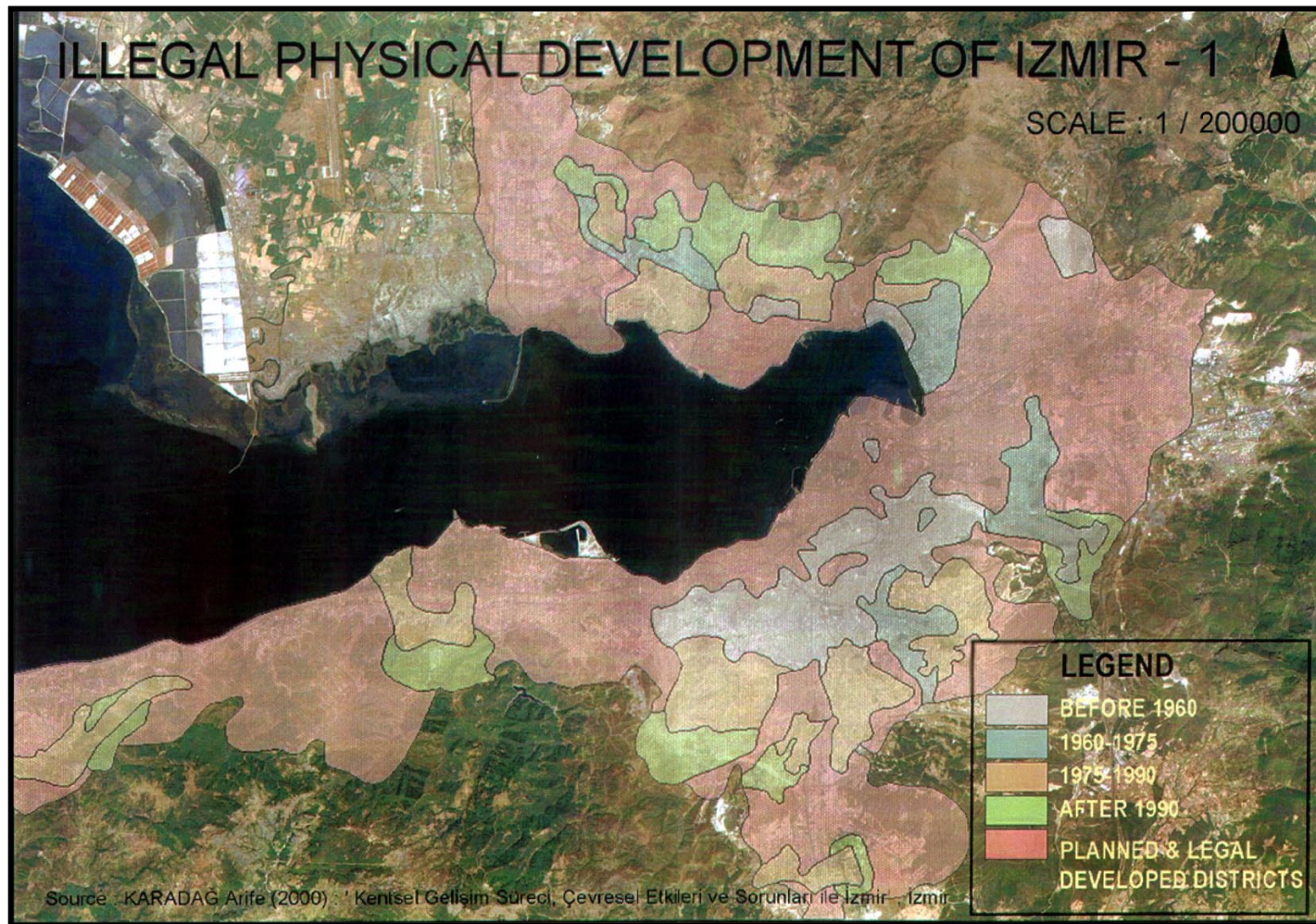


Figure 3.50 : Gecekondum Development in Izmir Metropolitan City – 1
 Source: Karadağ, 2000 – Represented by Ali Kemal Çınar

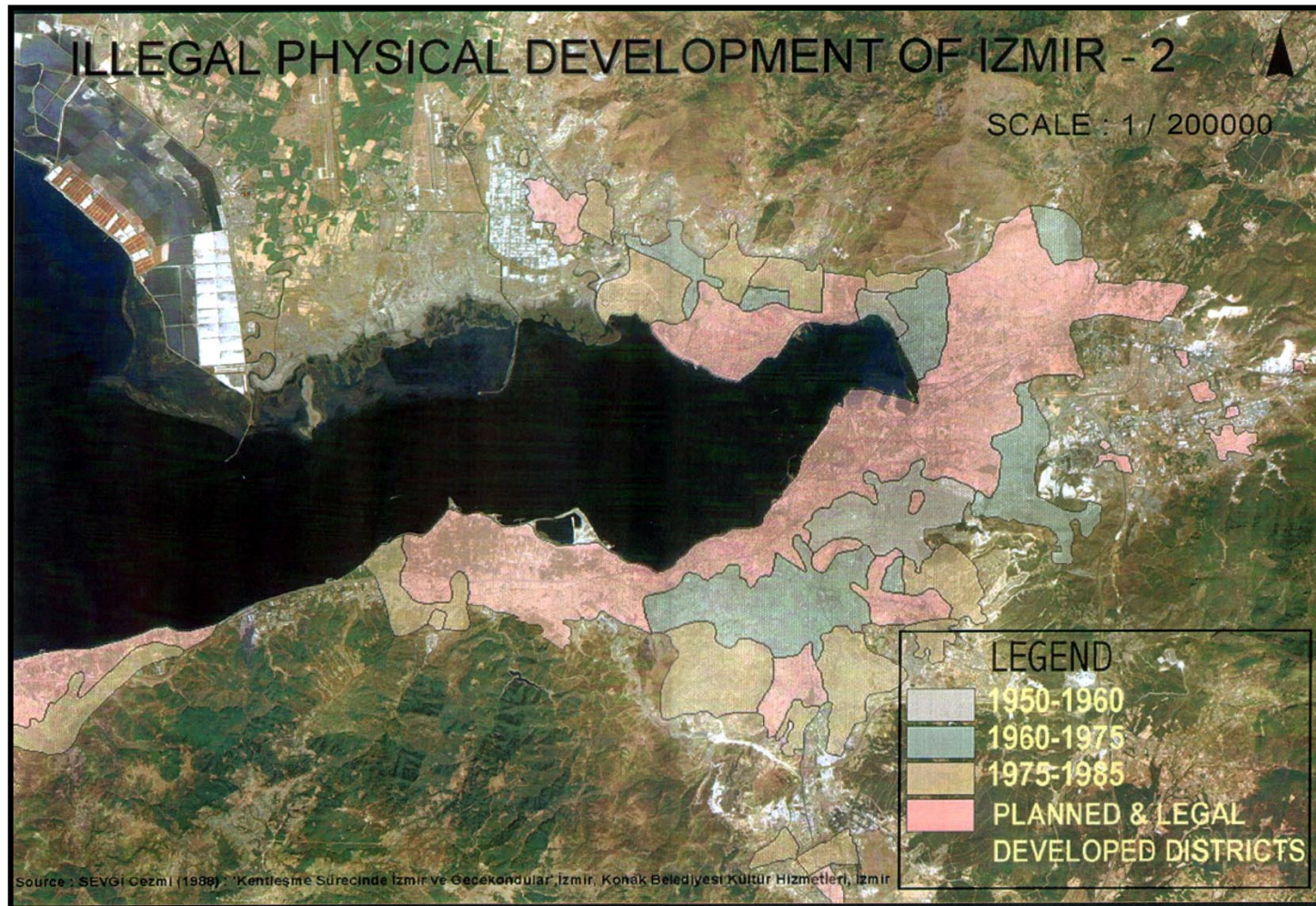


Figure 3.51 : Gecekondu Development of Izmir Metropolitan City – 2

Source : Sevgi, 1988 – Represented by Ali Kemal Çınar

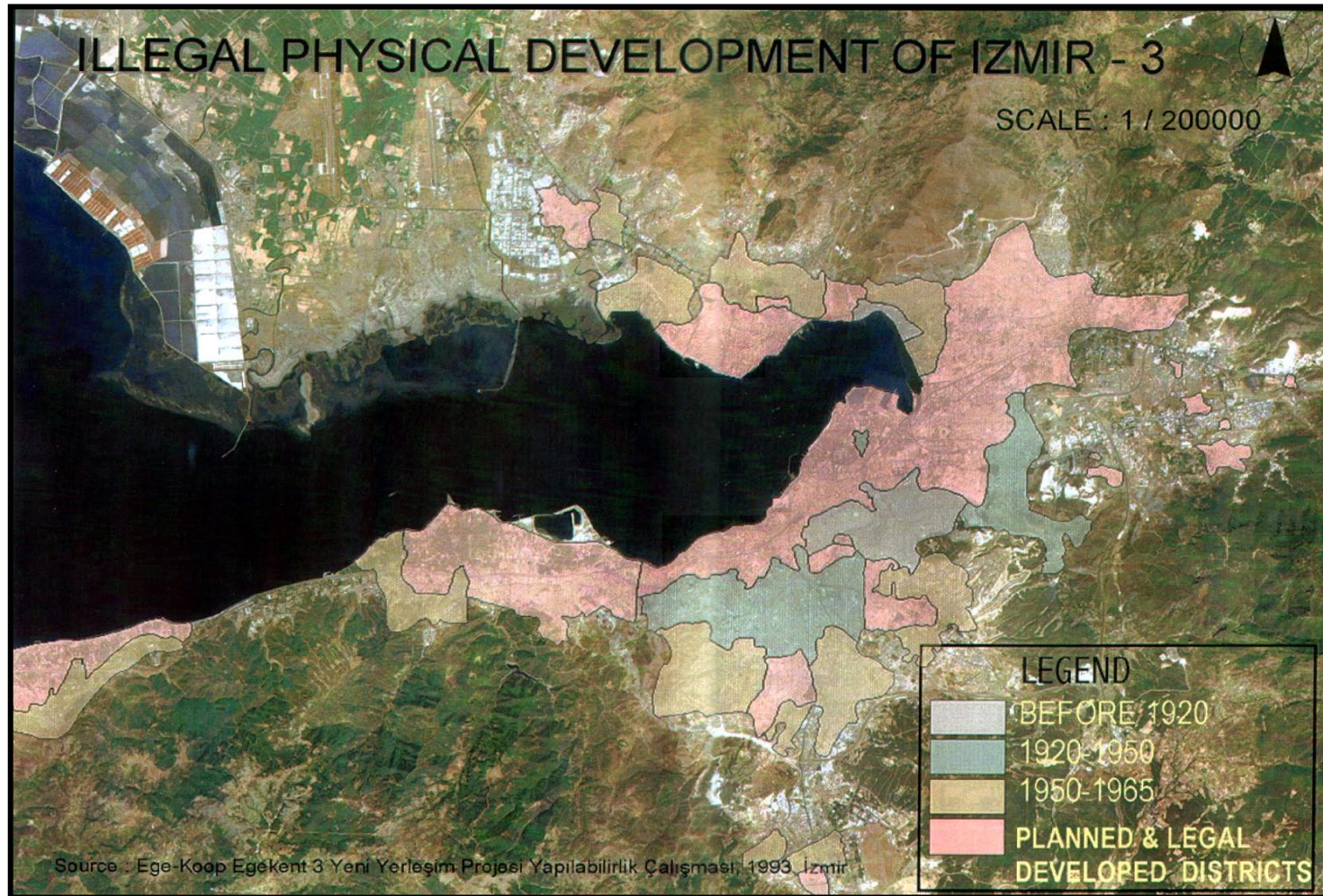


Figure 3.52 : Gecekondu Development of Izmir Metropolitan City – 3

Source: Ege-Koop, 1993 , Egekent 3 Yeni Yerleşim Projesi Yapılabilirlik Çalışması

– Represented by Ali Kemal Çınar

The most recent study on illegal housing areas of İzmir was prepared by the students and academicians of IYTE, Faculty of Architecture, City Planning Master Program 2001 – 2002. Methodology of that study consists of 5 types of classified areas about illegal physical development of İzmir :

1. Improvement Plan (Islah İmar Planı) Zones,
2. Gecekondu Prevention Zones,
3. Gecekondu & Illegal Development Areas,
4. Planned Zones (Formal & Informal Both),
5. Planned Zones (With Planning Breaches).

These classification were analyzed on 5 district-axis as follows :

1. Central Region (Konak),
2. North Axis (Karşıyaka, Çiğli),
3. South Axis (Buca, Gaziemir),
4. East Axis (Bornova),
5. West Axis (Balçova, Narlıdere, Güzelbahçe).

According to this study, squatter & gecekondu areas were illustrated on İzmir City Map (Figure 3.59) and reported values of study areas were presented in Table 3.5. The surveys are up to date and data – geographic integration is reliable when compared to recent similar studies. (see *IYTE, 2002* for details).

In order to show different variations from İzmir Metropolitan area by regional and typical classification, photos from study areas were illustrated :



Fig. 3.53 :Squatter Mevlana Mah.-Bornova Fig. 3.54 : Squatter Near Buca Koop.-Buca



Fig. 3.55 : Gecekondus-Narlıdere1

Fig. 3.56 : Gecekondus-Narlıdere2



Fig. 3.57 : Squatter-Yeşilçam-Bornova

Fig. 3.58 : Gecekondus-Konak

Sources of Figures 3.53 – 3.58 : CP 501-502 Planning Studios, İzmir Institute of Technology, Faculty of Architecture, Department of City and Regional Planning, City Planning Master Programme, 2001-2002

Districts	Gecekondu Areas	Development Plan Violation	Development Plan Violation & Planned Development	Total
Narlıdere	20.2 ha.	29 ha.	-	49.2 ha.
Bornova	31 ha.	110 ha.	-	141 ha.
Konak	17.2 ha.	72.5 ha.	-	89.7 ha.
Karşıyaka	84.7 ha.	110.5 ha.	-	195.2 ha.
Buca	25.7 ha.	129 ha.	117.2 ha.	271.9 ha.
Gaziemir	19.7 ha.	17.5 ha.	-	37.2 ha.
Güzelbahçe	13 ha.	-	-	13 ha.
Çiğli	-	52.5 ha.	262.2 ha.	314.7 ha.
Total	211.5 ha.	521 ha.	379.4 ha.	1112 ha.

Table 3.5 : Squatter Settlement and Gecekondu Areas in İzmir Metropolitan City
Source : IYTE, 2002

ILLEGAL PHYSICAL DEVELOPMENT AREAS IN IZMIR - 2002



Scale : 1 / 200000

LEGEND

	GECEKONDU & ILLEGAL DEVELOPMENT AREAS
	GECEKONDU PREVENTION ZONES
	IMPROVEMENT PLAN ZONES
	PLANNED ZONES (FORMAL&INFORMAL BOTH)
	PLANNED ZONES - PLANNING BREACHES
	MUNICIPALTY BOUNDARIES
	METROPOLITAN MUNICIPALITY BOUNDARY

Source : CP 501-502 Studios 2001-2002
Faculty of Architecture,
City Planning Master - IYTE

Representation by Ali Kemal ÇINAR

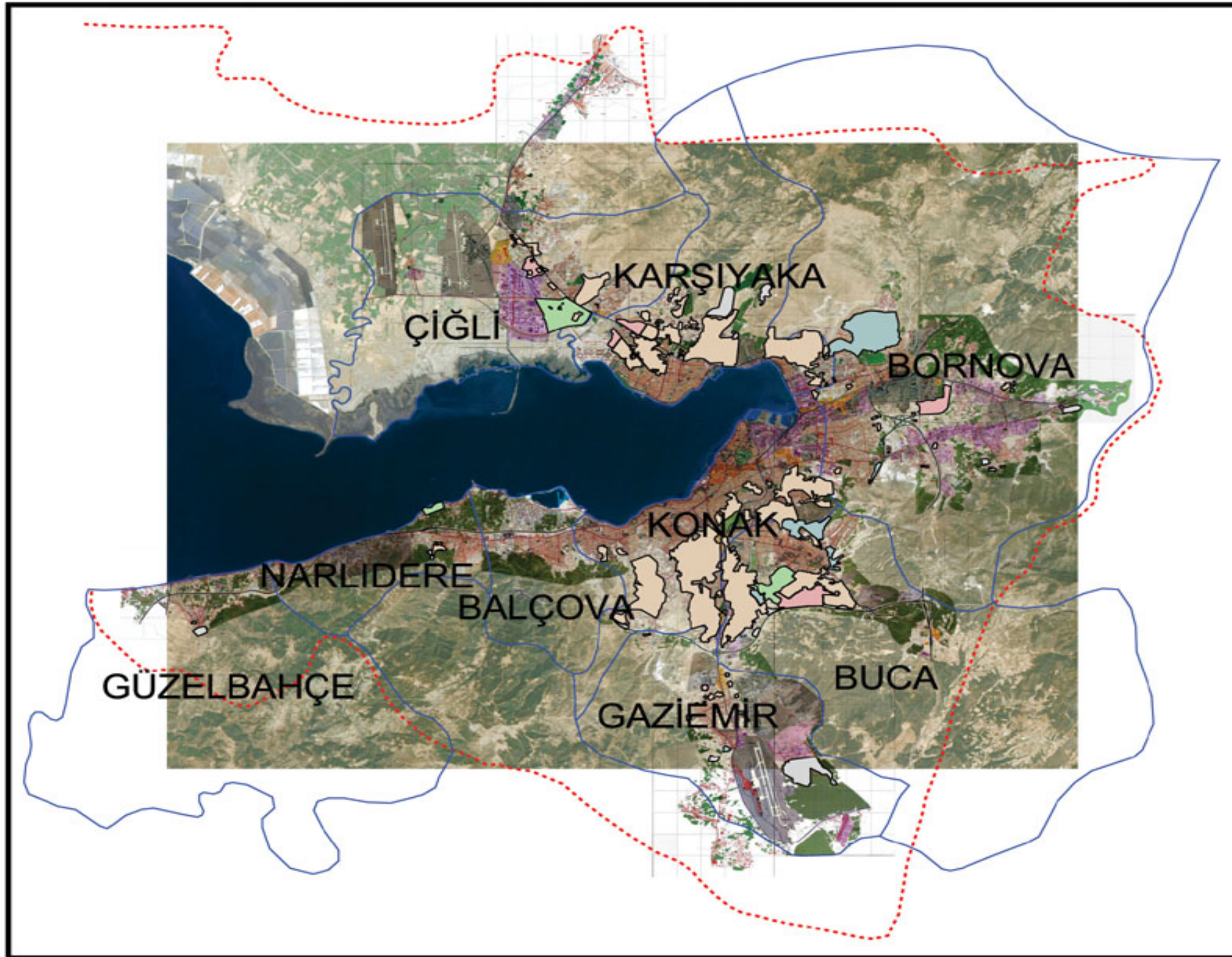


Figure 3.59 : Illegal Housing Areas in Izmir Metropolitan City 2001-2002

Source : CP 501-502 Planning Studios, İzmir Institute of Technology, Faculty of Architecture, Department of City and Regional Planning, City Planning Master Programme, 2001-2002, Represented by Ali Kemal ÇINAR

As a matter of fact, these surveys show us that, the illegal physical development of İzmir was started before World War II period. The process was accelerated in 1950 – 1980 period and differentiated after 1980s. After this evolutionary period, even though the accelerated growth is slow down, the illegal physical development is still a continuous fact in the year of 2002. There are still gecekondü and illegal development areas which are in progress especially on the main 4 axis of the city.

Chapter 4

ILLEGAL BUILDING PRODUCTION PROCESSES

4.1. Illegal Industrial, Commercial, Tourism and Other Types of Buildings

The special emphasis of this chapter is on different types of illegal buildings such as commercial, industrial, tourism buildings and planning contraventions. At the end of the 20th century, Turkey was transformed to illegal physical development and land rent country. Now nearly all political ideologies agree that, maximizing the land rent and speculative retention are profitable-favorable investments.

After 1980s period, legalization laws caused negative effects on urbanization and encouraged illegal building operations. Also, improvement plans (islah imar planı) can be found providers of these informal processes. As a matter of fact gecekondu development transformed to illegal apartment flats and then different type of illegal building operations – planning breaches caused illegal urbanization. In the next section, different complex cases as mentioned above, about illegal building operations in Turkey will be discussed. Extreme examples of legalization or illegal building operations can be found in metropolitan cities which whole illegal settlement promoted as a municipality or sub district of provincial administration. (For instance: Sultanbeyli Municipality in İstanbul)



Fig 4.1 : Sultanbeyli District - Istanbul

Source : www.sultanbeyli-bld.gov.tr

Furthermore, production and commerce sectors want to participate in the decision making process to find appropriate localization to maximize their profit. So, for successful marketing they should be competitive in the global market.

The industry (production) needs infrastructure, transportation facilities and vacant land for allocation of production plants, offices and access to labour force.

The commercial sector (distribution – services) needs easy access to markets, office buildings and commercial multi-centers. The financial sector has to know where high profit rates can be obtained, and also the construction sector has to know in which direction the city develops. All this requires a planned development of land with participation of all sectors. But in this planned development process, planned lots with infrastructure may become extremely expensive to localize for these sectors (industrial zones, business centers). This situation or disagreement in localization causes conflict between market demands and development plan decisions. For instance, although there are planned industrial zones with vacant lots, industrial enterprises prefer cheaper land to locate. For these reasons, similar spontaneous, uncontrolled developments tend to locate on areas that are without infrastructure, because this land normally does not generate rent.

4.2. Samples of Planning Contravention

In this section, different complex cases about illegal building operations in Turkey will be discussed. First case is about illegal commercial-tourism building from İzmir:

- **İnciraltı District**

İnciraltı, in fact is the unique recreation area of İzmir and the speculations for the land rent of this zone is continued of many years. Existing use of the area consist of mostly agricultural use and green houses. But nowadays, new villas can be seen that built by high income group of İzmir. According to the related article of building regulation, agricultural residences on agricultural areas can be built one or two stories and maximum 250m² total floor area by the limit of 5% of agricultural plot.

But by this article it is possible to build a luxury residence over 250 m² with its annexes which violates this permission. By these developments, land owners began to compare agriculture and land rent. In this connection, ownership pattern is started to change in this area. New owners of huge plots are entrepreneurs, real estate brokers, constructors, etc.

By then, different expectations grow about the development of İnciraltı such as to built a shopping center, business center, hotel, recreation area. Renewal projects on the Mithatpaşa Street (former location of old car sale companies) accelerated this process. As a result of politically promoted and legal renewal, shopping and business centers were constructed in a short period on this axis. To implement these projects, investors and high income people expected for new building codes of the area (for instance extra 20 % building density).

As a result of these activities, pressures on the land, a multi storey commercial center proposal became dominant. The project named İnciraltı Özdilek AŞ Tourism and Shopping Center was designed near the student dormitories.



Fig 4.2 : Özdilek Shopping Center - İnciraltı - İzmir

Source : www.skyscraper.com

According to the previous building code, it was possible to built tourism building with a 50 % building density. However, a partial plan change increased the density to 150% and changed the tourism building to tourism and commercial center. The architectural project was also including a shopping center and a multi storey hotel. According to metropolitan municipality by laws, these kinds of projects should be submitted to Committee of High Rise Buildings. Chamber of Architects and Chamber of Planners which is in relationship with this committee, refused the project. Committee demanded an expertise report from city planning departments of Dokuz Eylül University and İzmir Institute of Technology. Although the reports were not prepared yet, the project was approved. Chamber of Architects applied to the court of law against to the responsible of this approval.

Council of Natural and Cultural Wealth Prevention (KTVKK)-İzmir Department started a new investigation about İnciraltı and it demanded opinions of universities, chambers, NGOs and related institutions. In the end, the council declared İnciraltı as Natural Conservation Area. (An Article by Architect Bülent Turan, September 2000 – <http://varan48.sitemynet.com/html/m26.htm>)

According to Oktay Ekinci, there are special characteristics of tourism building production process. Illegal tourism buildings are rare in the total illegal buildings. Because a tourism building should have building permit and approved application project to gain sectoral-financial support from government. But there are tourism buildings that constructed illegally or breach of planning control.

(I.Turizm Şurası 20-22 October 1998, An Article by Oktay Ekinci, <http://www.mimarlarodasi.org.tr/basin/19981022.html>)

The main determinant of development process of tourism buildings is Law of Tourism Promotion (Law No: 2634, Turizmi Teşvik Kanunu, 1982). According to this law, a special building permission (politically promoted) is given to investors from Ministry of Tourism which is superior to existing building regulation law of Turkey (Law No: 3194, İmar Kanunu, 1985).

There is an article about the localization criteria of tourism zones and centers (Law No: 2634, Article 4) : “In order to define tourism zones and centers, natural, historical, archeological, socio-cultural potentials and outdoor sports like winter sports, hunting, water sports and health tourism opportunities are evaluated.”

Actually this view regards all those natural, environmental and historical legacy of the country as an investment potential for market forces. This law is applied for 20 years and it is one of the legal tool for the destruction of natural and cultural environment.

The popular samples about this law and related illegal processes are Park Hotel, Gökkafes, Swiss Hotel and Conrad Hotel for İstanbul, Hilton Hotel and Özdilek Shopping Center in İzmir which are accepted officially legal. Many other illegal implementations can be seen at İstanbul, Ankara, İzmir, Antalya, Bursa-Uludağ, Aegean and Mediterranean Coastal Zones, Kayseri-Erciyes and Karadeniz Plateau, in forests and conservation areas.



Fig 4.3 : Izmir Hilton

Source : www.hilton.com



Fig 4.4 : Gökkafes Center - İstanbul

Source : www.arkitera.com

Another problem about illegal tourism building issue is summer resorts. Most of their building process is commercialized. Their building process is done by partial

development plans (Mevzii İmar Planı). Some of them also destroy the natural and coastal environment.

The second case is about illegal education building from İstanbul :

- **Koç University**

Koç University is an establishment of Vehbi Koç Foundation in Sarıyer District, Rumelifeneri Village in İstanbul. The Council of Ministers was served a 160 hectare public land of forest area to foundation for 49 years in 1992. Koç University Rectorate demanded an expertise report for forest from İstanbul University in 1994. İstanbul University analyzed the forest area and answered the rectorate that the area was useful. Then, rectorate applied to Ministry of Public Works (Bayındırlık ve İskan Bakanlığı) for implementation plan change in April 1994. But ministry of Public Works refused the demand in May 1994 and declared that planning change of a public land only occurs for public use of the area (Law of 3194, Article 9, İmar Kanunu)

After two years in 1996, university rectorate made new application to Ministry of Public Works for the same demand. Somehow, ministry accepted this application in April 1996...Ministry of Public Works (governmental institution), changed its decision in two years. These kinds of dilemmas destroy the reliability of public institutions.

In 1995, promoted land use type of the existing campus area was natural prevention & forest area in Metropolitan Sub-District Master Plan, which was authorised by İstanbul Metropolitan Municipality. In April 1996, the usage of this area was changed to a University Campus Area (educational type of use) by a partial plan authorization by Ministry of Public Works.

İstanbul Metropolitan Municipality was disagree with Ministries' authorization and applied to Council of State (Danıştay), one month later for cancellation of authorization process. Also this process was not legal according to the Council of Natural and Cultural Wealth Prevention (KTVKK). The Council declared that the İstanbul Metropolitan Municipality is the only authority of planning change.

Koç University Rectorate applied to the İstanbul Metropolitan Municipality for planning change of campus area but municipality refused this application and demanded reforestation of the area.

At last Koç University found an interesting solution for problem area. Bahçeköy is a small town outside the metropolitan municipality boundaries of İstanbul. Bahçeköy Town Municipality made an application to Ministry of Public Works to change administrative boundaries of their town municipality. Application requested the campus area and environs within the Bahçeköy Town Municipality. Ministry of Public Works accepted this demand in August 1997. Since then, İstanbul Metropolitan Municipality is no longer responsible for that area.

This situation is against the comprehensive metropolitan planning and may cause fragmented planning implementations. Bahçeköy Town Municipality did not have to adapt to master plan decisions of İstanbul Metropolitan Municipality and could prepare local master plan revisions and implementation plans with Ministry of Public Works. This means a new opportunity for Koç University. Consequently, İstanbul Metropolitan Municipality was applied to court of law to complaint Ministry of Public Works and Bahçeköy Town Municipality in November 1997.

Metropolitan Municipality won the court about cancellation of implementation plans in August 1998, which were done by Bahçeköy Town Municipality and Ministry of Public Works. But actually, because of the administrative boundary arrangement, this decision of court could not be put into practice.



Fig 4.5 : Koç University1

Sources : www.ku.edu.tr



Fig 4.6 : Koç University2

Consequently, all these processes about the establishment of Koç University are against the laws, regulations and bylaws. All operations are breaches of planning control. (An Article by City Planner Dr. Mehmet Çakılcıoğlu, 1999, www.kentli.org/makale/koc.htm)

All these evidences are proof of different type of illegal building operations. In the sixth chapter, an analytic survey about the phenomena will be presented by detailed samples from İzmir Metropolitan City.

4.3. Actors' Participation in Illegal Building Production

Urbanization is concerned with peoples' participation like land owners, developers, investors, politicians, technicians and ordinary members of the public who shape the built environment. These people may try to influence urban development and wish to see urbanization modified to their own advantage, if not they may violate development regulations.

Possible Actors of the Unplanned – Illegal Development Processes:

- 1) **Land Owners, Real Estate Agents, Racketeers and Former Migrants** : Real estate brokers-racketeers, land owners and former migrants who became experienced in this processes ; these groups may violate development-building codes for their own benefit.
- 2) **Building Contractors, Developers** : Builders, construction companies, etc; they expect high profits and rents from the lands and buildings which they construct or invest (especially for speculative retention). Thus city plans become very important drafts for their future expectations.
- 3) **Industrial-Commercial Enterprises** : To maximize the profit, they demand to choose their location without any official regulation. For example unorganized-sprawled industrial zones in metropolitan centers and fringes or on main transportation axis which are contrary to development plans. Major companies and manufacturers (basically market) can be seriously effective in the decision making and implementation process of development plans.
- 4) **Bureaucrats and Technicians** : Politicians, decision makers, planners, technicians, who expect economic benefit from the implementation process which they already know.
- 5) **Low Income and Marginal Groups** : Urban poor and marginal groups which can not afford accommodation in formal area.

As a matter of fact, unplanned, uncontrolled, illegal development processes have some functions for different classes/groups in city. They organize informal relationships and gain benefit by this functions-aspects. These conflicts cause corrupted operations in breach of planning control.

Chapter 5

EVALUATION OF PAST AND PRESENT POLICIES ABOUT ILLEGAL BUILDING PRODUCTION PREVENTION IN TURKEY

5.1. Government Solutions in the Past

The analysis of the governmental acts and attitudes to prevent illegal physical development in Turkey can be searched by three periods. Basically, the first one is after the World War II period, second one is in planned development years which include early 1960s period, and the third one is after 1980s period.

5.1.1. Post World War II Years

During the post World War II years (1945-1950), the first official attempts to deal with the informal settlement problem were directed at preventing further construction altogether. In this connection, the aim of the first law (Gecekondu Yasası, No. 5218, 1948), was to improve living conditions in Ankara's existing gecekondu and prevent the building of new ones. The city provided cheap land to gecekondu builders to attract them to areas where they could have legal title. (Keleş, Geray, 1995)

An act of 1948 empowered the municipalities to create new housing areas for gecekondu prevention. For instance, in Ankara, an area of 105 hectares, purchased by the municipality was divided into plots of 175-300 square meters and sold at cost price; the holders of plots were to build their houses within two years. In just a couple of years, a new district which is called Yenimahalle was actually completed with 20000 inhabitants. Officially it was intended that Yenimahalle should reduce the pressure on the gecekondu sector, but in fact Yenimahalle developed as a normal middle class area in a period when the middle class still not was endangered by squatters. (Marcussen, 1982, p. 67)

In 1948 a law (Bina Yapımını Teşvik Yasası, No. 5228) was passed providing housing credit to those, who already had urban land. (The Real Estate Bank was established to finance them) In the event, inexpensive land could not compete with free (invaded) land, given the squatters belief that they would not be dislodged.

In 1953, a new law (Bina Yapımını Teşvik ve İzinsiz Yapılan Binalar Hakkındaki Kanun, No. 6188) was passed. It was a fresh attempt to reduce the housing crisis by allocating municipally owned land to needy families. Its aim was to legalize the gecekondu which were built up to date of enactment. But during the whole time it was in force (1953-1966) it did not prove to be effective in preventing illegal constructions, and like previous laws, it did not succeed in increasing the supply of affordable housing to levels where it approximated demand.

The last law in this period was passed in 1959 (Gecekonduyu Önleme Yasası, No. 7367), which aimed at distributing state-owned lands within municipal boundaries. However, it too failed to prevent the building of gecekondu.

5.1.2. Planned Development Years and National Plans

In the early 1960s the government adopted a planned development approach which viewed the squatter problem within the broader framework of the socio-economic development of the country. Since then there have been eight five-year development plans.

The main aim of the first plan (1963-1967) was to improve the living conditions of the gecekondu where that was technically feasible and to upgrade the settlements as a whole. The plan was also to destroy structures presenting a threat to the well-being of their own inhabitants, as long as they could be housed elsewhere, and to prevent any new building. In the first five year plan, it was declared as an aim to

create new or expanded growth centers in Anatolia in order to curb migration to the already large urban centers. This plan, also states that regional planning is an inseparable part of national planning. Policy recommendations were that rural to urban migration should not be allowed to proceed at a faster pace than job creation and that the supply of affordable housing should be rapidly increased. (Keleş, Geray,1995)

The most significant step was the Gecekondu Law of 1966 (Gecekondu Kanunu, No. 775) which replaced all previous legislation in many respects. It adopted the previous policy objectives of upgrading, demolition and prevention. This law includes measures that can be grouped under five categories: (Keleş, Geray, 1995)

1. Delimitation of settlement boundaries,
2. Land allocation,
3. Financial aid,
4. User fees for public services,
5. Demolition.

1. Delimitation of Settlement Boundaries

The law empowers municipalities to limit gecekondu settlements to collect reliable statistics about their numbers and characteristics and to have aerial photographs taken either under their own capabilities or with the assistance of the central government.

2. Land Allocation

To discourage gecekondu construction, the law empowers municipalities to use their land area. The lands thus acquired can be used only for social (low-income) housing except under special circumstances.

3. Gecekondu Funds

Financial support is provided along with cheap urban land, through two funds established by the Gecekondu Law. The first is administered by each municipality which is provided by a combination of 1 percent of the city budget, transfers from central government sources. The municipalities use this fund to purchase and expropriate land for building housing projects and core or guest housing, to provide basic services for the improvement zones and to carry out delimitation and mapping. The second fund is under the jurisdiction of the Administration of Mass Housing and also supported by the central government. This fund is used for public services and infrastructure, maintenance of prevention and improvement zones and assistance to municipalities working on similar projects. This fund is also used to give low-cost housing credits to homeless families below a certain income level.

4. User Fees for Public Services

The Gecekondu Law made it compulsory for the inhabitants of all gecekondu to pay user fees for services provided by their municipalities (cooperation between government and citizens). The participation of the inhabitants in a supervised self-help construction process is aimed at creating a more positive impression of informal settlements in the wider society.

5. Demolition of Gecekondus

The major objective of gecekondu legislation is to prevent their construction in the first place. Building a structure without a title deed and building permit is illegal acts require punishment. The Gecekondu Law contains clauses to accelerate the negative consequences by pulling the structures down as soon as possible. Demolition of gecekondu requires two different procedures in two different scenarios. Municipalities and provincial governments have an authority to demolish

the gecekondu areas that built on public lands without any legal procedure. Those built on private lands present two alternatives : 1) When the owner presents proof of ownership, the structure is destroyed. 2) When ownership cannot be certified, provisions of the building regulations regarding illegally built dwellings are applied.

The aims of the second five-year plan (1968-1972) were not much different from those of the first, although the emphasis shifted more toward prevention, self-help housing and solving land tenure disputes. Problem was no longer regarded as a local issue: it was clear that the problem could not be solved by municipalities acting alone and also was a national problem. The third five-year plan (1973-1977) was not preventing the problem but it was monitoring. The fourth five-year plan (1979-1983) recommended accelerating the provision of major public services and infrastructure to the gecekondu settlements. (Keleş, Geray,1995)

5.1.3. After 1980s Period

The period following 1980 can be separated into two different sections. In the first three years of the decade, the military government legalized existing gecekondu and prohibited new ones. Law of 1983 (İmar Affi Kanunu, No. 2805) set criterias for distinguishing the illegally built structures to be destroyed and those to be retained. The civilian government formed at the end of 1983 took an entirely different approach. Law of 1984 (İmar Affi Kanunu, Law No. 2981) was legalizing the existing gecekondu. For the first time, the government openly promised to give land titles to the inhabitants of gecekondu, in effect indirectly encouraging them.

In order to be pardoned, people had to apply to the municipalities within six months after the law went into effect. They were only issued title to their land by paying its price (whether it belonged to the state, local government, religious and other nonprofit groups). Gecekondu on private land require the permission of the land owner. Building and use permits can be issued after improvements are made and

pardons granted even when buildings were constructed in violation of planning and building regulations. (Keleş, Geray,1995)

Legalization of settlement means, that now the inhabitants are registered at cadastre offices as legal land owners. Formally, it means that they must pay all types of taxes (cadastral, property value, water, sewerage, electricity, etc.) and in return, the authorities are obliged to provide services. The threat of eviction now disappears and the dwelling can be legally transferred. The occupant can now be considered as a respectable citizen. But in some cases, they actually resist the legislation, because this would mean extra economic responsibilities such as taxes and various fees. (Vittrup,1982, p.107)

Legalization is aimed at preventing future informal representations but it is not a solution to the gecekondu problem. It is mostly for political purposes, only encourages gecekondu building, indirectly punishing citizens who obey rules. But, according to the some politicians and mayors, an applicable reason for legalization of illegal buildings is that demolition is too costly. There is no guarantee that the people pardoned will not commit the same act in the future. Long term consequences of the policy cannot be said to be in the public interest and future development of the Turkey is concerned. Pardoning the building of illegal gecekondus is dealing with the results, not with the causes of the phenomenon. This kind of legalizations, which can be observed by further illegal building operations, cause disorganized and unplanned urbanization.

In this period, with the government's liberal policies, a new law was passed in 1986 (İmar Affi Kanunu, No. 3290) to facilitate the process of giving title deeds to gecekondu inhabitants. With this law, formalities for land registration were eased; upgrading and development plans were no longer a condition. It must be emphasized the fact that, in addition to former legalization laws **all illegal building types** such as commercial, industrial and official buildings included to legalization process by this law.

According to statistics of DIE, Law of 2981 & 3290 legalized a large amount of illegal buildings by giving building permits between 1984 – 1998 years.

Ratio of Building Permits Given by Legalization Laws of 2981 & 3290 to Given by Law of 3194

Years	Residential %	Commercial %	Industrial %	Social & Health %	Cultural %	Official %	Religious %	Other %	Total %
1984	134,3	37,8	19	43,7	12,6	16,2	25	50,2	65,5
1985	168,6	38,4	51	21,8	11,6	24	37,2	64,6	82,1
1986	156,5	59,9	93,6	30	24,7	13,9	20	63,4	80,5
1987	141,9	83,8	100,1	18,1	26	17,7	75,2	87,6	79,6
1988	36,2	26,2	39,3	11,1	5,7	7	18,4	32,7	20,7
1989	35,5	25,9	94,2	15,2	6,9	67,5	13,2	26,1	21,8
1990	15	14,5	7,6	2,5	1,7	0,7	8,3	6,8	8,4
1991	11,2	8	6,1	0,3	0	0,9	0,7	2,8	6,2
1992	8,8	6,4	1,9	0,8	0,3	0,4	0	2,4	4,8
1993	2,5	1	0,3	0,2	1	0	0	0,1	1,4
1994	4,4	5,4	2,7	0,2	0,3	0,5	0	1,2	2,6
1995	1,9	1,9	1,2	0	0,3	0	0	0,4	1,1
1996	1,8	0,7	0,2	0	0,3	0	0	0,2	1
1997	0,9	0,6	0,5	2,2	0	3,2	0,7	0,7	0,6
1998	1,3	0,9	0,8	0,2	0	0	0	0,7	0,7
Average	38,7	21,4	23	7,9	5,1	11,1	12,4	23,9	21,1

Table 5.1 : Building Permits Comparison by Years – Turkey

Source : DIE, Construction Statistics Department

Table 5.1 and Figure 5.1 presents that unauthorized-illegal building stock of Turkish Cities do not only consist of residential buildings. Also another important issue that should be emphasized is that building permits ratio which were given by legalization laws (2981&3290) to which were given by Law of 3194 (Development Regulations) was over 100 percent for residential use between 1984-1987 years. For instance in 1985, 100 building permits were given by the Law of 3194 and 169 building permits were given by the Law of 2981&3290 to residences. Hence, in that period, most of residences were built illegally at first and then legalized by laws in the end of process.

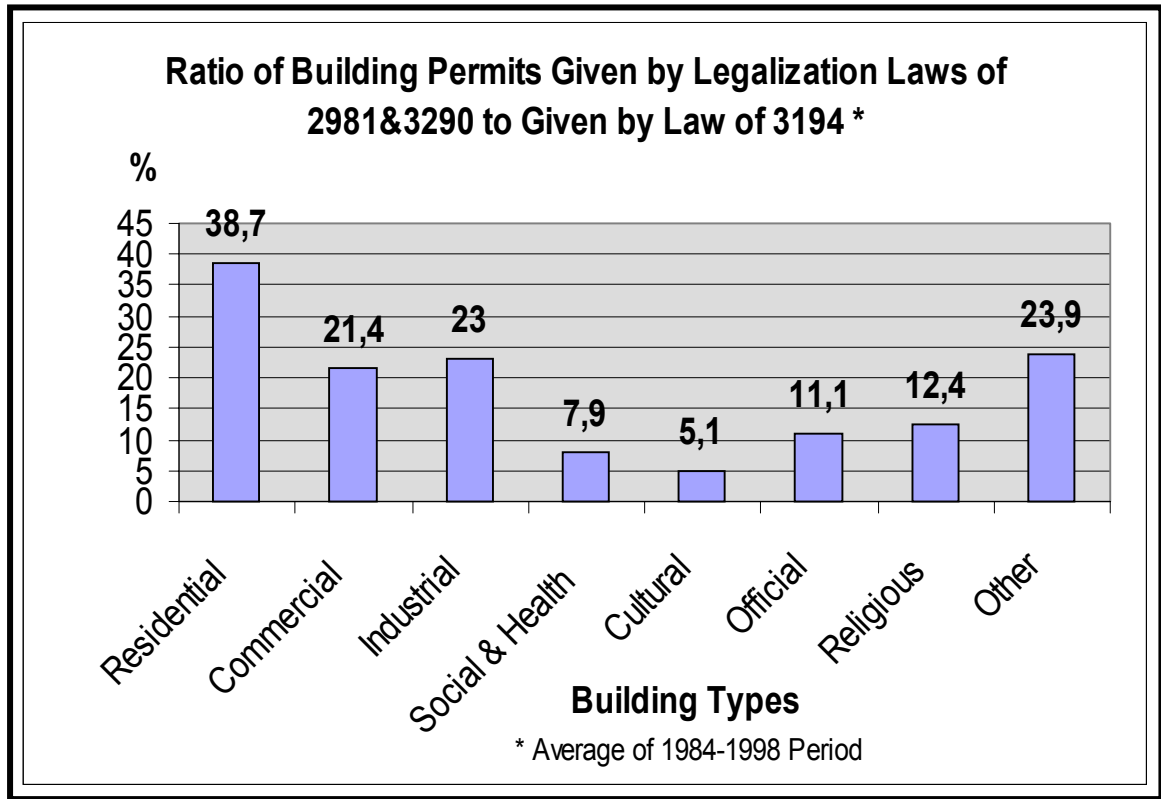


Fig 5.1 : Building Permits Comparison by 1984-1998 Period – Turkey
 Source : DIE, Construction Statistics Department

In this connection, no clear policy recommendations were laid down in the fifth plan (1985-1989), the practice of pardoning gecekondu and other illegal buildings through the provisions of legalization laws (İmar Affı Kanunu, No. 2805 and No. 2981), demonstrates that the main policy in this period was the legalization (liberalization) of the gecekondu/illegal buildings and their building process.

The sixth five year plan (1990-1994) encouraged core housing and self-help construction methods as ways to prevent building of new gecekondu. This plan estimated that there will be a housing shortage of 1,838,000 dwelling unit in this period.

The seventh five year plan (1996-2000), aimed to solve housing problem by giving support for generating proper land and housing.

The eight five year plan (2001-2005) has four main policy recommendations:

1. Housing is a human right. A new system must be constructed to solve housing problem, with the negotiation of public sector, private sector, NGOs, cooperatives, etc.
2. In order to prevent from disasters (especially earthquake), unplanned urbanization and illegal development problems must be solved. Effective methods must be generated for construction supervision and security,
3. To serve formal sector housing, there must be financial support for low and middle income groups. There must be usable lands with infrastructure for residential use.
4. There must be quality and sustainability in housing production processes.

5.2. Preventive Mechanisms of Development-Building Regulations in Turkey

Law of 3194 which is about development regulations and building codes is still in force since 1985. The general aspects of the law are well defined such as aims, contents, authorization-supervision operations, etc. Also there are absolute articles about alleged breaches of planning control and illegal building production which will be detailed in Chapter 6 (Law No: 3194, Article: 32/42). According to these articles, construction of a building without a building permit or violations of existing building permit are prohibited.

Authorities used to serve enforcement notifications as a tool to deal with illegal buildings. But these attitudes are not enough to stop illegal processes. As a matter of fact, only small amount of illegal acts (especially squatters with shared deeds) be discovered and punished by these methods. Supervision and punishment tasks are made by the authorities own initiatives.

Although Law of 3194 prohibited the illegal subdivision and its commerce (Article : 18), this sales is done by racketeers by informal methods. Illegal subdivisions generate legal cadastral properties to potential buyers. Compared to gecekondu, illegal construction of a dwelling on a shared deed is more trusty occupation against eviction or demolition.

Even though Law of 3194 was constituted as the main physical development – planning control mechanism of the country, there may be external superior or temporary applications which cause authorization-supervision conflict (relevant samples were discussed in Chapter4).

The recent one for that type of application was Law of 4736 (Kamu Kurum ve Kuruluşlarının Ürettikleri Mal ve Hizmet Tarifeleri ile Bazı Kanunlarda Değişiklik Yapılması Hakkında Kanun,19.01.2002).

Ministry of Energy and Natural Sources attached a temporary article to Law of 3194 (Development-Building Regulations, 3.5.1985) :

- Temporary Article 10 : Buildings without a occupancy permit can apply for electricity, water line or telephone line in the case of confirming that one of the infrastructure facility is served by municipalities such as water lines, sewerage, paved road or LPG and the feasibility study of building has done. Application should be made in 6 months after the law is published.
- Gaining infrastructure by this law does not provide legal contract to the user.

According to the Law of 3194, Article 31, buildings without an occupancy permit can not obtain infrastructure. Government's aim was to get more tax from the squatter areas and prevent illegal tapping of infrastructure by providing a new opportunity by reducing the bureaucracy. On the contrary, new temporary article gives permission to illegal buildings and their occupants for being legal subscribers of urban services. (Planlama, 2002/1, p.89)

Establishment of industrial zones, shopping centers, tourism buildings and other types of buildings may be applied under special permissions-orders. Usually, these kinds of pressures are demanded by market forces. That's one of the reasons of a possible breach of planning control.

5.3. Housing and Land Policies

To analyze Turkey's urban housing system, three broad categories can be defined. The first category, "traditional", corresponds essentially to the housing stock surviving from the pre-plan period, i.e. roughly from before 1930.

The second category, "formal" has two sub-categories. The first of these, "private and private speculative" comprises of course several housing systems associated everywhere with capitalist economies and life styles. Since 1950s, small-scale renewal system became one of the major housing construction system (yık-yap-sat in Turkish). The second subcategory, "state supported" comprises several systems in which the state or semi-public agencies are playing a role in promotion and distribution control. (Marcussen, 1982)

The third category, "informal" is composed, illegally occupied gecekondu & squatters that illegally built on their own or shared property .

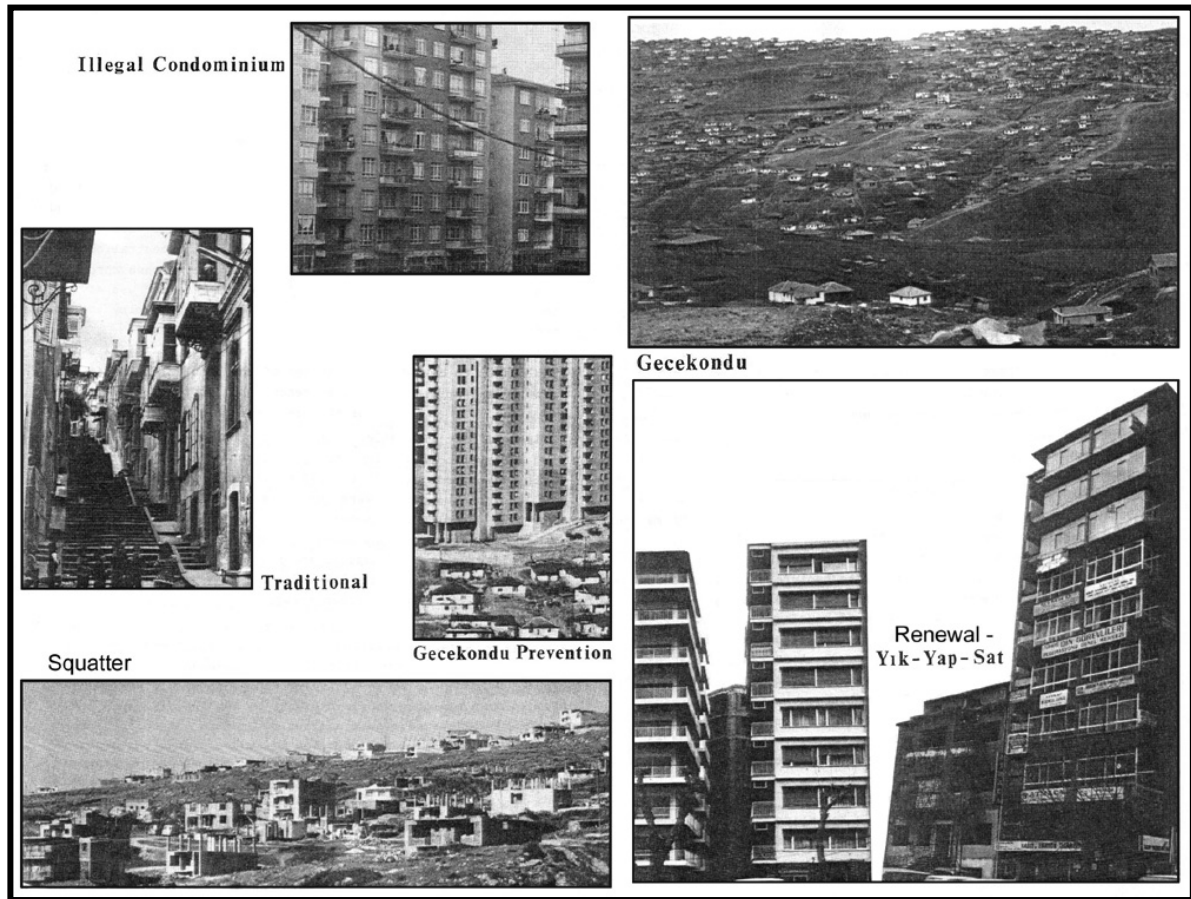


Figure 5.2 : Turkish Housing System

Source : Marcussen, 1982, p . 80,81

Represented by Ali Kemal Çınar

Estimated Composition of Housing Stock and Population Distribution

	Total Urban-Turkey				Metropolitan *			
	Units		Population		Units		Population	
	X 1000	%	X 1000	%	X 1000	%	X 1000	%
Traditional	210	6	1680	8	45	3	360	4
Formal		63		51		50		38
Private and P.Speculative	1925	55	9450	45	600	40	2700	30
State Supported	280	8	1260	6	150	10	720	8
Informal		31		41		47		58
Gecekondus and Illegal Dwellings	1050	30	8400	40	675	45	4950	55
Illegal Condominium	35	1	210	1	30	2	270	3
Total	3500	100	21000	100	1500	100	9000	100

* Istanbul, Ankara, Izmir

Table 5.2 : Estimated Composition of Housing Stock and Population Distribution -1980

Source : Marcussen, 1982, p. 87

The first five-years plan of the necessity of state intervention in the housing sector in order to prevent or reduce the development of squatter areas, which at that time appeared as a major phenomenon in the urban development process. The constitution of 1961 itself declared that “The state takes the necessary measures to meet the housing demand of low income families, in a way conforming to health conditions”. Thus, in 1966 the Gecekondu Law (Law No: 775) came into force. But although the activity in housing construction was rather high under the 1963-1967 plan, a very small fraction of this activity was due to public initiatives. All together estimating the number of houses promoted with public support before 1968 amount to no more than 50000 units. (Marcussen, 1982, p. 107)

Under the second five year plan, the number of houses built with public support was up from 4500 in 1968 to 14300 in 1973, totaling a little more than 53000 units according to the Housing Department. Under the third five-year plan, the activity tripled. New units promoted with the assistance of three agencies, which participate in the: “Commission of Arranging and Coordinating Public Housing Credits”- i.e. the Ministry of Reconstruction and Resettlement, the Social Security Fund and the Emlak Kredi Bank, all together a little more than 150000 housing units. This is to say that probably between one quarter and one third of all formal sector housing units build in this period were assisted by state programmes. (Marcussen, 1982, p. 107)

Ever since 1948, Turkish housing legislation has linked to the objectives of public investments in housing to the problems created by the rapidly growing illegal or informal sector. This connection is most clearly expressed, in the Gecekondu Law of 1966, which laid down that the pressures leading to the squatter problem were to be reduced through the creation of gecekondu prevention areas, that is to say, areas of serviced land to be allocated for housing according to a four point programme:

1. Building of apartments by the state for low income families,
2. Core house schemes with loans to the owners for extensions,
3. Side and service schemes with the loans to self-help builders,
4. Allocation of sites and credits to non-profit cooperatives.

Gecekondu Law of 1966 also provided for squatter upgrading and for the demolition of squatter houses and re-housing of their inhabitants. Evicted squatters in some instances were allocated new public promoted houses, built on the sites of their demolished gecekondu/squatter but this procedure seems to have been an exception rather than a rule.



Fig. 5.3 : Narbel Gecekondu Renewal Area – Narlıdere, İzmir

Source : CP 501-502 Studios, İzmir Institute of Technology, Faculty of Architecture, Department of City and Regional Planning, City Planning Master Programme, 2001-2002

In Turkey, the state supported rental housing accumulation up to now is too small to affect the building and housing markets in any way and there are no signs that the state intends to intensify its activity in this field. Today, similar systems are found in Western and developing countries. But unfortunately, a common view that they are designed to serve the needs of middle and middle-low income classes, many results of the surveys confirm this. (Marcussen, 1982, p. 143)

State supported housing production was started in 1934 in Ankara. The ratio of housing cooperatives in formal housing production was 10 percent till 1970s, 10-15 percent between 1970-1980 period. In 1981 Law of 2985 (Toplu Konut Kanunu) was passed so the ratio increased to 25-36 percent by this legal support between 1981-1989 period. After 1989, because of administrative and financial changes/problems ratio was decreased to 20-25 percent (see Table 5.3).

**Ratio of Housing Cooperatives in Formal Housing Production
(by Occupancy Permits)**

Years	Total Dwelling Units	Dwelling Units - Cooperatives	%	Dwelling Units - State Promoted Cooperatives
1964	14343	797	5,56	
1965	32614	1579	4,84	-
1966	40973	2967	7,24	-
1967	50282	2231	4,44	-
1968	62910	3508	5,58	-
1969	65215	3310	5,08	-
1970	71589	3734	5,22	
1971	72816	4019	5,52	-
1972	88231	5636	6,39	-
1973	96163	8153	8,48	-
1974	84199	5830	6,92	-
1975	97431	7892	8,10	-
1976	102110	9166	8,98	-
1977	119409	10917	9,14	-
1978	120615	11688	9,69	-
1979	124297	13978	11,25	-
1980	139207	12056	8,66	-
1981	118778	12501	10,52	
1982	115986	15571	13,42	-
1983	113453	17201	15,16	-
1984	122580	19456	15,87	7350
1985	118205	21273	18,00	46672
1986	168597	34311	20,35	82594
1987	191109	41931	21,94	
1988	205485	43389	21,12	93279
1989	250480	67140	26,80	126221
1990	232018	58566	25,24	75120
1991	227570	61842	27,17	78134
1992	268886	83204	30,94	86479
1993	269694	83421	30,93	85901
1994	245610	68767	28,00	69235
1995	248946	68799	27,64	47702
1996	267306	79229	29,64	39882
1997	277056	76541	27,63	45302
1998	219737	56663	25,79	21188
1999	132115	-	-	19901
Total	5176015	1017266	20,17	959998

Table 5.3 : Ratio of Housing Cooperatives in Formal Housing Production – Turkey
(by Occupancy Permits)

Source : DPT - Konut Özel İhtisas Komisyonu Raporu, 2001 (State Planning Organization)

Also another strong factor which negatively affects the formal production type is inflation. If the cost price of formal production of construction rises, the informal processes starts to develop the construction demand of market but especially housing demand of middle and low income groups. This conflict can be observed from the construction statistics.

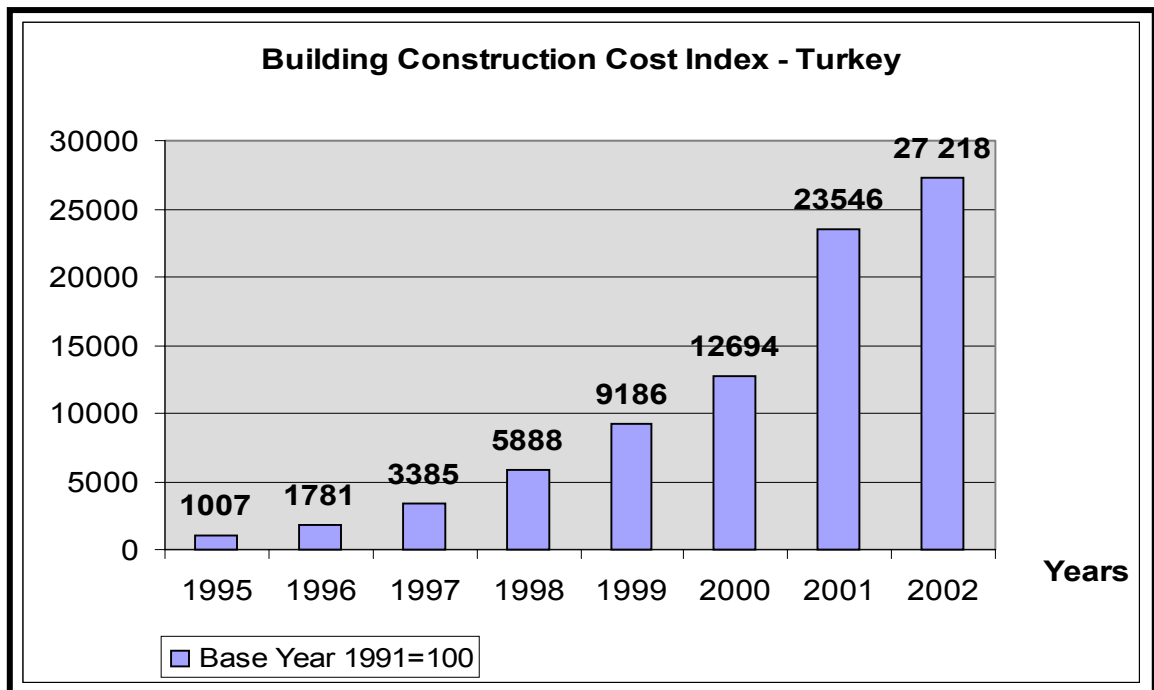


Fig. 5.4 : Building Construction Cost Index – Turkey
Source : DIE, Construction Statistics Department

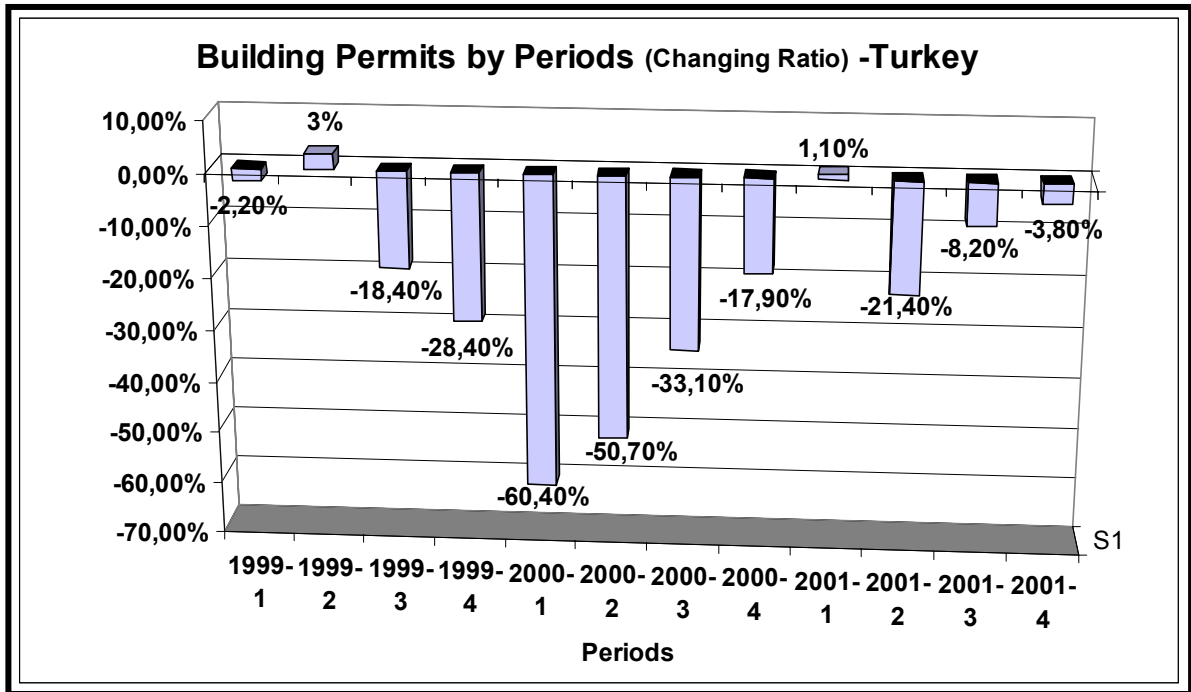


Fig. 5.5 : Building Permits by Periods (Changing Ratio) – Turkey
 Source : DIE, Construction Statistics Department

The structure of the Turkish housing system still has the characteristics associated with capitalism at present; first of all it is fragmented into a formal and informal sector. Neither the capitalist process by itself nor the state’s intervention has been able to bridge this gap or to direct spatial and economic developments. The results achieved in the field of state supported housing can only modify this picture slightly and overall demand for new housing stock remains high.

Chapter 6

CASE STUDY OF IZMIR METROPOLITAN CITY

6.1. Method of Analysis

In this thesis, there is a statement about illegal physical development : “Illegal physical development does not consist only illegal housing, it includes other type of buildings such as industrial, commercial, educational, tourism, official buildings summer resorts, etc.” Illegal physical development is mostly, regarded as a housing problem in most related literature. But in this study, the illegal building production process accepted as broader phenomena that contains each type of buildings. In order to prove this hypothesis, an operational framework was prepared. Thus, within the case study area of İzmir Metropolitan City Boundary which consist 9 sub-district boundaries, enforcement notices that were given by supervision of building control departments of each 9 district municipality of İzmir Metropolitan Municipality during January 2000-December 2000 period, were collected and analyzed to query if there were any record entry of different type of illegal buildings. By these queries, thesis will try to find newly generated informal processes in different sectors and municipalities’ attitudes dealing with them.

This research also included brief interviews that were conducted with officials who work at Building Control Services of Municipalities and also who had information about informal settlements in that district. The purpose of these conversations was to get more information about local issues (see Appendix C).

In this connection, this study was prepared within the metropolitan municipality boundary, which includes 9 local municipality districts but excludes their adjacent areas. Statistical data and Geographical Information Systems were used in presentations to integrate geographical and statistical data. By these presentations, results of the local analyses in urban space about İzmir City were generated.



Fig. 6.1 : Location of Balçova District in İzmir Metropolitan City

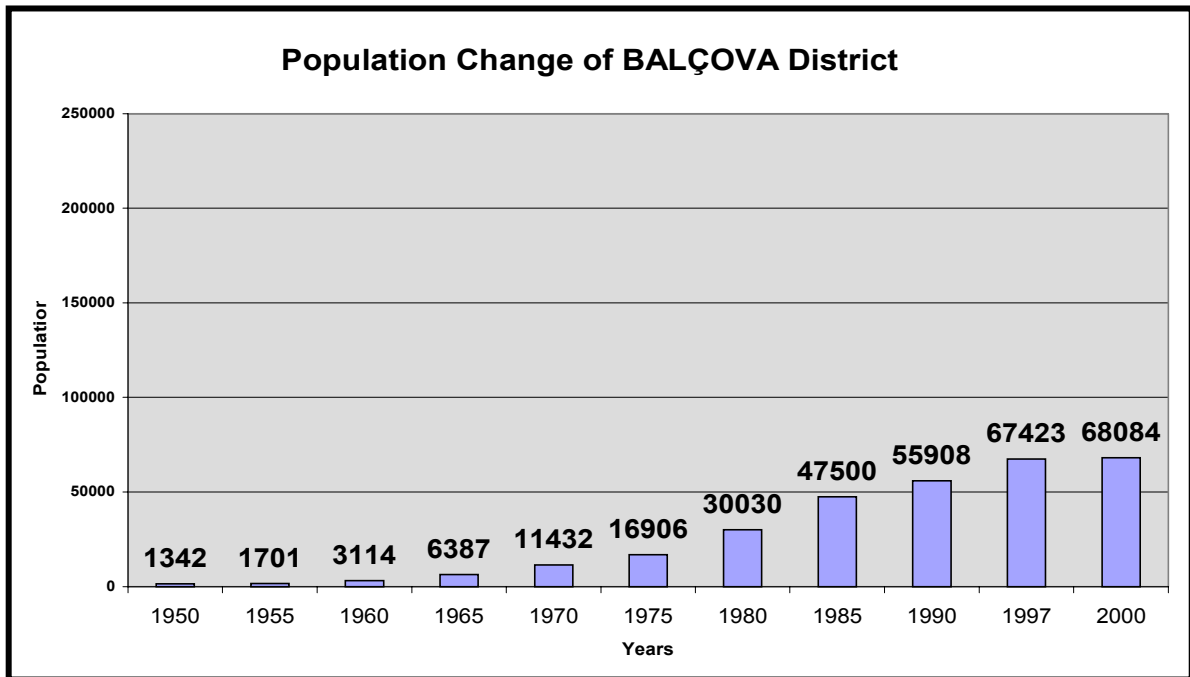


Fig. 6.2 : Population Change of Balçova District by Years Source : DIE, Census Data



Fig. 6.3 : Location of Bornova District in İzmir Metropolitan City

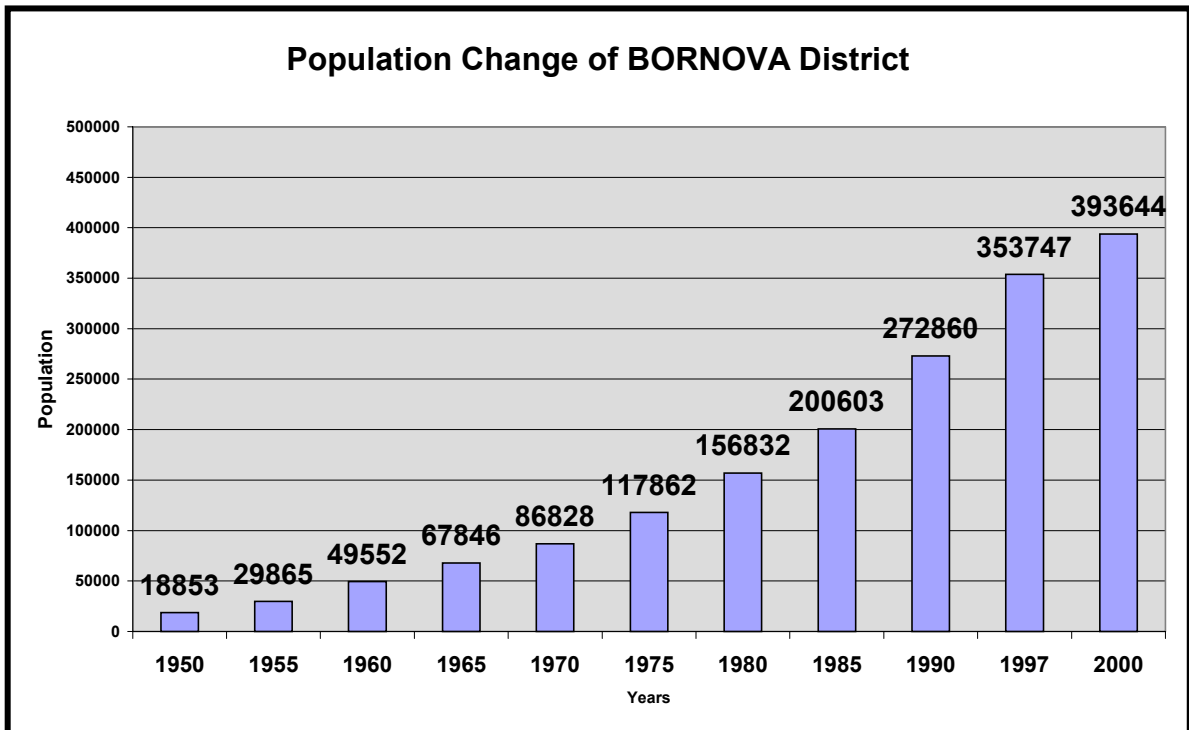


Fig. 6.4 : Population Change of Bornova District by Years Source : DIE, Census Data



Fig. 6.5 : Location of Buca District in İzmir Metropolitan City

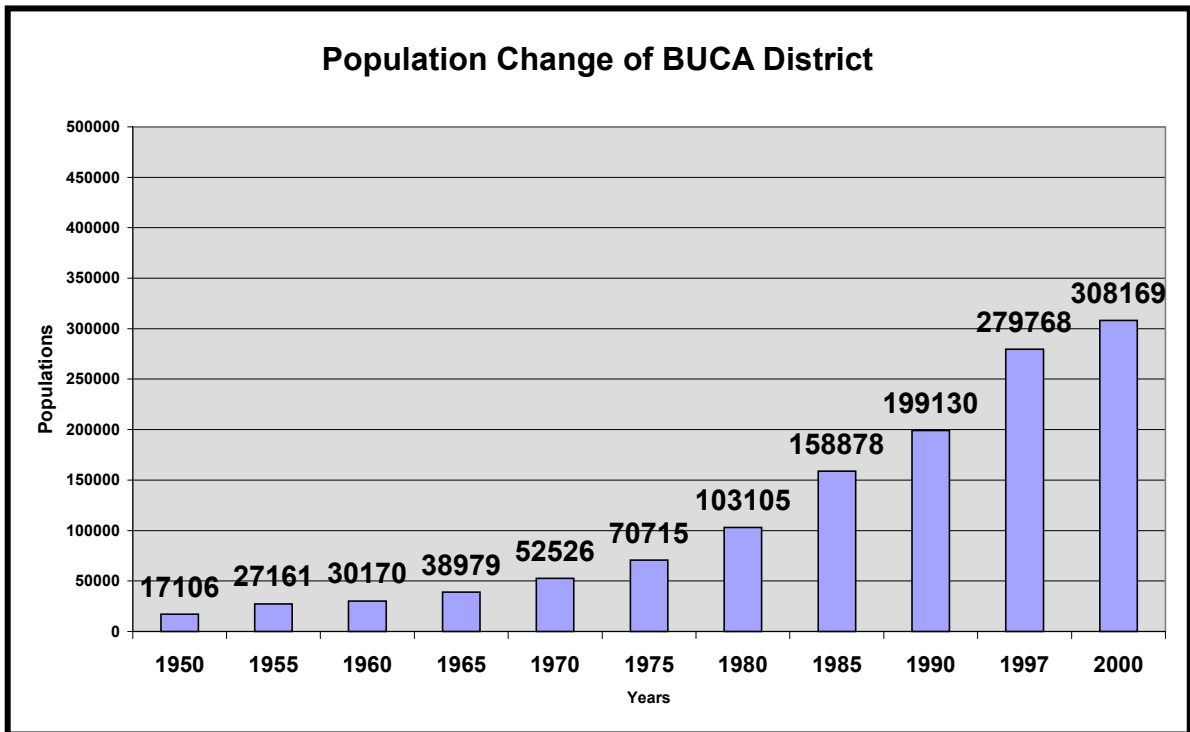


Fig. 6.6 : Population Change of Buca District by Years Source : DIE, Census Data



Fig. 6.7 : Location of Çiğli District in İzmir Metropolitan City

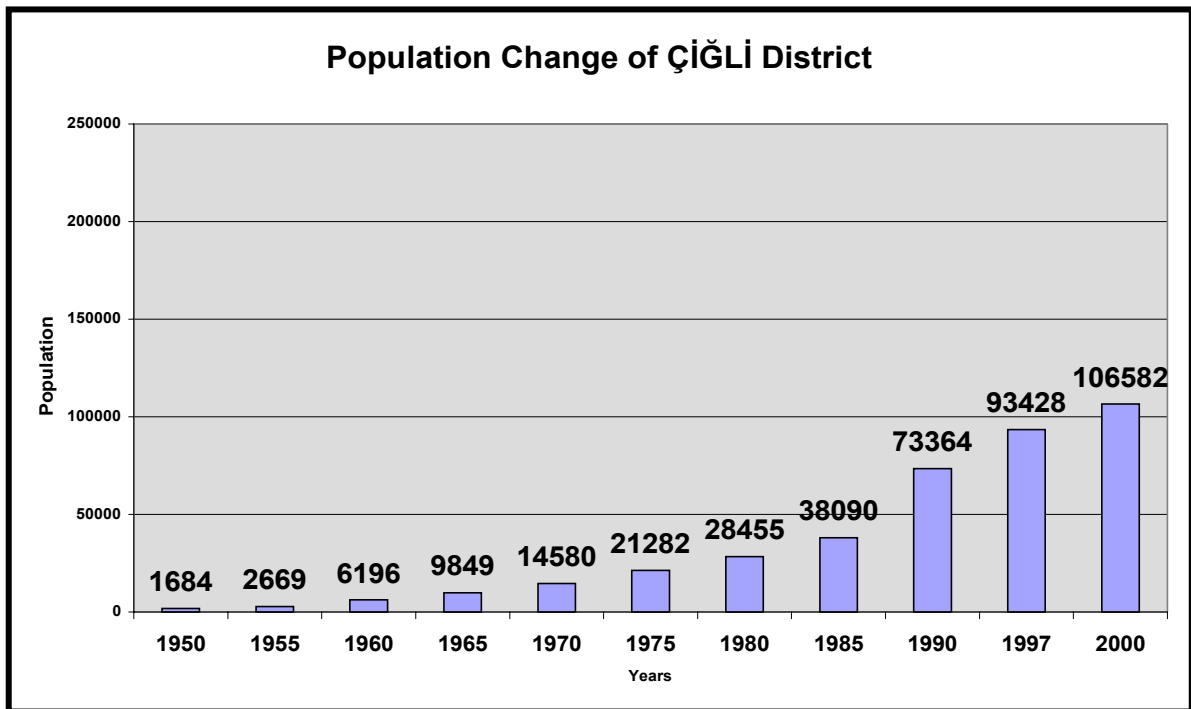


Fig. 6.8 : Population Change of Çiğli District by Years Source : DIE, Census Data



Fig. 6.9 : Location of Gaziemir District in İzmir Metropolitan City

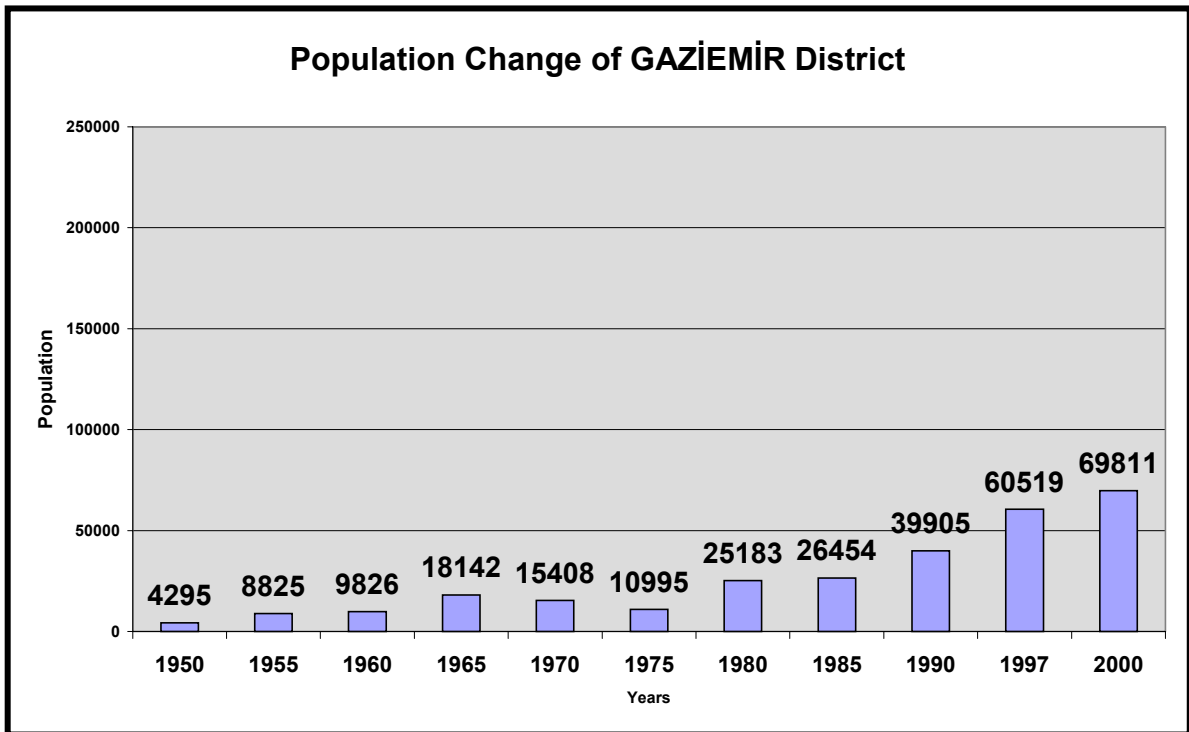


Fig. 6.10 : Population Change of Gaziemir District by Years Source : DIE, Census Data



Fig. 6.11 : Location of Güzelbahçe District in İzmir Metropolitan City

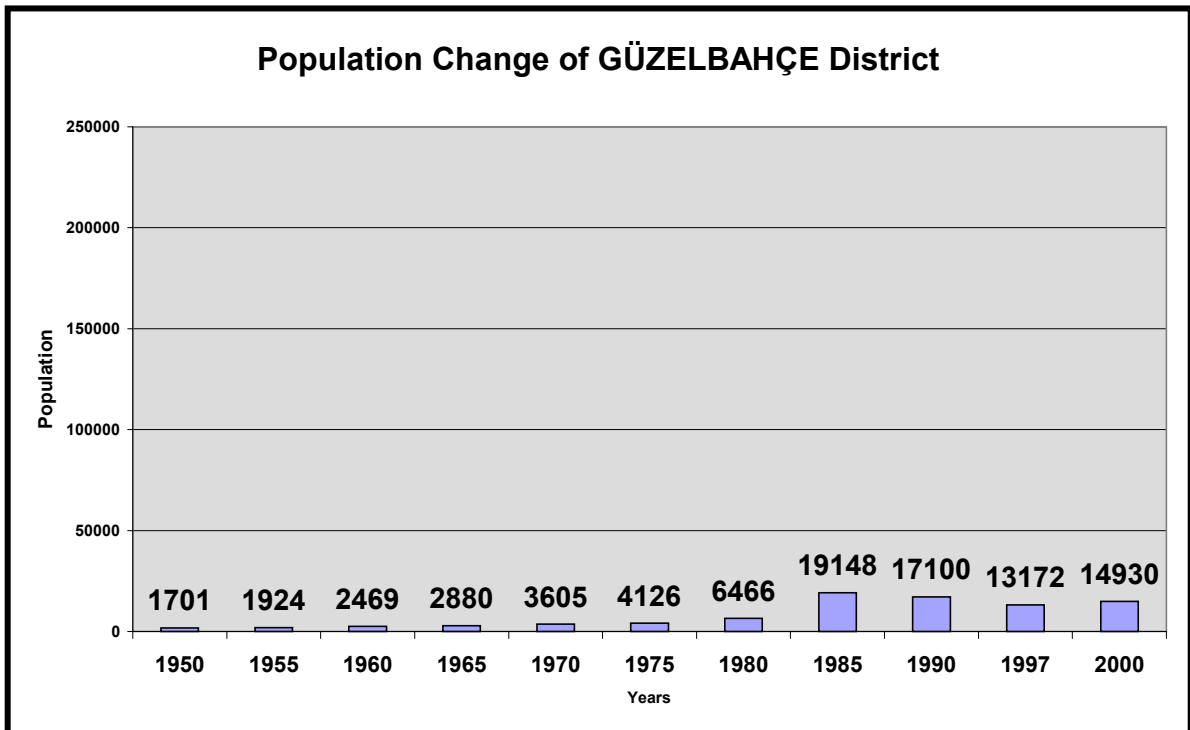


Fig. 6.12 : Population Change of Güzelbahçe District by Years Source : DIE, Census Data



Fig. 6.13 : Location of Karşıyaka District in İzmir Metropolitan City

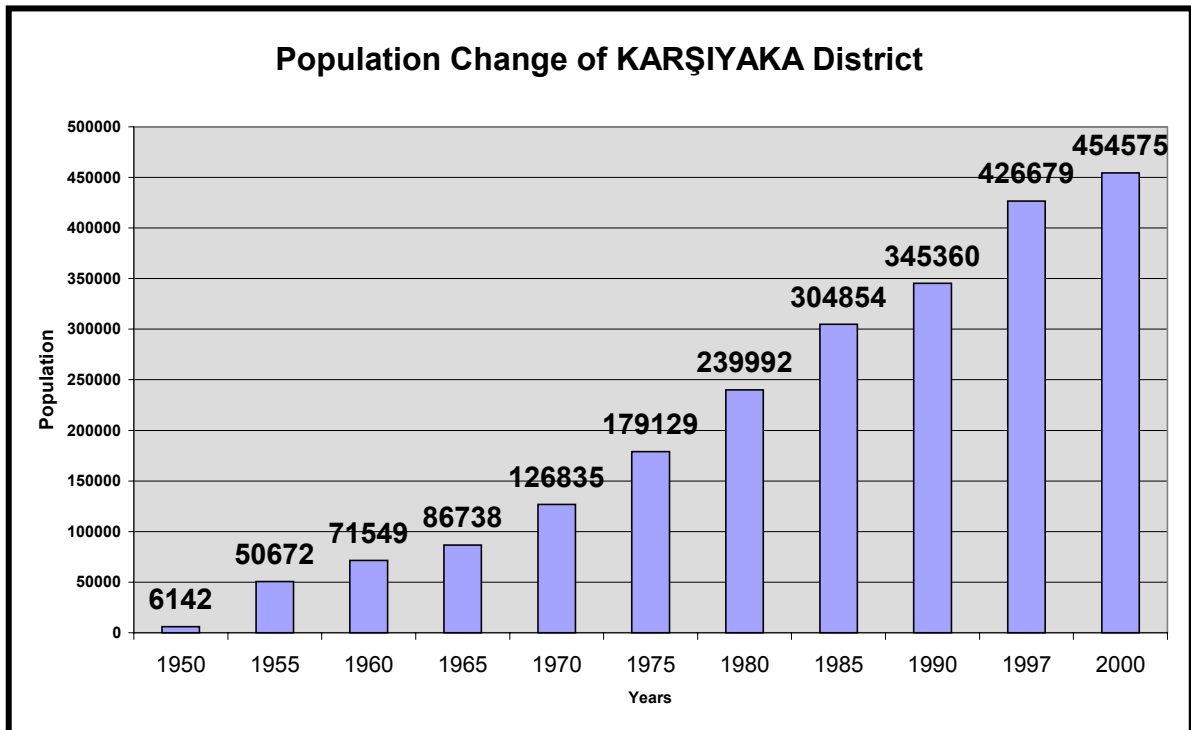


Fig. 6.14 : Population Change of Karşıyaka District by Years Source : DIE, Census Data



Fig. 6.15 : Location of Konak District in İzmir Metropolitan City

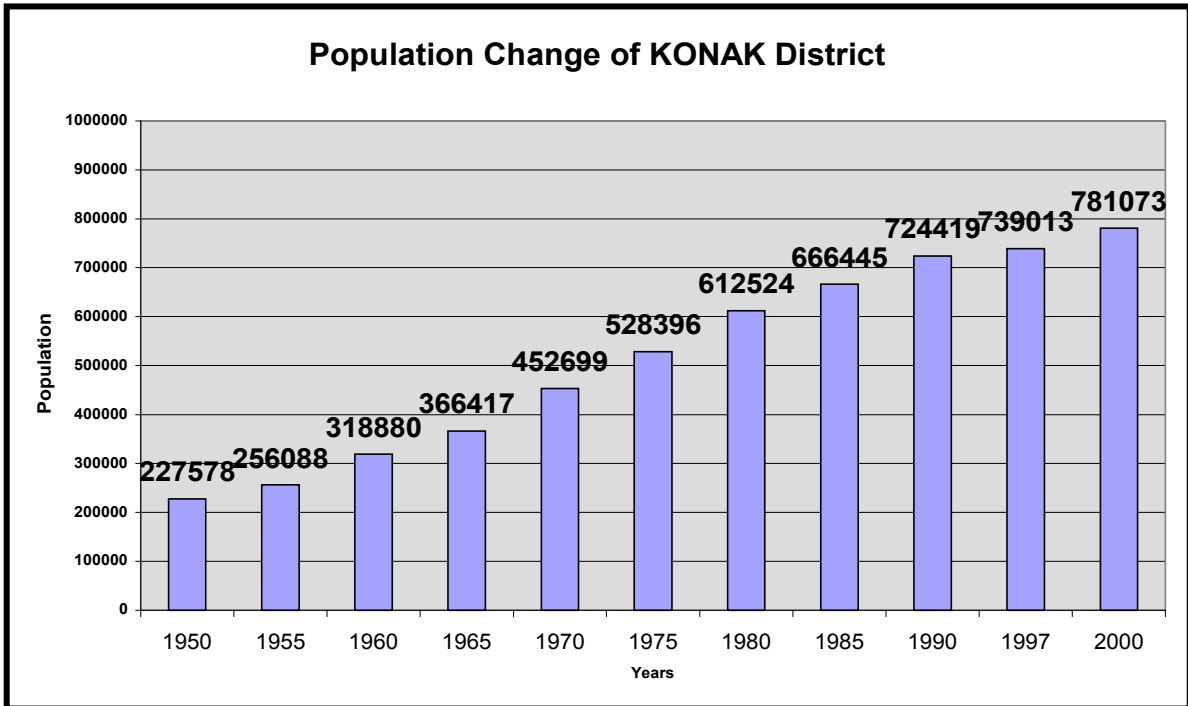


Fig. 6.16 : Population Change of Konak District by Years Source : DIE, Census Data



Fig. 6.17 : Location of Narlıdere District in İzmir Metropolitan City

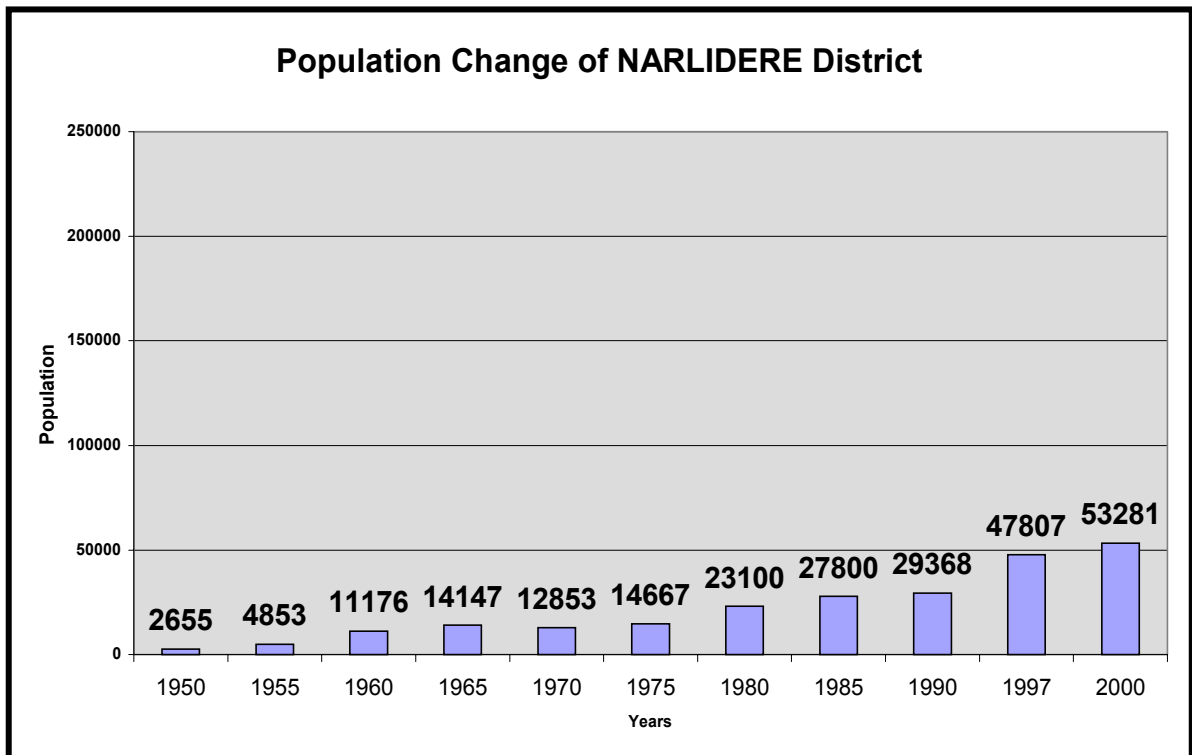


Fig. 6.18 : Population Change of Narlıdere District by Years Source : DIE, Census Data

As mentioned above, the aim of the analysis was searching the illegal buildings which were received an enforcement notice from the municipalities of İzmir Metropolitan City. Hence, a simple method was generated. According to this method, analysis was focused on unauthorized-illegal buildings (except residential) which had their own title deed. Building permit violations are not the main objects of methodology of this study:

Types of Breach :

1. **Unauthorized-Illegal** : Buildings which are constructed without a building permit on their own or shared deed,
2. **Building Permit Violation** : Buildings which are modified contrary to existing building permit.

- **Major Conflicts** :

Buildings which are generated additional stories or usable parts that contradict the existing building permit.

- **Minor Conflicts** :

Buildings which are applied informal modifications such as balcony & saloon joins, roof modifications, parking lot violations, etc.

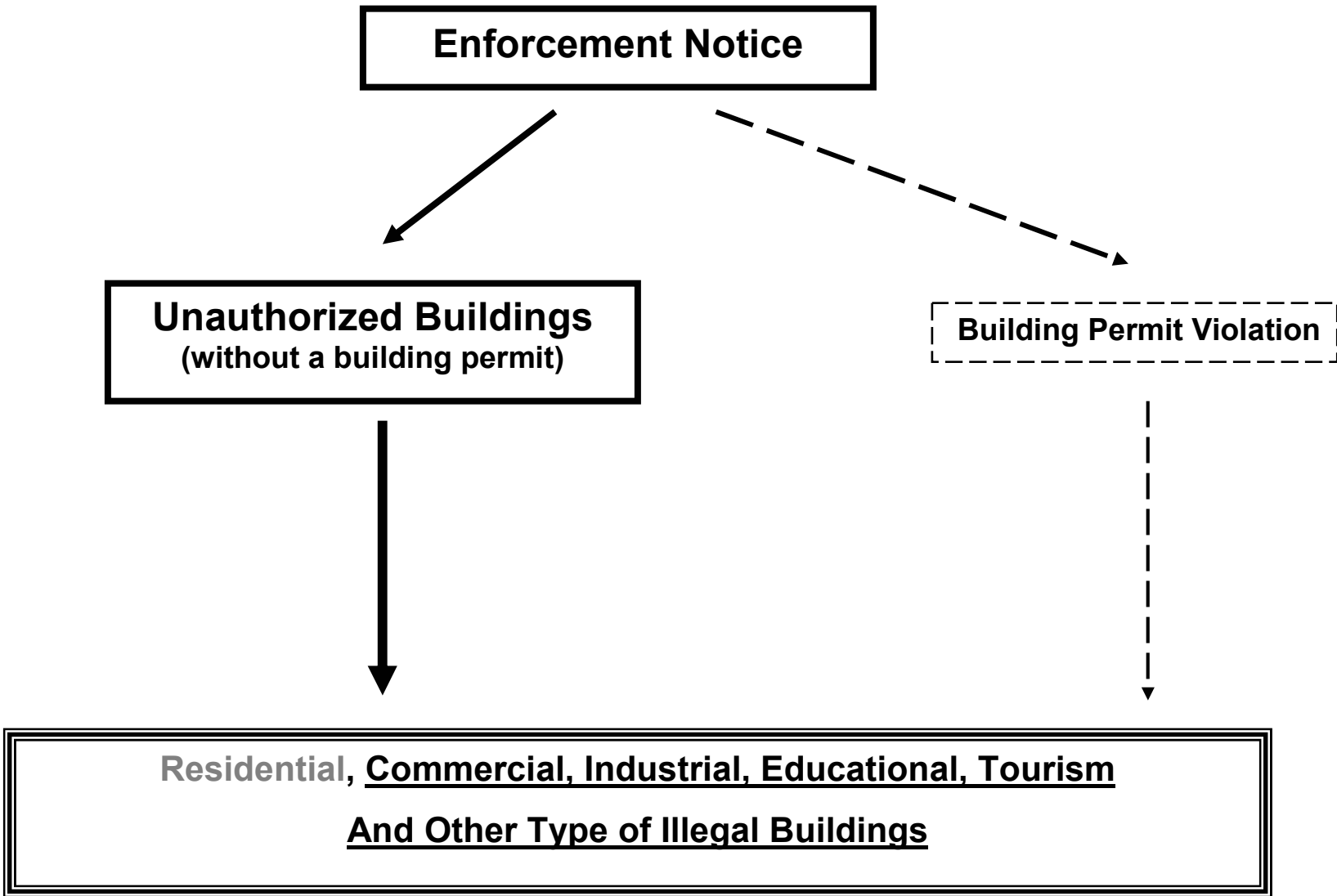


Fig. 6.19 : Case Study Analysis Method

6.2. Development-Planning Regulations About Unauthorized Building Operations

According to the development-building regulations in Turkey (İmar Kanunu, Law No. 3194, 1985), construction of a building without a building permit or violations of existing building permit are illegal acts (Law of 3194, Article 32). Supervision is made by municipalities within the municipality boundaries and by Provincial Government out of these boundaries. Sometimes, a written complaint from the citizen can be a source of evidence where the matter is pursued. After the building control, if a breach of planning control has occurred, an enforcement notice (yapı tatil zaptı in Turkish) is served to owner, occupier or who is responsible. One copy of notice is served to the headman of the local district. If no one accept the responsibility of illegal act, notification is hanged on the construction or building. At that time, if there is still construction process, it should be stopped. (Law of 3194, Article 32, details are illustrated in the Appendix B)

The Notice itself will specify :

- The alleged breach of planning control,
- The steps required to be taken to remedy the breach,
- The Notice will provide a period for compliance of 30 days before the notice will take effect.
- Any appeal against the enforcement notice must be submitted before the date on which the notice is to take effect.

The period for compliance with the Notice may vary for different types of breach and for the different steps required to remedy the breach:

- The compliance of buildings to the implementation project, (building permit violation only)
- The alteration or removal of buildings or works,
- Stop using of a land in part or whole.

Where the Notice requires the construction or replacement of a building and all the requirements of the Notice have been complied with, then planning authority (municipality or provincial government) will be treated as having been granted for that construction or building.

Failure to comply with the regulations will result punishment. According to the development-building regulation (Law of 3194, Article 42), after the period for compliance of 30 days, enforcement notice takes effect and responsible of the illegal act is fined. Fines for enforcement notice can be updated on a yearly basis. Minimum fine is 298.870.000 TL and the maximum fine is 14.943.800.000 TL for three years. The amount of the money changes regard to the financial benefit resulting from the breach which is given by the municipality or city council. If the responsible of the illegal act accepts the fine and pay it, a new building permit is prepared. But there is a right to appeal against fine in 7 days period in court of law. If the planning authority (municipality or provincial government) and the responsible of illegal act are disagree in the end, (responsible does not pay the fine, or find guilty in court of law) authority may decide to demolish the building or part of it and receive the expense from the responsible as a penalty. (Details are illustrated in the appendix, Law of 3194, Article 32/42)

6.3. Results of the Analysis

Annual total numbers of the enforcement notices for each municipality of İzmir were collected to analyze from building control departments' archives according to the availability of data. These archives are old, conventional and inefficient type of archives, some of them have computer systems but information systems are not used. In the next step, detailed search process was done for the year 2000. In this process, as described in Figure 6.19, analysis were focused on unauthorized buildings, so building permit violation statistics were not as important as unauthorized building statistics. Thus no detailed sampling was done for Balçova Municipality. In some cases like Bornova, Buca, Gaziemir, Karşıyaka and Konak Municipalities, total number of notifications for the year of 2000 were very high and beyond the reach of control (requires very long and hard work). To overcome this problem, simple random sampling was done and selected samples were analyzed. Names are treated as confidential. The results were presented :

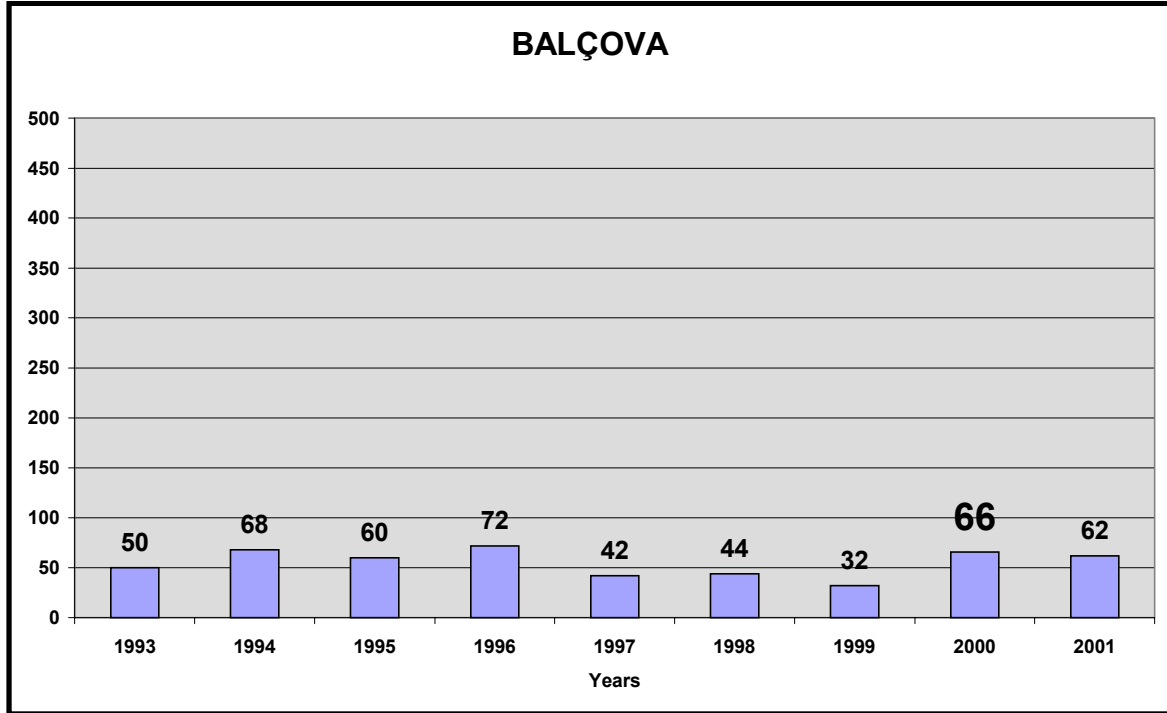


Fig. 6.20 : Enforcement Notices by Years – Balçova District

Year 1993 – 2001 TOTAL : 496

Year 2000 TOTAL : 66 Enforcement Notice

- **Unauthorized – Illegal = 0 ***
- Building Permit Violation = 66 Residential : 66

* Special Note : All enforcement notice's were served for building permit violation. Exceptional unauthorized-illegal buildings for Balçova Municipality were illegal car sale companies on the Mithatpaşa Street, which were demolished in 1996. Hence, detailed sampling was not done for Balçova District.

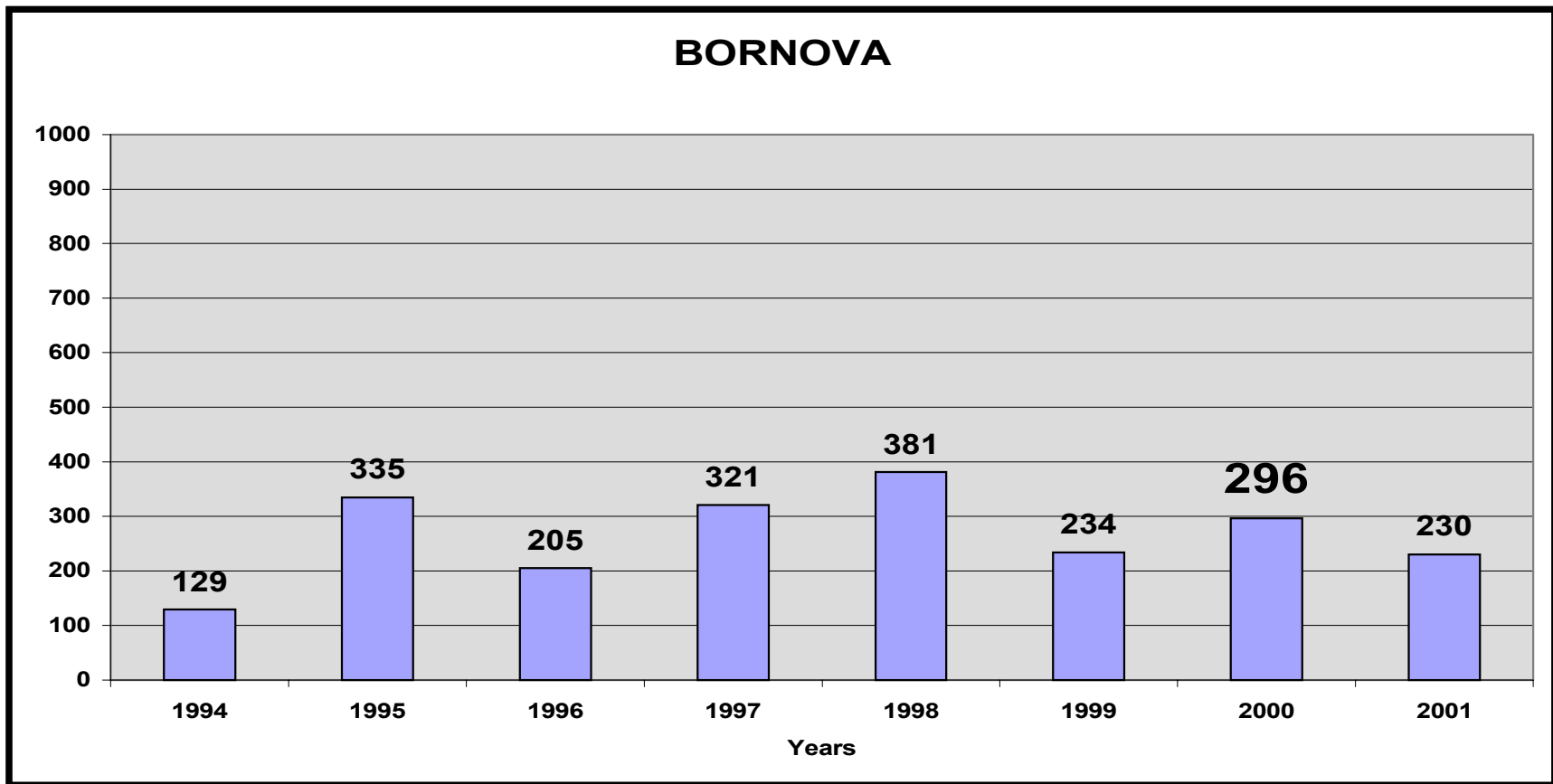


Fig. 6.21 : Enforcement Notices by Years – Bornova District

Year 1994 – 2001 TOTAL : 2131

Year 2000 TOTAL : 296

Sampling for the year 2000 : 29 Enforcement Notice (simple random sampling 10%)

- **Unauthorized – Illegal = 7**
 - **Building Permit Violation - Major = 4**
 - **Building Permit Violation - Minor = 18**
- Residential : 3 , **Commercial : 1**, **Official : 1**, **NGO : 2**
 Residential : 1 , Commercial : 2 , Educational : 1
 Residential : 11 , Commercial : 7

Table 6.1 : Sample of Bornova District

	Name-Surname	Date of Enforcement Notice	Building Type	Type of Breach	Cadastral Number	Address
1	***	28.03.2000	Commercial	Building Permit Violation – Minor Conflict	32K 5C-8303-1	Evka4 1025 Sok. No:13/B
2	***	30.03.2000	Residential	Building Permit Violation – Minor Conflict	4-487-86	Ankara Cad. No:229/1 D:6
3	***	05.04.2000	Residential	Building Permit Violation – Minor Conflict	43-34951-1	Evka3 127/12 Sok. No:5
4	***	05.04.2000	Residential	Unauthorized-Illegal	43-8341-1	Evka3
5	***	11.05.2000	NGO	Unauthorized-Illegal	11/1-23-276	Mansuroğlu Mah. 260 Sok. No:16
6	***	07.06.2000	NGO	Unauthorized-Illegal	11/1-23-276	Mansuroğlu Mah. 260 Sok. No:16
7	***	15.06.2000	Residential	Building Permit Violation – Minor Conflict	43-34950-1	Evka3 127/20 Sok. No:20
8	***	21.06.2000	Residential	Building Permit Violation – Minor Conflict	43-34950-1	Evka3 127/20 Sok. No:27
9	***	21.06.2000	Residential	Building Permit Violation – Minor Conflict	43-34950-1	Evka3 127/20 Sok. No:17

10	***	21.06.2000	Commercial	Building Permit Violation – Minor Conflict	43-34955-1	Evka3
11	***	05.07.2000	Residential	Building Permit Violation – Minor Conflict	2-3006-30	Osmangazi Mah. 589 sok. No:10
12	***	27.07.2000	Residential	Unauthorized-Illegal	3-3533-20	Atatürk Mah. 943 Sok. No:25
13	***	10.08.2000	Residential	Unauthorized-Illegal	3-3581-11	Atatürk Mah. 829 Sok. No:44
14	***	13.09.2000	Commercial	Unauthorized-Illegal	15	Atatürk Mah. 850 Sok.
15	***	14.09.2000	Residential	Building Permit Violation – Minor Conflict	1/2-2-231	Kazım Dirik Mah. 372/2 Sok. No:12
16	***	20.09.2000	Commercial	Building Permit Violation – Minor Conflict	4-4764-4	Doğanlar Mah. 129 Sok. No:4/A
17	***	28.09.2000	Commercial	Building Permit Violation – Major Conflict	3-3596-18	Atatürk Mah. 889 Sok. No:12
18	***	10.10.2000	Commercial	Building Permit Violation – Minor Conflict	52-157-4	Gençlik Cad. No:1/A
19	***	10.10.2000	Commercial	Building Permit Violation – Minor Conflict	52-157-4	Gençlik Cad. No:1/F

20	***	10.10.2000	Commercial	Building Permit Violation – Minor Conflict	52-157-4	Gençlik Cad. No:1/B
21	***	17.10.2000	Educational	Building Permit Violation – Major Conflict	30K IIA-30K IB-14000-1	Ege University Campus
22	***	19.10.2000	Residential	Building Permit Violation – Minor Conflict	3-3547-14	Atatürk Mah. Türkay Cad. No:59
23	***	19.10.2000	Official	Unauthorized-Illegal	46-197-29,30,31	Erzene Mah. Ege University Campus.
24	***	31.10.2000	Residential	Building Permit Violation – Major Conflict	29J II-3565-4	Atatürk Mah. 930 Sok. No:45
25	***	31.10.2000	Residential	Building Permit Violation – Minor Conflict	61-561-31	Erzene Mah. 113 Sok. No:35,37,39 & 114/2 Sok. No:1,3
26	***	17.11.2000	Commercial	Building Permit Violation – Minor Conflict	7-39-40	Kazım Dirik Mah. 162 Sok. No:15/6
27	***	21.11.2000	Commercial	Building Permit Violation – Major Conflict	14-52-376	Ankara Cad. No:?
28	***	23.11.2000	Residential	Building Permit Violation – Minor Conflict	31J IIA-34959-1	Evka3 127/3 Sok. No:6/1
29	***	14.12.2000	Residential	Building Permit Violation – Minor Conflict	31J IIID-3979-2	Mansuroğlu Mah. 283/1 Sok. No:19 A Blok Kat1

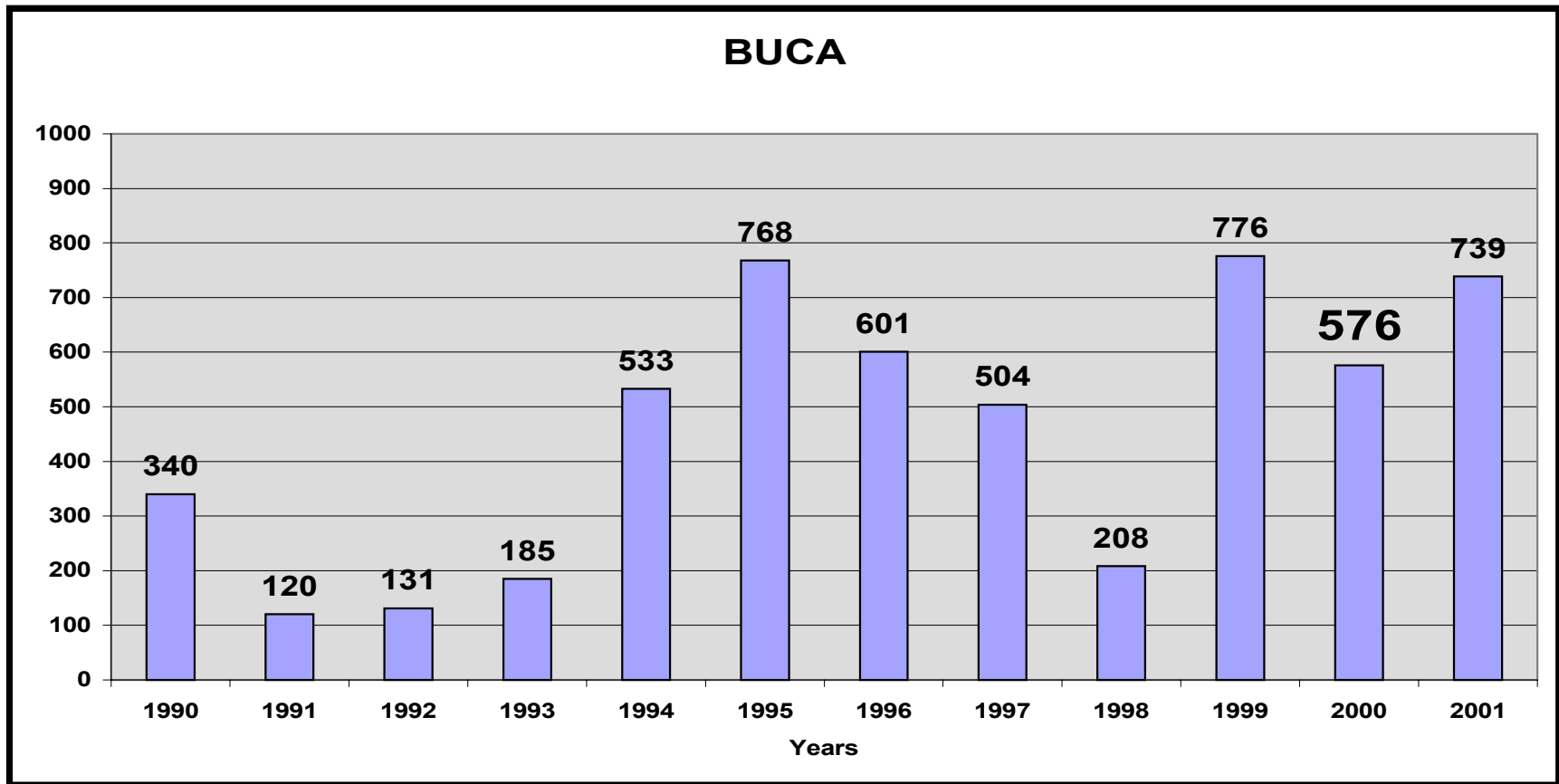


Fig. 6.22 : Enforcement Notices by Years – Buca District

Year 1990 – 2001 TOTAL : 5481

Year 2000 TOTAL : 576

Sampling for the year 2000 : 57 Enforcement Notice (simple random sampling 10%)

- **Unauthorized – Illegal = 37** Residential : 31 , Commercial : 5 , Industrial : 1
- Building Permit Violation - Major = 16 Residential : 16
- Building Permit Violation - Minor = 4 Residential : 4

Table 6.2 : Sample of Buca District

	Name-Surname	Date of Enforcement Notice	Building Type	Type of Breach	Cadastral Number	Address
1	***	27.01.2000	Residential	Building Permit Violation – Major Conflict	*	341 Sok. No:11
2	***	01.02.2000	Residential	Unauthorized-Illegal	*	298/37 Sok. No:21
3	***	03.02.2000	Residential	Unauthorized-Illegal	50-142-8	Fırat Mah. 647/1 Sok. No:31
4	***	09.02.2000	Commercial	Unauthorized-Illegal	20J IVB-836-14	Olduruk Mevki. Sebze Hali Karşısı No:1
5	***	11.02.2000	Residential	Unauthorized-Illegal	*	Olduruk Mevki.
6	***	11.02.2000	Commercial	Unauthorized-Illegal	*	Olduruk Mevki.
7	***	14.02.2000	Commercial	Unauthorized-Illegal	*	Karaağaç Köyü Yolüstü Mevki.
8	***	14.02.2000	Industrial	Unauthorized-Illegal	10-11-331	Karaağaç Köyü Meşelik Mevki.
9	***	17.02.2000	Residential	Unauthorized-Illegal	*	289/37 Sok. No:5

10	***	22.02.2000	Residential	Unauthorized-Illegal	*	433/20 Sok. No:19
11	***	24.02.2000	Residential	Building Permit Violation – Major Conflict	*	Seyhan Mah. 622 Sok. No:1
12	***	01.03.2000	Residential	Unauthorized-Illegal	21N IVD-53044-18	Fırat Mah. 647/30 Sok. No:9
13	***	02.03.2000	Residential	Unauthorized-Illegal	*	270/3 Sok. No:27
14	***	27.03.2000	Residential	Building Permit Violation – Major Conflict	21N IIID-53042-18	Fırat Mah. 637/63 Sok. No:8
15	***	27.03.2000	Residential	Building Permit Violation – Major Conflict	21M IIIC-40744-4	Fırat Mah. 637/30 Sok. No:11
16	***	28.03.2000	Residential	Unauthorized-Illegal	73-627-26	Atatürk Mah. 209/1 Sok. No:8
17	***	04.04.2000	Commercial	Unauthorized-Illegal	*	679 Sok. No:57
18	***	10.04.2000	Residential	Building Permit Violation – Major Conflict	64-6043-16	349 Sok. No:73
19	***	26.04.2000	Residential	Building Permit Violation – Minor Conflict	22P I-38789-4	Çamlık Mah. 811 Sok. No:10

20	***	27.04.2000	Residential	Unauthorized-Illegal	*	645/1 Sok. No:46
21	***	05.05.2000	Residential	Unauthorized-Illegal	22N IVB-50120-41	İstiklal Cad. No:3
22	***	09.05.2000	Residential	Building Permit Violation – Major Conflict	*	570 Sok. No:22
23	***	11.05.2000	Residential	Building Permit Violation – Major Conflict	*	Fırat Mah. 647 Sok. No:30
24	***	22.05.2000	Residential	Unauthorized-Illegal	21N IA-42742-4	Efeler Mah. 308/5 Sok. No:4
25	***	24.05.2000	Residential	Unauthorized-Illegal	21N IVD-53023-21	Fırat Mah. 647 Sok. No:25
26	***	29.05.2000	Residential	Unauthorized-Illegal	20M IIC-40397-8	İnönü Mah. 677/10 Sok. No:3
27	***	02.06.2000	Residential	Building Permit Violation – Major Conflict	21M IIIC-40711-2	Göksu Mah. 648/5 Sok. No:9
28	***	07.06.2000	Residential	Unauthorized-Illegal	20M IIB-42196-6	Yıldız Mah. 695/5 Sok. No:27
29	***	29.06.2000	Commercial	Unauthorized-Illegal	7460-1	İnönü Mah. 677/49 Sok. C Blok Yanı No:27

30	***	05.07.2000	Residential	Unauthorized-Illegal	21N IIIC-39707-5	Atatürk Mah. 204/2 Sok. No:23
31	***	15.08.2000	Residential	Unauthorized-Illegal	*	Göksu Mah. 695 Sok. No:15
32	***	05.09.2000	Residential	Building Permit Violation – Minor Conflict	220-IC-218-7	Murathan Mah. 1242 Sok. No:21
33	***	07.09.2000	Residential	Building Permit Violation – Major Conflict	*	687/9 Sok. No:22
34	***	21.09.2000	Residential	Unauthorized-Illegal	7614-4	Menderes Mah. 144/2 Sok. No:5
35	***	25.09.2000	Residential	Unauthorized-Illegal	21N IIC-50069-21	Adatepe Mah. 2/3 Sok. No:2
36	***	26.09.2000	Residential	Building Permit Violation – Major Conflict	21N IIB-50064-16	Adatepe Mah. 2/5 Sok. No:21
37	***	26.09.2000	Residential	Building Permit Violation – Major Conflict	*	Fırat Mah. 637/30 Sok. No:31
38	***	28.09.2000	Residential	Unauthorized-Illegal	42130-19	Yeşilbağlar Mah. 637/8 Sok. No:11
39	***	10.10.2000	Residential	Unauthorized-Illegal	21M IIIC-40748-11	Göksu Mah. 679/18 Sok. No:61

40	***	10.10.2000	Residential	Unauthorized-Illegal	*	Yıldız Mah. 200/66 Sok. No:4
41	***	18.10.2000	Residential	Unauthorized-Illegal	*	Yıldız Mah. 200/69 Sok. No:6
42	***	27.10.2000	Residential	Building Permit Violation – Minor Conflict	50216-11	Şirinkapı Mah. 1058/2 Sok. No:11
43	***	02.11.2000	Residential	Building Permit Violation – Major Conflict	*	205 Sok. No:5/1
44	***	02.11.2000	Residential	Building Permit Violation – Major Conflict	*	1248 Sok. No:4
45	***	03.11.2000	Residential	Building Permit Violation – Minor Conflict	43-499-74	Güven Mah. 384 Sok. No:32/1
46	***	07.11.2000	Residential	Building Permit Violation – Major Conflict	*	15 Sok. No:10
47	***	09.11.2000	Residential	Unauthorized-Illegal	38-174-2	Yıldız Mah. 200/65 Sok. No:6
48	***	14.11.2000	Residential	Building Permit Violation – Major Conflict	20M IID-40122-1	İnönü Mah. 671/1 Sok. No:16
49	***	16.11.2000	Residential	Building Permit Violation – Major Conflict	21M IIIB-42116-16	Fırat Mah. 635/3 Sok. No:9

50	***	22.11.2000	Residential	Unauthorized-Illegal	28-167-65	Yenigün Mah. 292/15 Sok. No:10
51	***	24.11.2000	Residential	Unauthorized-Illegal	28-166-10	Yeşilbağlar Mah. 292/32 Sok. No:7
52	***	24.11.2000	Residential	Unauthorized-Illegal	28-166-10	Yeşilbağlar Mah. 292/32 Sok. No:20
53	***	24.11.2000	Residential	Unauthorized-Illegal	28-166-10	Yeşilbağlar Mah. 292/32 Sok. No:30
54	***	13.12.2000	Residential	Unauthorized-Illegal	40-175-20	Çamlıkule Mah. 220/46 Sok. No:13
55	***	15.12.2000	Residential	Unauthorized-Illegal	28-166-10	Yeşilbağlar Mah. 292/32 Sok. No:27
56	***	19.12.2000	Residential	Unauthorized-Illegal	38-174-2	Yıldız Mah. 200/69 Sok. No:4
57	***	20.12.2000	Residential	Unauthorized-Illegal	28-166-16	Yeşilbağlar Mah. 292/35 Sok. No:17

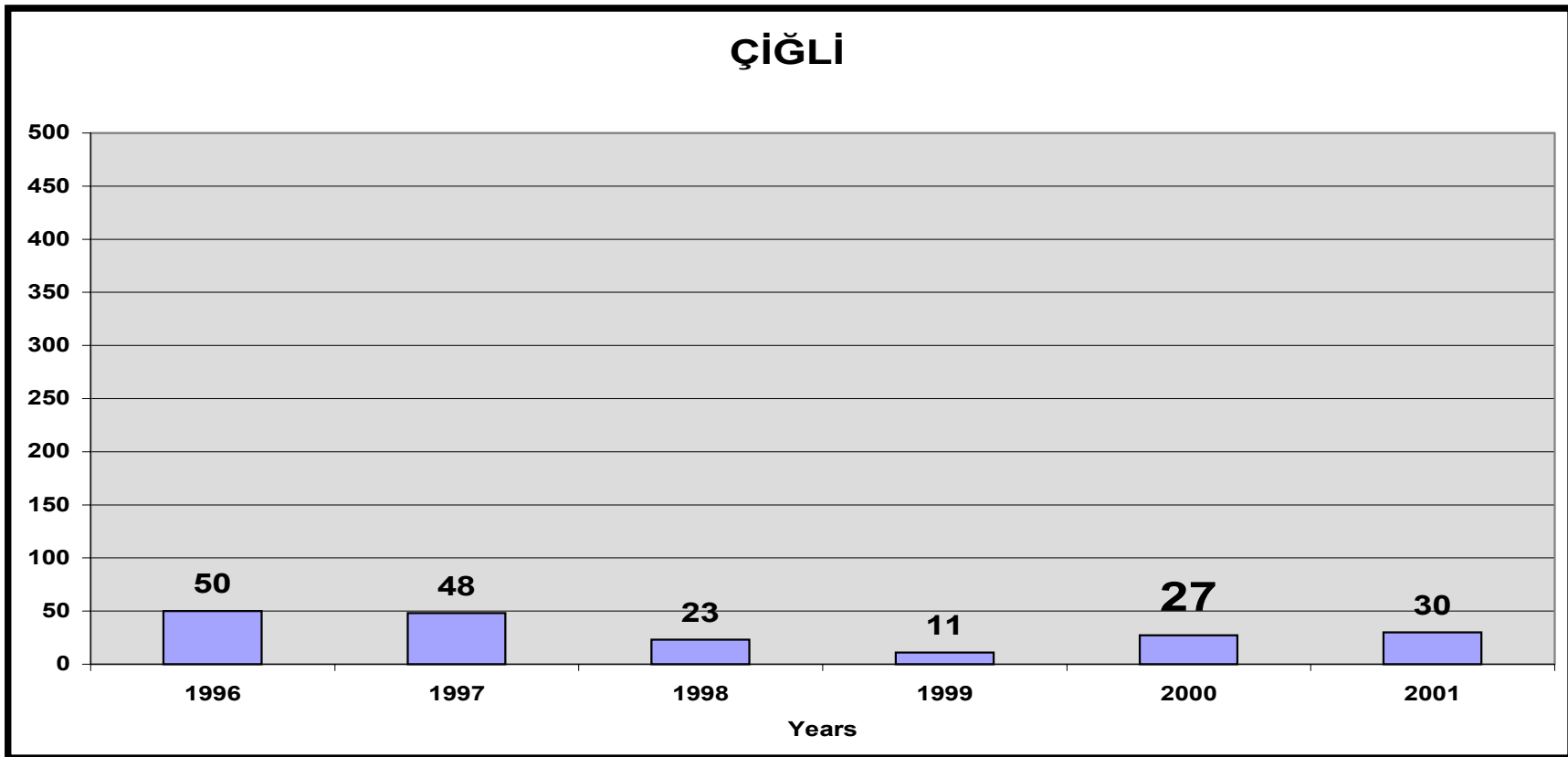


Fig. 6.23 : Enforcement Notices by Years – Çiğli District

Year 1996 – 2001 TOTAL : 189

Year 2000 TOTAL : 27

Sampling for the year 2000 : 27 Enforcement Notice

- **Unauthorized – Illegal = 15**
 - Building Permit Violation - Major = 6
 - Building Permit Violation - Minor = 6
- Residential : 12 , **Commercial : 3**
Residential : 5 , Industrial : 1
Residential : 6

Table 6.3 : Sample of Çiğli District

	Name-Surname	Date of Enforcement Notice	Building Type	Type of Breach	Cadastral Number	Address
1	***	08.02.2000	Commercial	Unauthorized-Illegal	34-4765	Köyiçi Cad. No:3
2	***	08.02.2000	Commercial	Unauthorized-Illegal	34-4765	Köyiçi Cad. No:3-Yanı
3	***	08.02.2000	Commercial	Unauthorized-Illegal	34-4765	Köyiçi Cad. No:7
4	***	29.05.2000	Residential	Unauthorized-Illegal	41267-1	8136 Sok. No:138
5	***	30.05.2000	Residential	Unauthorized-Illegal	22-408	8809/2 Sok. No:95
6	***	06.07.2000	Industrial	Building Permit Violation – Major Conflict	2135-8,9	10002 Sok. No:6
7	***	06.07.2000	Residential	Unauthorized-Illegal	21692-1	8790/1 Sok. No:54
8	***	06.07.2000	Residential	Building Permit Violation – Major Conflict	21648-2	8211/1 Sok. No:4,5,6

9	***	20.07.2000	Residential	Building Permit Violation – Major Conflict	36-5504	Anadolu Cad. No:822
10	***	20.07.2000	Residential	Building Permit Violation – Minor Conflict	21579-1	6848/1 Sok. No:112
11	***	27.07.2000	Residential	Unauthorized-Illegal	27-411	8217 Sok. No:44
12	***	15.08.2000	Residential	Building Permit Violation – Minor Conflict	11614-25	6808 Sok. No:10
13	***	17.08.2000	Residential	Building Permit Violation – Minor Conflict	11641-25	6841 sok. No:56
14	***	22.08.2000	Residential	Building Permit Violation – Minor Conflict	1178-51	8053 Sok. No:53/B
15	***	22.08.2000	Residential	Building Permit Violation – Minor Conflict	1178-49	8050 Sok. No: 21/A
16	***	24.08.2000	Residential	Unauthorized-Illegal	26K IB-22222-1	8042 Sok. No:15
17	***	25.08.2000	Residential	Unauthorized-Illegal	27-411	8217 Sok. No:46
18	***	21.09.2000	Residential	Unauthorized-Illegal	21936-3	8021 Sok. No:71

19	***	21.09.2000	Residential	Unauthorized-Illegal	21936-2	8021 Sok. No:73
20	***	22.09.2000	Residential	Unauthorized-Illegal	21936-11	8021 Sok. No:57
21	***	22.09.2000	Residential	Building Permit Violation – Major Conflict	21936-4	8021 Sok. No:69
22	***	22.09.2000	Residential	Unauthorized-Illegal	21936-5	8021 Sok. No:67
23	***	22.09.2000	Residential	Building Permit Violation – Major Conflict	21936-1	8021 Sok. No:75
24	***	22.09.2000	Residential	Unauthorized-Illegal	21936-13	8021 Sok. No:51
25	***	27.09.2000	Residential	Building Permit Violation – Minor Conflict	11587-1	6820/2 Sok. No:2
26	***	28.09.2000	Residential	Building Permit Violation – Major Conflict	25K IA-21896-1	8204/1 Sok. No:10,12,14
27	***	28.09.2000	Residential	Unauthorized-Illegal	37-1303	8001 Sok. No:59/A

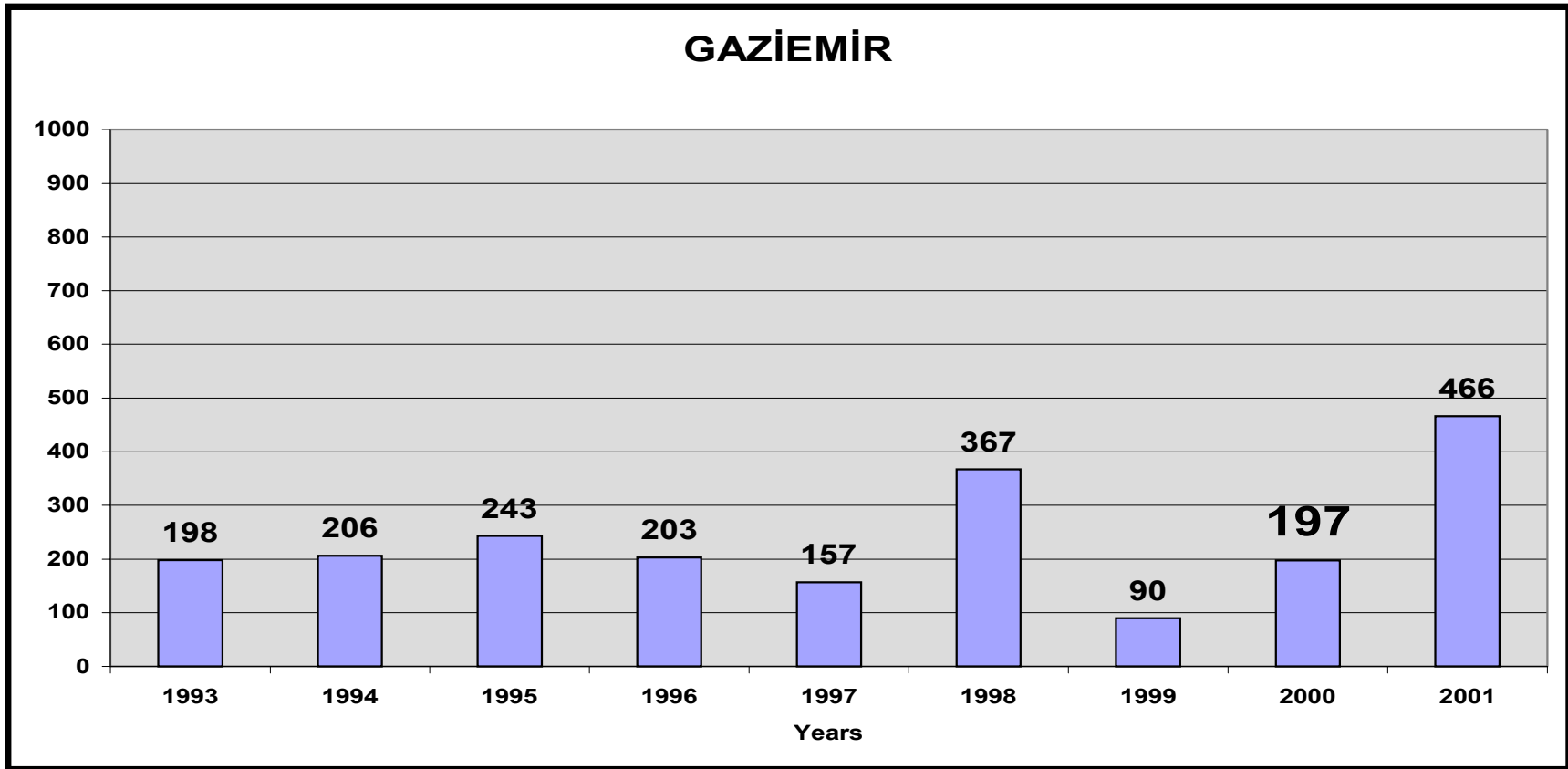


Fig. 6.24 : Enforcement Notices by Years – Gaziemir District

Year 1993 – 2001 TOTAL : 2127

Year 2000 TOTAL : 197

Sampling for the year 2000 : 20 Enforcement Notice (simple random sampling 10%)

- **Unauthorized – Illegal = 16** Residential : 15 , Industrial : 1
- Building Permit Violation - Major = 2 Commercial : 2
- Building Permit Violation - Minor = 2 Residential : 1 , Industrial : 1

Table 6.4 : Sample of Gaziemir District

	Name-Surname	Date of Enforcement Notice	Building Type	Type of Breach	Cadastral Number	Address
1	***	13.06.2000	Residential	Unauthorized-Illegal	41661-1	Gazi Mah. 28/3 Sok. No:19
2	***	15.06.2000	Residential	Unauthorized-Illegal	21-16-7	Irmak Mah. 38/4 Sok. No:33
3	***	15.06.2000	Residential	Unauthorized-Illegal	30-16-7	Irmak Mah. 38/4 Sok. No:11
4	***	15.06.2000	Residential	Unauthorized-Illegal	30-16-7	Irmak Mah. 38/3 Sok. No:3
5	***	22.06.2000	Residential	Unauthorized-Illegal	28-13-5	Irmak Mah. 38/20 Sok. No:6
6	***	22.06.2000	Residential	Unauthorized-Illegal	21-15-9	Irmak Mah. 38/10 Sok. No:17
7	***	27.06.2000	Residential	Unauthorized-Illegal	027-12-33	Irmak Mah. 36 Sok. No:19
8	***	27.06.2000	Residential	Unauthorized-Illegal	41716-1	Irmak Mah. 34 Sok. No:43
9	***	27.06.2000	Residential	Unauthorized-Illegal	103-15	Irmak Mah. 32 Sok. No:25

10	***	04.07.2000	Residential	Unauthorized-Illegal	3-235-36	Irmak Mah. 39 Sok. No:54
11	***	06.07.2000	Commercial	Building Permit Violation – Major Conflict	18m2a-1315-1	Atıfbey Mah. Etiler Cad. No:23
12	***	21.09.2000	Industrial	Building Permit Violation – Minor Conflict	19m3a-101-70	Gazi Mah. 28/23 Sok. No:22
13	***	14.11.2000	Residential	Unauthorized-Illegal	6-197-1	Yeşil Mah. 40 Sok. No:81
14	***	14.11.2000	Commercial	Building Permit Violation – Major Conflict	20/25-1316-4	Atıfbey Mah. Akçay Cad. No:262
15	***	12.12.2000	Residential	Unauthorized-Illegal	2014-46-30516-19	Emrez Mah. 182 Sok. No:10
16	***	19.12.2000	Residential	Building Permit Violation – Minor Conflict	19m3d-1473-17	9 Eylül Mah. Ulaştırma Cad. No: 9/A
17	***	19.12.2000	Residential	Unauthorized-Illegal	18m2a2b-43505-15	9 Eylül Mah. 316 Sok. No:22
18	***	19.12.2000	Residential	Unauthorized-Illegal	18m2a2b-43504-1	9 Eylül Mah. 316/1 Sok. No:2
19	***	21.12.2000	Residential	Unauthorized-Illegal	18m2a2b-43511-3	9 Eylül Mah. 319/1 Sok. No:5
20	***	21.12.2000	Industrial	Unauthorized-Illegal	1429-8	9 Eylül Mah. 343 Sok. No:7

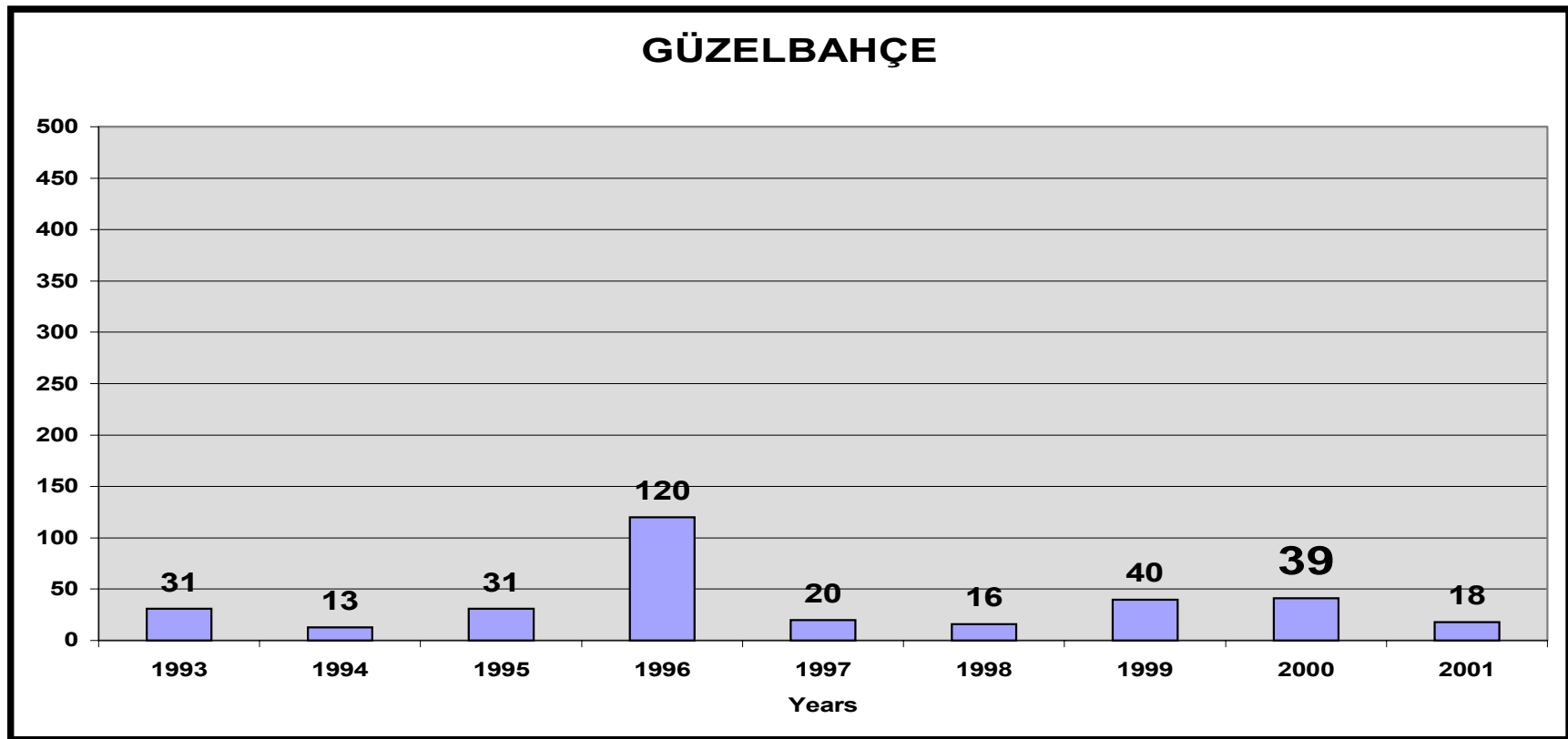


Fig. 6.25 : Enforcement Notices by Years – Güzelbahçe District

Year 1993 – 2001 TOTAL : 328

Year 2000 TOTAL : 39

Sampling for the year 2000 : 39 Enforcement Notice

- **Unauthorized – Illegal = 3**
- **Building Permit Violation - Major = 5**
- **Building Permit Violation - Minor = 31**

Residential : 1 , Industrial : 1 , Educational : 1
Residential : 5
Residential : 31

Table 6.5 : Sample of Güzelbahçe District

	Name-Surname	Date of Enforcement Notice	Building Type	Type of Breach	Cadastral Number	Address
1	***	01.03.2000	Residential	Building Permit Violation – Minor Conflict	20H IA-766-2	Yaka Mah. Üzgün Sok. No:2/1
2	***	01.03.2000	Residential	Building Permit Violation – Minor Conflict	20H IA-766-4	Yaka Mah. Turan Sok. No:9
3	***	24.03.2000	Industrial	Unauthorized-Illegal	1527-1A-A3/B4	Çelebi Mah. İstikbal Cad. No:146
4	***	05.04.2000	Residential	Building Permit Violation – Minor Conflict	1-046	Çelebi Mah. Şehit Kemal Cad. No:*
5	***	11.04.2000	Residential	Building Permit Violation – Minor Conflict	1A-A1/4553	Çelebi Mah. Şehit Kemal Cad. No:182
6	***	28.04.2000	Residential	Building Permit Violation – Major Conflict	20G IIM-4030	Çelebi Mah. Kızıllık Sok. No:10
7	***	16.05.2000	Residential	Building Permit Violation – Minor Conflict	IVD-D3-2589	Derya Mah. M.Paşa Cad. Kışla Sok. No:2
8	***	16.05.2000	Residential	Building Permit Violation – Minor Conflict	IVD-D3-2589	Derya Mah. M.Paşa Cad. No:479
9	***	31.05.2000	Residential	Building Permit Violation – Minor Conflict	20G IIA-423-14	Kahramandere Mah. Şehit Kemal Cad. No:93/B

10	***	14.06.2000	Residential	Building Permit Violation – Minor Conflict	3-05203	Yalı Mah. M.Paşa Cad. No:174
11	***	15.06.2000	Residential	Building Permit Violation – Minor Conflict	IVD-D3-2584	M.Paşa Cad. No:489/A
12	***	15.06.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:2/3
13	***	17.07.2000	Residential	Building Permit Violation – Minor Conflict	1A-A4-819-1	Kahramandere Mah. Yeşil Ege Koop. Mevkii
14	***	20.07.2000	Educational	Unauthorized-Illegal	1A-A3-1562,1563	Çelebi Mah. Kazım Dirik Cad. No:71
15	***	18.08.2000	Residential	Building Permit Violation – Minor Conflict	20G IIC-4170	Atatürk Mah. 443 Sok. No:4
16	***	18.08.2000	Residential	Building Permit Violation – Minor Conflict	IIB-B2-986	Derya Mah. No:109
17	***	18.08.2000	Residential	Building Permit Violation – Minor Conflict	13-3286	M.Paşa Cad. No:174
18	***	18.08.2000	Residential	Building Permit Violation – Minor Conflict	1A-A2-4765,4766	Çelebi Mah. Ertuğrul Sok. No:2
19	***	19.09.2000	Residential	Building Permit Violation – Major Conflict	20G IIC-4170	Atatürk Mah. 443 Sok. No:4

20	***	15.09.2000	Residential	Unauthorized-Illegal	46-40-1	Maltepe Mah. M.Paşa Cad. 88 Sok. No:14A
21	***	15.09.2000	Residential	Building Permit Violation – Minor Conflict	9-654-4	Atatürk Mah. Ufuk Sok. No:4
22	***	26.09.2000	Residential	Building Permit Violation – Major Conflict	20G IIC-4170	Atatürk Mah. 443 Sok. No:4
23	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	764-6	Yaka Mah. Turan Sok. No:1A-B3,1A-B4
“24	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	1-04615	Çelebi Mah. Şehit Kemal Cad. No:127
25	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:1/1
26	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:5/1
27	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:2
28	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:3/1
29	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:9/1

30	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:11/4
31	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:15/2
32	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:9/4
33	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:11/2
34	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:13/5
35	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:15/3
36	***	06.10.2000	Residential	Building Permit Violation – Minor Conflict	16-4326	Maltepe Mah. Gönen Sok. No:5/2
37	***	28.11.2000	Residential	Building Permit Violation – Minor Conflict	330-2	Yalı Mah. Seferihisar Yolu No:35
38	***	28.11.2000	Residential	Building Permit Violation – Minor Conflict	4-678	Yalı Mah. M.Paşa Cad. No:194/3
39	***	08.02.2000	Residential	Building Permit Violation – Minor Conflict	3-937	Yalı Mah. M.Paşa Cad. No:381

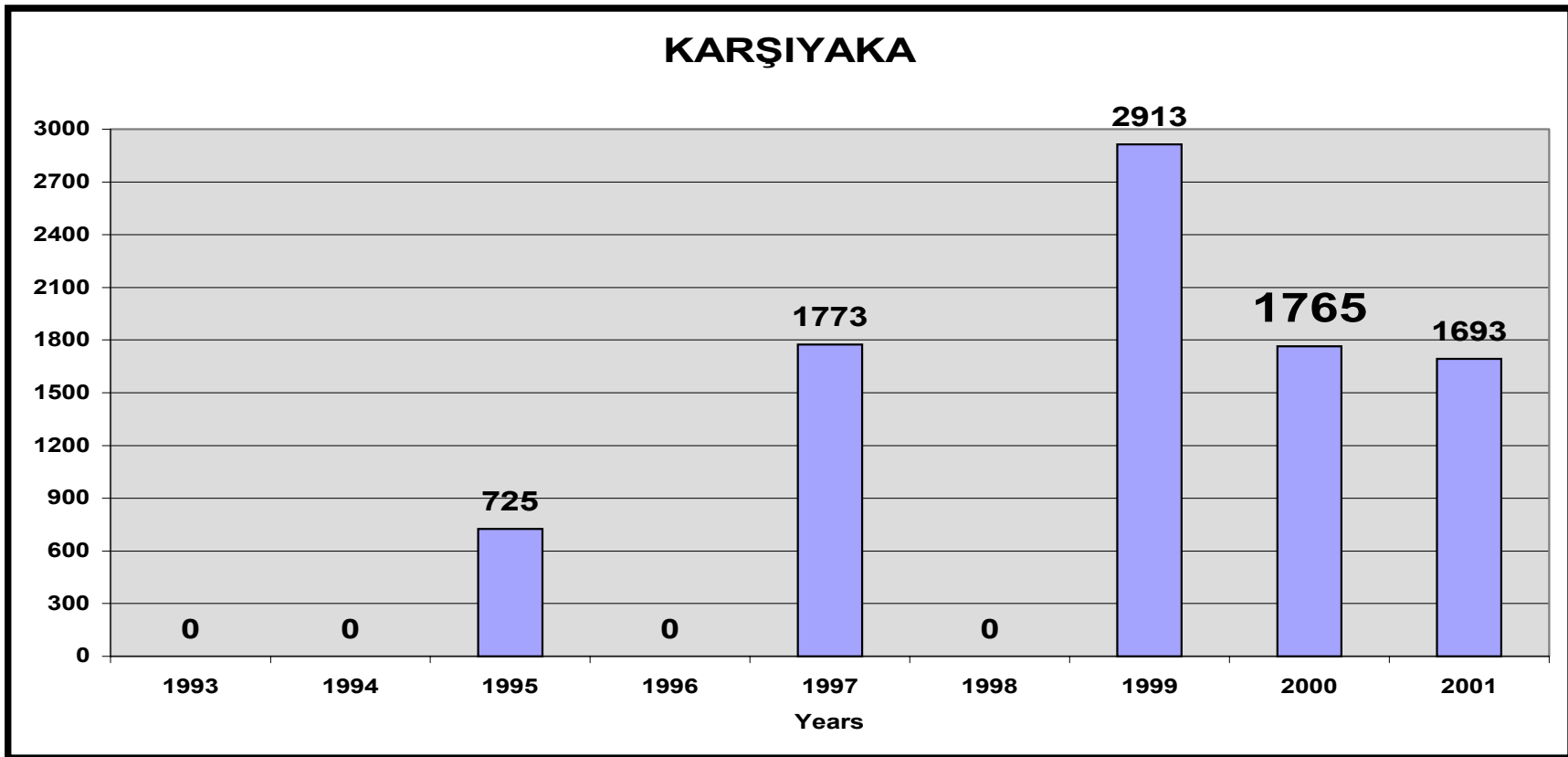


Fig. 6.26 : Enforcement Notices by Years – Karşıyaka District

Year 1993 – 2001 TOTAL : 8869 *

Year 2000 TOTAL : 1765

Sampling for the year 2000 : 18 Enforcement Notice (simple random sampling 1%)

- **Unauthorized – Illegal = 4** Residential : 1 , Commercial : 2 , Depot : 1
- **Building Permit Violation - Minor = 14** Residential : 13 , Commercial : 1

* 1993, 1994, 1996, 1998 enforcement notice archives are not available.

Table 6.6 : Sample of Karşıyaka District

	Name-Surname	Date of Enforcement Notice	Building Type	Type of Breach	Cadastral Number	Address
1	***	20.04.2000	Residential	Unauthorized-Illegal	25275-1	6295/1 Sok. No:10/21
2	***	20.04.2000	Commercial	Unauthorized-Illegal	25933-1-6	Postacılar Mah.
3	***	09.05.2000	Residential	Building Permit Violation – Minor Conflict	9851-1	Atakent Mah. 2038/1 Sok. No:33
4	***	09.05.2000	Commercial	Building Permit Violation – Minor Conflict	9851-1	Atakent Mah. 2038/1 Sok. No:7
5	***	11.05.2000	Residential	Building Permit Violation – Minor Conflict	9852-1	Atakent Mah. 2038/2 Sok. No:12
6	***	11.05.2000	Residential	Building Permit Violation – Minor Conflict	25323-2	Atakent Mah. 2038/3 Sok. No:11
7	***	16.05.2000	Depot	Unauthorized-Illegal	160-31	Donanmacı Mah. 1671 Sok. No:107 Karş.Tren İst. Arkası
8	***	16.05.2000	Commercial & Depot	Unauthorized-Illegal	160-31	Bahariye Mah. 1671 Sok. No:108/1 Karş.Tren İst. Arkası
9	***	05.06.2000	Residential	Building Permit Violation – Minor Conflict	32676-4	Fikri Altay Mah. 6185/9 Sok. No:15

10	***	20.06.2000	Residential	Building Permit Violation – Minor Conflict	96-32	Aksoy Mah. Cemal Gürsel Cad. No:392/1 -6,11
11	***	20.06.2000	Residential	Building Permit Violation – Minor Conflict	9159-11	Soğukkuyu Mah. 1843 Sok. No:6/2
12	***	04.07.2000	Residential	Building Permit Violation – Minor Conflict	2711-9	Bayraklı Mah. 1643 Sok. No:52/B
13	***	25.07.2000	Residential	Building Permit Violation – Minor Conflict	25491-1	Mavişehir Mah. 2040/6 Sok. No: 1/89
14	***	12.09.2000	Residential	Building Permit Violation – Minor Conflict	9851-1	Atakent Mah. 2038/1 Sok. No:35
15	***	10.10.2000	Residential	Building Permit Violation – Minor Conflict	9376-13	Bostanlı Mah. Girne Bul. No:1/3
16	***	14.11.2000	Residential	Building Permit Violation – Minor Conflict	019-4	Alaybey Mah. 1688 Sok. No:22/5
17	***	30.11.2000	Residential	Building Permit Violation – Minor Conflict	9377-5	Bostanlı Mah. Cemal Gürsel Cad. No:476/B
18	***	30.11.2000	Residential	Building Permit Violation – Minor Conflict	9377-7	Bostanlı Mah. Cemal Gürsel Cad. No:448/23

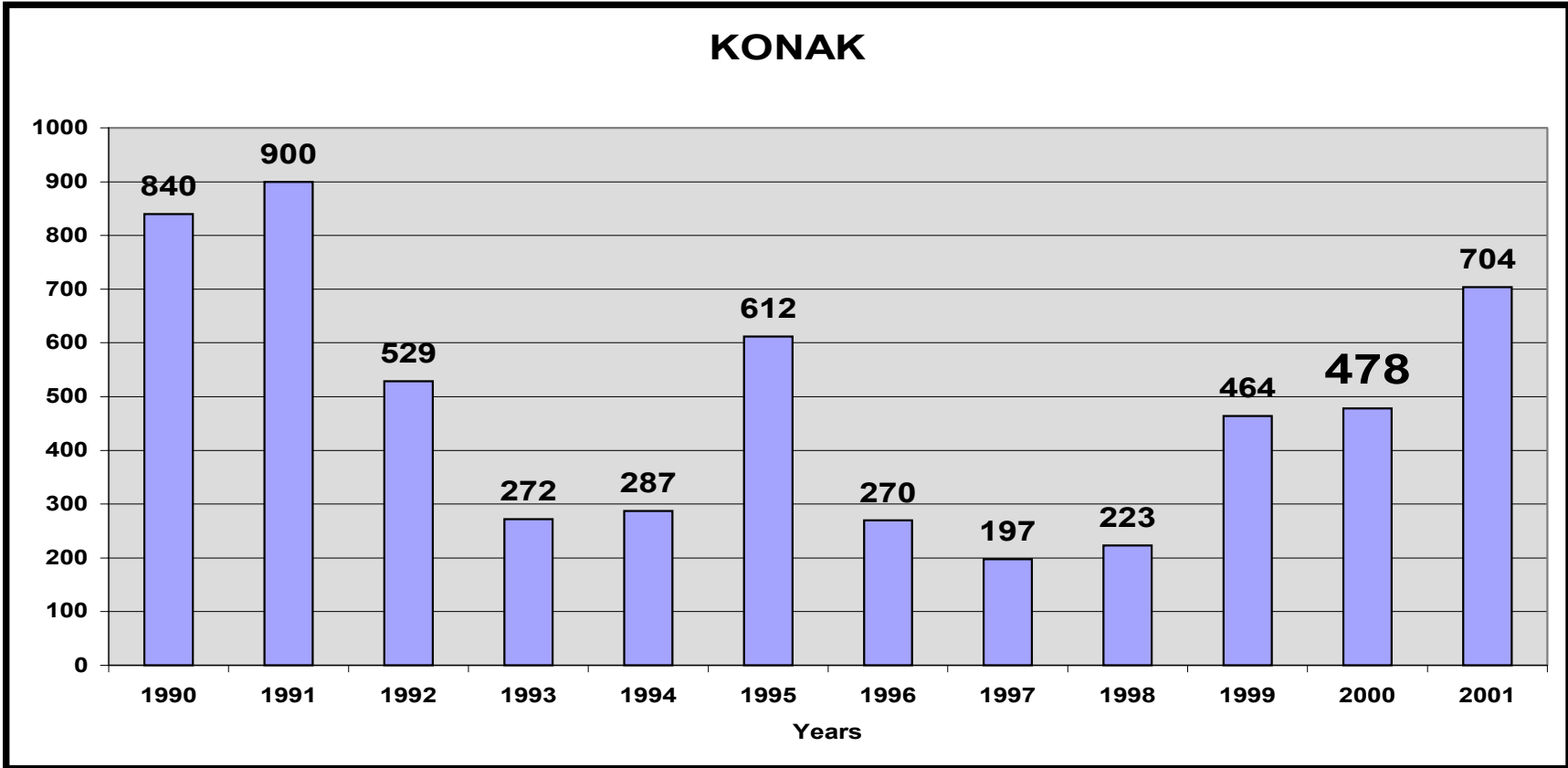


Fig. 6.27 : Enforcement Notices by Years – Konak District

Year 1990 – 2001 TOTAL : 5776

Year 2000 TOTAL : 478

Sampling for the year 2000 : 47 Enforcement Notice (simple random sampling 10%)

- **Unauthorized – Illegal = 9** Residential : 3 , **Commercial : 6**
- Building Permit Violation - Major = 8 Residential : 8
- Building Permit Violation - Minor = 30 Residential : 27 , Commercial : 1 , NGO : 2

Table 6.7 : Sample of Konak District

	Name-Surname	Date of Enforcement Notice	Building Type	Type of Breach	Cadastral Number	Address
1	***	05.01.2000	Residential	Building Permit Violation – Minor Conflict	30275-7	508 Sok. No: 12
2	***	12.01.2000	Commercial	Unauthorized-Illegal	3862-2	Eskiizmir Cad. No:65
3	***	21.01.2000	Residential	Building Permit Violation – Minor Conflict	1682-4	516 Sok. No:20
4	***	16.02.2000	Residential	Building Permit Violation – Minor Conflict	1585-60	1279 Sok. No:56
5	***	16.02.2000	Residential	Building Permit Violation – Minor Conflict	363-4	3512 Sok. No:41
6	***	28.02.2000	Residential	Building Permit Violation – Minor Conflict	717-9	200 Sok. No:26-28
7	***	09.03.2000	Residential	Building Permit Violation – Minor Conflict	1731-29	İnönü Cad. No:312/1
8	***	30.03.2000	Residential	Building Permit Violation – Minor Conflict	41969-1	3617 Sok. No:152
9	***	06.04.2000	Commercial	Unauthorized-Illegal	1301-38	Ali Çetinkaya Bul. No:31/1A

10	***	06.04.2000	Residential	Building Permit Violation – Minor Conflict	2296-4	1168 Sok. No:8
11	***	12.04.2000	Residential	Building Permit Violation – Minor Conflict	1115-55	Ziya Gökalp Bul. No:20 D:7
12	***	24.04.2000	Commercial	Unauthorized-Illegal	2601-2	2201 Sok. No:35
13	***	24.04.2000	Residential	Building Permit Violation – Major Conflict	30426-2	3274 Sok. No:19
14	***	05.05.2000	Residential	Building Permit Violation – Minor Conflict	3304-113	260 Sok. No:58
15	***	08.05.2000	Residential	Building Permit Violation – Minor Conflict	160-79	492 Sok. No:23
16	***	11.05.2000	Residential	Building Permit Violation – Minor Conflict	227-8	864 Sok. No:10
17	***	30.05.2000	Residential	Building Permit Violation – Major Conflict	3471-1	Eskiizmir Cad. No:181-192/B
18	***	30.05.2000	Residential	Building Permit Violation – Minor Conflict	7751-1	Kıbrıs Şehitleri Cad. No:812
19	***	14.06.2000	Residential	Building Permit Violation – Major Conflict	41000-10	3466 Sok. No:14/1

20	***	28.06.2000	Residential	Building Permit Violation – Major Conflict	1731-29	131 Sok. No:86
21	***	12.07.2000	Residential	Building Permit Violation – Minor Conflict	1009-4	Cumhuriyet Bul. No:81/A
22	***	27.07.2000	Residential	Building Permit Violation – Minor Conflict	6620-13	Mithatpaşa Cad. No:201/1
23	***	03.08.2000	Residential	Building Permit Violation – Minor Conflict	6349-8	İnönü Cad. No:653/B D:1
24	***	14.08.2000	Commercial	Unauthorized-Illegal	6127-14	65/17 Sok. No: 2
25	***	14.08.2000	NGO	Building Permit Violation – Minor Conflict	958-9	Gazi Bul. No:52
26	***	14.08.2000	NGO	Building Permit Violation – Minor Conflict	958-9	Gazi Bul. No:48
27	***	15.08.2000	Residential	Building Permit Violation – Minor Conflict	869-6	55 Sok. No:3/A
28	***	29.08.2000	Residential	Building Permit Violation – Minor Conflict	6246-11	İnönü Cad. No:831 D:8
29	***	04.09.2000	Residential	Building Permit Violation – Minor Conflict	6246-11	İnönü Cad. No:831 D:12

30	***	04.09.2000	Commercial	Unauthorized-Illegal	6883-31	Eskiizmir Cad. No:18
31	***	06.09.2000	Residential	Building Permit Violation – Major Conflict	2482-361	1116 Sok. No:4
32	***	06.10.2000	Residential	Building Permit Violation – Major Conflict	118-7	774 Sok. No:1
33	***	31.10.2000	Residential	Building Permit Violation – Minor Conflict	1053-22	1369 Sok. No:11 D:1
34	***	31.10.2000	Commercial	Building Permit Violation – Minor Conflict	2318-9	Gaziler Cad. No:532
35	***	31.10.2000	Residential	Building Permit Violation – Minor Conflict	2727-54	155 Sok. No:50
36	***	20.11.2000	Residential	Building Permit Violation – Major Conflict	7908-8	1144 Sok. No:8/B D:10
37	***	20.11.2000	Residential	Building Permit Violation – Minor Conflict	85-2	671 Sok. No:12
38	***	23.11.2000	Residential	Building Permit Violation – Minor Conflict	8625-1	Ozan Abay Cad. No:4
39	***	29.11.2000	Residential	Building Permit Violation – Minor Conflict	234-10	863 Sok. No:65

40	***	05.12.2000	Residential	Building Permit Violation – Minor Conflict	1578-23	981 Sok. No:89
41	***	05.12.2000	Commercial	Unauthorized-Illegal	2318-9	Gaziler Cad. No:532
42	***	13.12.2000	Residential	Unauthorized-Illegal	30425-2	3273 Sok. No:4
43	***	19.12.2000	Residential	Building Permit Violation – Minor Conflict	7118-3	İnönü Cad. No:11/D
44	***	19.12.2000	Residential	Unauthorized-Illegal	41956-6	3564 Sok. No:57
45	***	19.12.2000	Residential	Unauthorized-Illegal	6883-16	515/3 Sok. No:14/A
46	***	19.12.2000	Residential	Building Permit Violation – Minor Conflict	6886-18	528/1 Sok. No:6/A
47	***	19.12.2000	Residential	Building Permit Violation – Major Conflict	6248-7	14 Sok. No:3/A

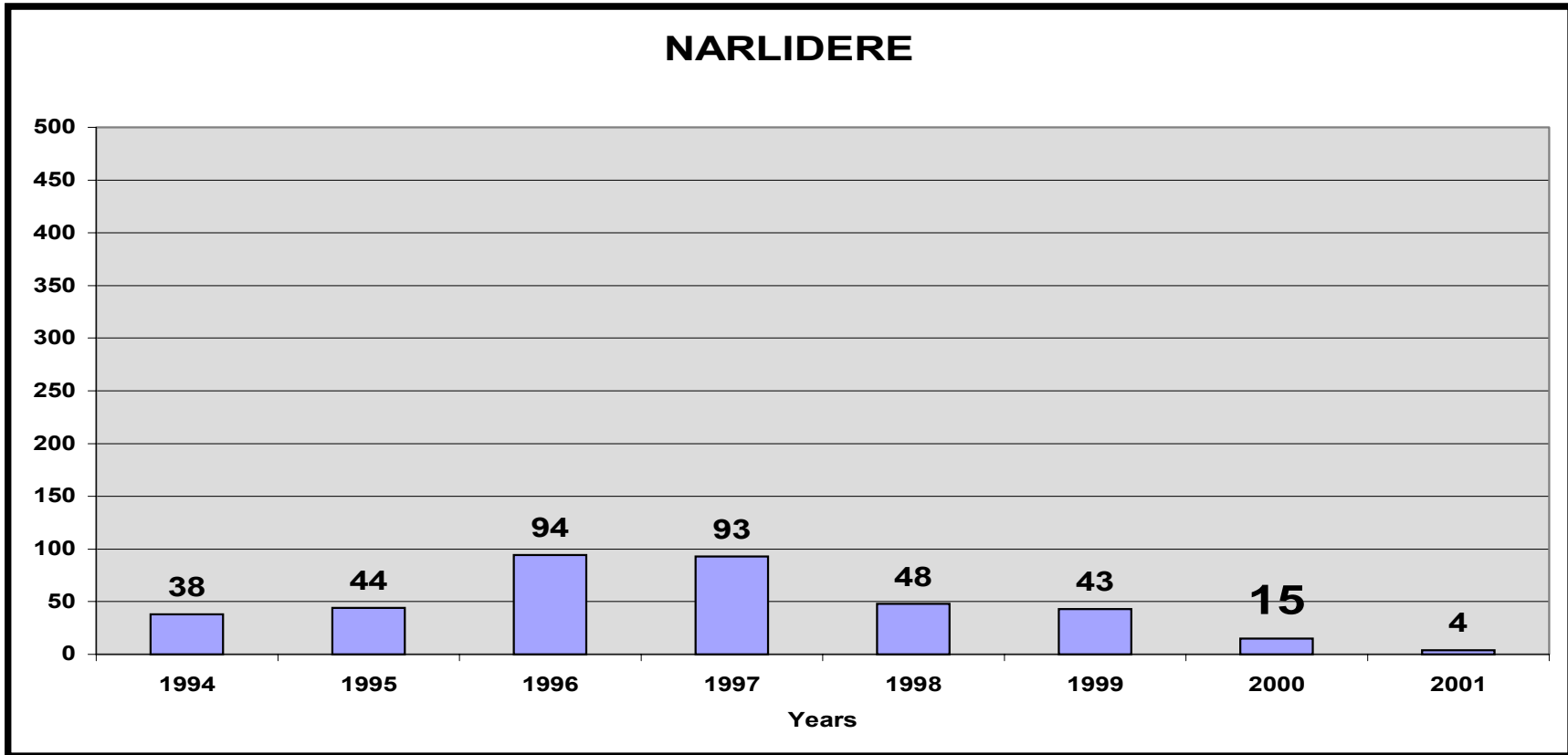


Fig. 6.28 : Enforcement Notices by Years – Narlıdere District

Year 1994 – 2001 TOTAL : 379

Year 2000 TOTAL : 15

Sampling for the year 2000 : 15 Enforcement Notice *

- **Unauthorized – Illegal = 5** Residential : 5
 - Building Permit Violation - Major = 2 Residential : 2
 - Building Permit Violation - Minor = 6 Residential : 5 , Tourism : 1
- * 2 notification were not available.

Table 6.8 : Sample of Narlıdere District

	Name-Surname	Date of Enforcement Notice	Building Type	Type of Breach	Cadastral Number	Address
1	***	31.01.2000	Residential	Building Permit Violation – Minor Conflict	5-74-112	Yağmur S. No:22 Sahilevleri
2	***	01.03.2000	Residential	Building Permit Violation – Minor Conflict	16-69-26	Narlı Mah. Gelincik S. No:24
3	***	06.03.2000	Residential	Building Permit Violation – Minor Conflict	5-74-113	Yağmur S. No : 20 Sahilevleri
4	***	20.03.2000	Residential	Building Permit Violation – Major Conflict	143-8189-3	Narlı Mah.Yatır S. No:29
5	***	21.06.2000	Residential	*not available	7057-13	2. İnönü Mah. Gülender Akçe S. No:1
6	***	14.08.2000	Tourism	Building Permit Violation – Minor Conflict	8104-3	Limanreis Mah. Şair Fuzuli S. No:2
7	***	28.08.2000	Residential	Building Permit Violation – Minor Conflict	6104-2	Altievler Mah. Kumsal S. No : 158
8	***	21.09.2000	Residential	Unauthorized-Illegal	7034-1	Atatürk Mah. Şinasi S. No : 7
9	***	04.10.2000	Residential	Building Permit Violation – Minor Conflict	8041-1	2. İnönü Mah. Muzaffer S. No:3/3

10	***	11.10.2000	Residential	Unauthorized-Illegal	5-74-164	Sökmen Çıkmaı No:13 Sahilevleri
11	***	23.10.2000	Residential	Building Permit Violation – Major Conflict	25-108-215	Huzur Mah. Sünbül S. No:10
12	***	23.10.2000	Residential	Unauthorized-Illegal	6334-4	Mithatpaşa Cad. No:349
13	***	23.10.2000	Residential	Unauthorized-Illegal	7109-2	2. İnönü Mah. Uğurlu S. No:7
14	***	27.11.2000	Residential	*not available	22J IV B-2-4	M.Kemal Sahil Bul. No:12 Sahilevleri
15	***	13.12.2000	Residential	Unauthorized-Illegal	16-69-26	Narlı Mah. Gelincik S. No:22/A

ILLEGAL PHYSICAL DEVELOPMENT AREAS IN IZMIR - 2002



Scale : 1 / 200000

LEGEND



Graphics : Enforcement Notices by District Municipalities

Source : CP 501-502 Studios 2001-2002
Faculty of Architecture,
City Planning Master - İYTE

Representation by Ali Kemal ÇINAR

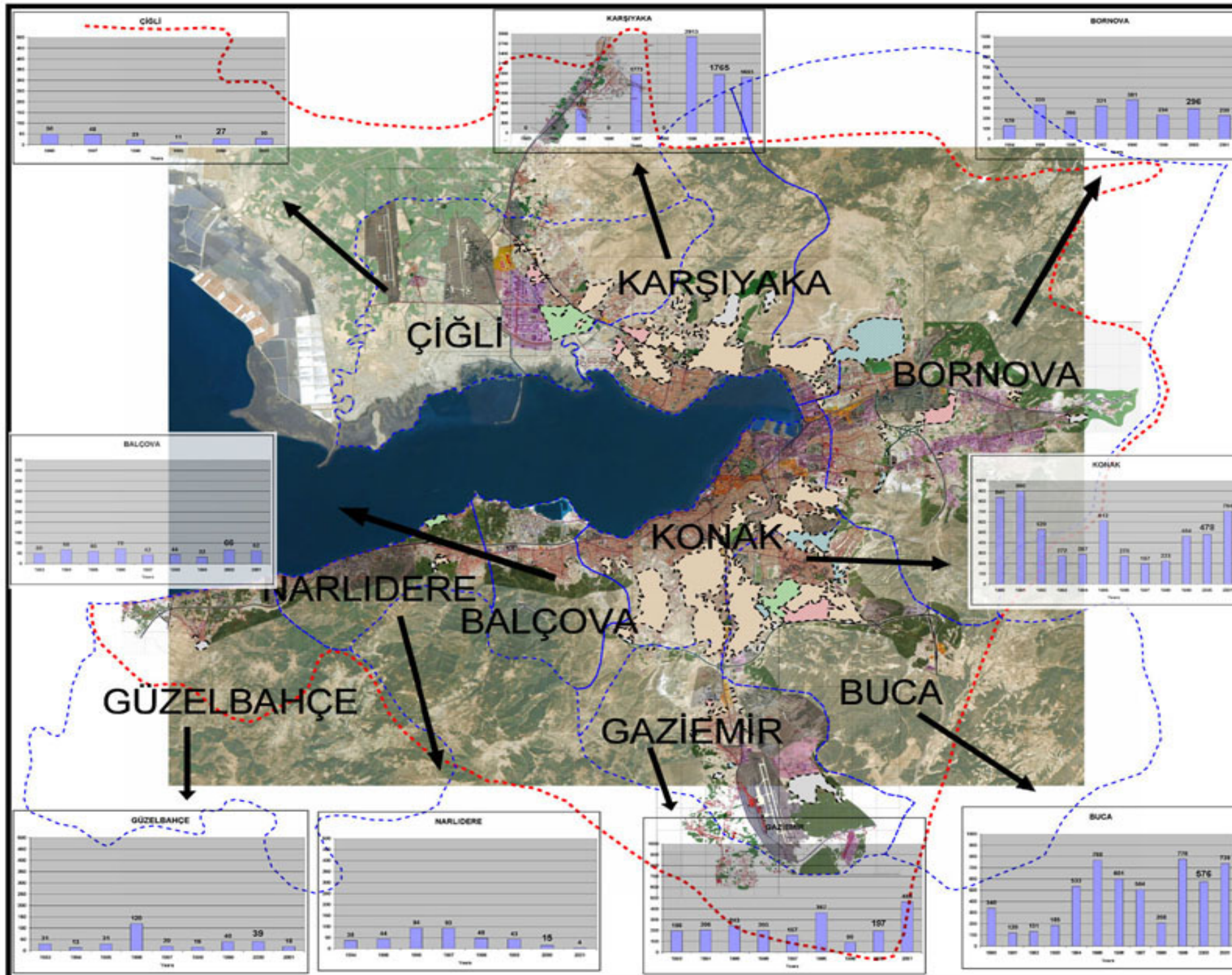


Fig.6.29 : Illegal Physical Development Areas in İzmir – 2002

Source : CP 501-502 Planning Studios, İzmir Institute of Technology, Faculty of Architecture, Department of City and Regional Planning, City Planning Master Programme, 2001-2002

Reproduction by Ali Kemal ÇINAR

6.4. Comments

As described in the chapter 1, there is a statement about illegal physical development in this thesis and in order to prove this hypothesis, an operational framework was prepared. Thus, within the case study, enforcement notices were collected and analyzed to query if there were any record entry of different type of illegal buildings. By this analysis, thesis will try to find newly generated informal processes in different building sectors and municipalities' attitudes dealing with them. At the beginning, one of the aim of the thesis was to search for detailed information about the production process of different type of illegal buildings, but this section could not be completed because of the limited time.

Finally, this statement/hypothesis was proved by operational, systematic and also legal approach. Selected samples of enforcement notices showed us that illegal buildings are differentiated to all building types. But this situation does not mean that building control/supervision tasks of municipalities are sufficient dealing with illegal physical development. Although there are different types of unauthorized/illegal buildings, most of the enforcement notices were served to residences for building permit violations (see sample tables 6.1-6.8). Also fines are not effective tools to defeat illegal acts. In some cases, although the illegal occupant is punished/fined, he/she gets more benefit than the fine payment. Another problem of administration/supervision process is corruption.

According to the various studies about illegal housing areas (IYTE, 2002 for instance, see Table 3.5) there are still newly generated gecekondu and unauthorized/illegal buildings which can be observed in İzmir and other major metropolitan cities of Turkey. Compared to results of these studies, total numbers of enforcement notices are not sufficient to deal with these illegal building processes.

In order to prevent uncontrolled illegal physical development of urban space, a new strategic approach is needed.

Chapter 7

CONCLUSION

The urban areas are growing and will continue to grow. In principle this is beneficial for a number of reasons. Urban areas generate more economic development than rural areas. Urban areas provide more income generating opportunities, more access to services like health, education, cultural activities etc. for the inhabitants. The urban growth might lead to a number of conflicts if not properly managed, due to poor conditions such as environmental destruction, pollution, over-exploitation of natural resources and health risks for the population. Inhabitants in urban areas are in need of public services like water and sewerage, transport, power etc. and social services for health, education and cultural activities. The local authorities need to be able to provide suitable conditions for these services and safeguard the necessary co-ordination between the different activities. In order to do this, the local authority needs access to information about the land, its use and the actors using the land in the area.

In order to provide security of tenure, a registration of the right to land is necessary. A land registration system will allow for identification of the land and its legal owner as well as facilitating transactions of the land market. Even though most of cadastral information is exist at the official cadastre offices, information about illegal subdivisions can not be registered and unfortunately the availability and use of official cadastral information is restricted. Also this information is compiled from conventional database and the system is not computerized. Information about land is also needed for physical planning purposes and for the development of infrastructure. It is usually necessary to demarcate the plots on the ground and document the parcel on a map. The system described is often referred to as a cadastral system. A functioning cadastral system is essential for the development of a country.

There is a general lack of serviced plots for land use purposes in the urban areas. Many areas have out-dated development plans or recent plans that have neither been approved nor implemented :

- a) lack of planning capacity and inability to implement land use plans;
- b) lack of co-ordination by local authorities and other service delivery companies to implement land-use plans,
- c) inability of planning and local authorities to enforce planning and building regulations resulting in uncontrolled development, and
- d) ***uncontrolled, spontaneous, populist development benefits market forces.***

Proposals, recommendations about solution, also reflect the contradictory situation and position of a planner, trying to give his technical solutions to a social and political problem. The roots of the problem lie in the socio-economic and political structure of the system. Even to postulate as in several Habitat document and as in the official development program, that the government should intervene and control (not necessarily own) the land market, through an effective land use plan but complement it with the development of accessible financial programs. The popular organizations have by their examples (www.bestpractices.org for instance) show that it is possible to provide better and cheaper solution with regards to housing and land, through collective, solidaric and well organized actions. Consequently, the recommendations will mainly be directed toward the promotion and consolidation of the existing popular mass organizations, within the context of the existing conditions.

This uncontrolled or chaotic situation provides the urban planners with an almost impossible ease to solve, but nevertheless with a variety of urban mechanisms and urban development models. He/She must dominate, in order to soften the conflicts

and rationalize the scarce amount of public resources, being canalized into development of the urban network.

During the process of development of the productive forces, naturally the urban space has to be rationalized in its use, with a higher level of spatial organization and a rational use of the urban land. The state implements planning with zoning systems and sector planning. Advanced technology with long term investments needs advanced planning with long term goals, and here is where the illegal land occupation and the uncontrolled development meets its major conflict.

The industry (production) needs infrastructure, transportation facilities and vacant land for allocation of production plants, offices and access to labour force. (high supply=low cost)

The commercial sector (distribution – services) needs easy access to markets, office buildings and commercial multi-centers. The financial sector has to know where high profit rates can be obtained, and also the construction sector has to know in which direction the city develops. All this requires a planned development of land. The uncontrolled development spoils the picture.

So recommendations from the planning perspective about the illegal physical development problem are :

- With regard to the participation of technicians in these programmes, it is necessary to develop methods and local procedures in public offices, universities and research institutes on how to rationalize housing construction to accumulate experiences and distribute this to the public.
- To educate technicians for this type of work, it is also necessary to encourage the universities to have entire study programmes oriented for community works in the neighborhoods, in cooperation with the inhabitants.

- The actions promoted by community organizations, should not limit its activity to the construction of infrastructure, but also to include aspects such as improvements and/or collective housing construction which would reduce consolidation time and costs.
- Raise the understanding of the context of the urban problems, so that this can be come a more powerful instrument, in the struggle for better social conditions.

According to the Chambers of City Planners and Chambers of Architects of Turkey,

There should be urgent preventive measures to save cities from illegal development:

- Development-building regulations and bylaws should be reorganized and updated for long-term illegal physical development policies,
- Continuous liberalization of illegal buildings should be stopped,
- Commercial activities about illegal buildings and lands should be stopped (selling, buying, illegal subdivision, etc.),
- Municipalities should not serve urban facilities to illegal settlements,
- Public buildings should have building permit and implementation projects. Construction of a public building without a building permit encourages private sector to operate illegally.
- Law of Tourism Promotion should be reorganized and its new aim should be sustainable tourism development,
- The special building permit which is given by Ministry of Tourism should be terminated and this process must be done under the supervision of building regulation law of Turkey (3194, İmar Kanunu)
- Planning authorization and organizational conflict between the governmental institutions should be solved.
- To prevent summer resort invasions, partial development plans should be abandoned and public land sales (coastal & forest) should be prohibited.

A technologic recommendation for the efficient local administration especially for the building related departments of municipalities :

Rapid urbanization and population growth has made task of processing of huge information for administration. As well as issuing of large number of building and occupancy permits and serve enforcement notifications by traditional methods becomes very difficult. Following problems are being faced by the Building Sections of Municipalities :

- Collection/maintenance of massive information related to properties and conversion of information into database,
- Monitoring of physical development e.g. housing, land development, infrastructure, etc
- Integration of information gathered from diverse sources on a common field e.g. property no. or area,
- Periodical updating of information and database for planning and policy making,
- Storage and retrieval of information.

To overcome this problem, a logical step is to computerize whole process of the department. A computer based information system has a capacity to handle large volume of data and convert it into 'information'. It also helps to eliminate human bias & subjectivity from the system. Such a system may provide for in built facilities like:

- Monitoring of files, papers and pending building permits,
- Technical reference system for making building bye-laws more transparent and offer formal interpretation of building bye-laws,

- Store relevant information and extracts from previous decisions of the courts for utilization in similar cases,
- Act as an interface between citizens and Building Section.

Primary function of the Building Section is to issue building and occupancy permits to the applicants. However one of the important function of the Building Section of a municipality is to detect unauthorized construction and maintain record for legal prosecution. By using computerized information system, there will be a central database having following information:

- Properties booked under unauthorized construction,
- Development Area map and number showing table,
- Cadastral and construction information like last building permit issued etc.,
- List of legal cases, enforcement notices, etc. for properties affected,
- Other relevant information.

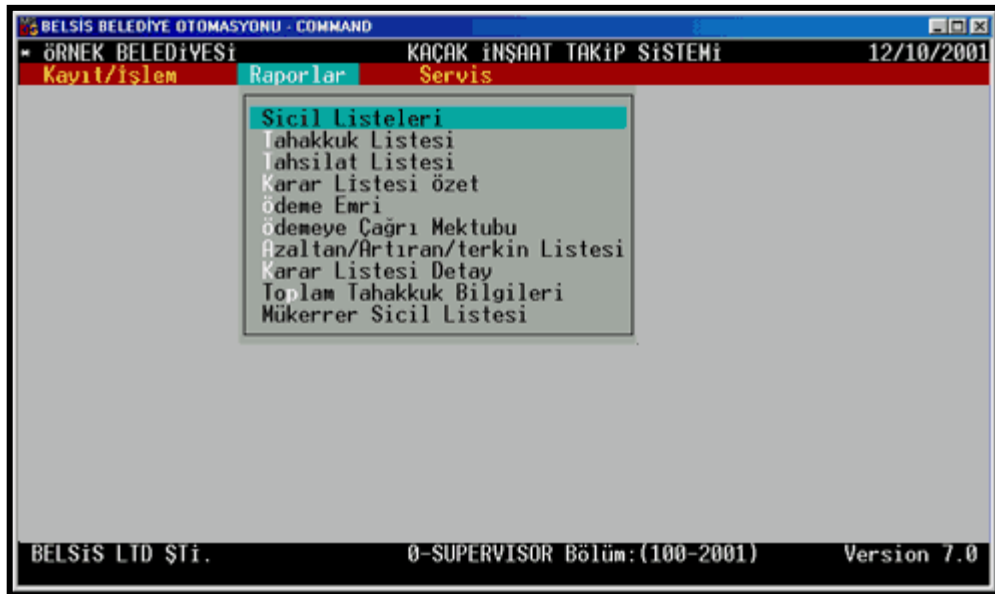


Fig. 7.1 : A Small Scale/Low Budget Municipality Information System

Source : www.belsis.com.tr

Computer based information system requires constant flow of data from various sources to update its existing database. Success of any information system largely depends on regular input of data and quick retrieval of required information. Data may be in the form of map, file, document or aerial photo/satellite imagery etc. Survey reports obtained from the field or revised drawings submitted by applicants can be superimposed on existing maps and drawings.

Aerial photography is a useful tool to detect changes and maintain truthful record of structure. Aerial photography can be useful for detection of unauthorized construction, monitoring changes over a period of time, detection of location, size, composition, distribution and physical characteristics of gecekondu, slums, squatter areas, etc.

Thus information systems can play an important role in bringing transparency in public dealing departments. Poor data could cause unexpected problems. This is positive way of utilizing information technology to eliminate delay, inefficiency and finally corruption from the system.

(Transparency in Public Dealing Departments through GIS, November 2000, www.gisdevelopment.net)

Also another important role that central and local government can take as a consultant is to prepare guidelines for citizens in differentiated media such as internet (e-state projects, see Appendix D, Figure D1) and printed brief documents.

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APPENDIX A : WORLD MAPS

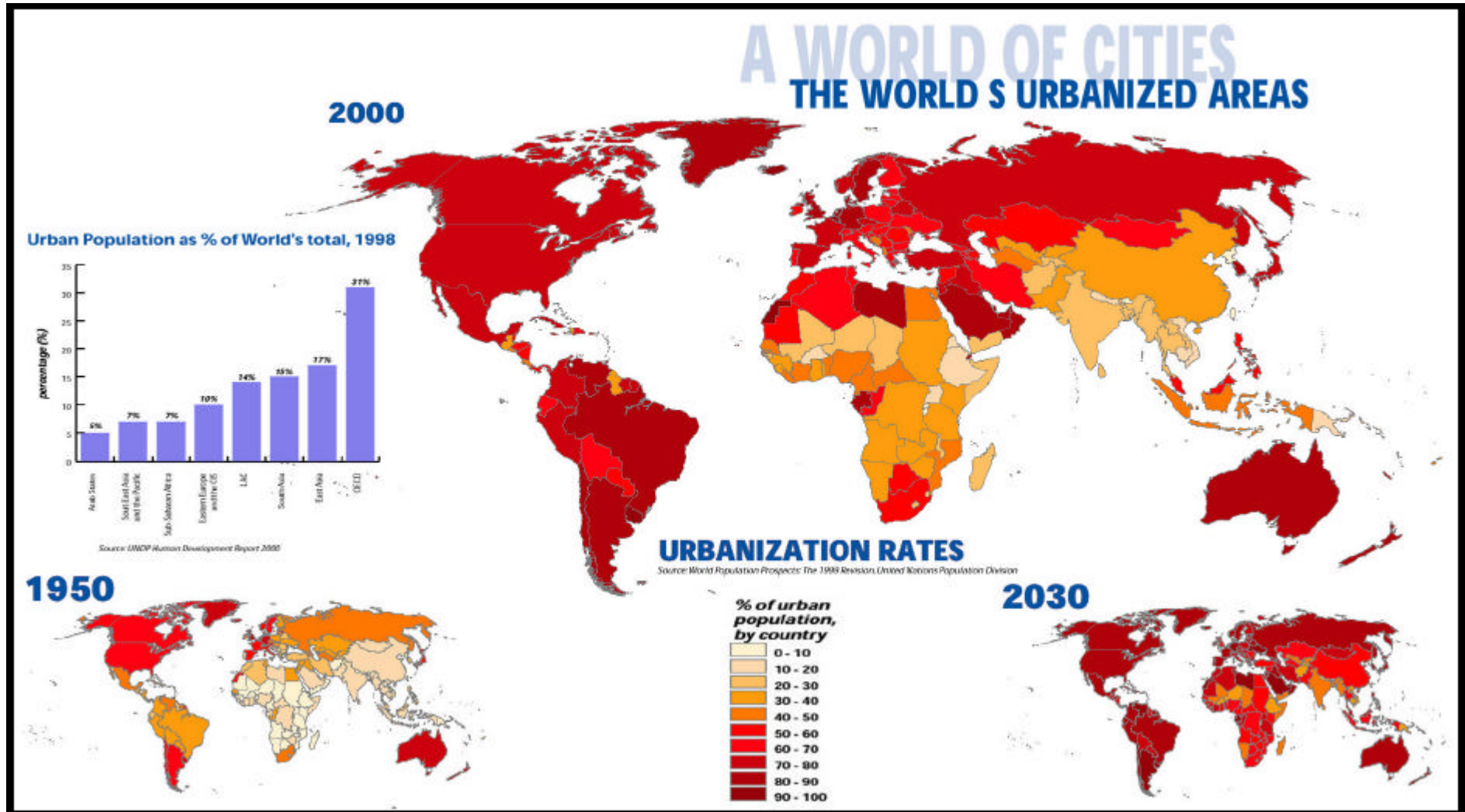


Figure A 1 : Urbanization Rates

Source : UNCHS, 2001

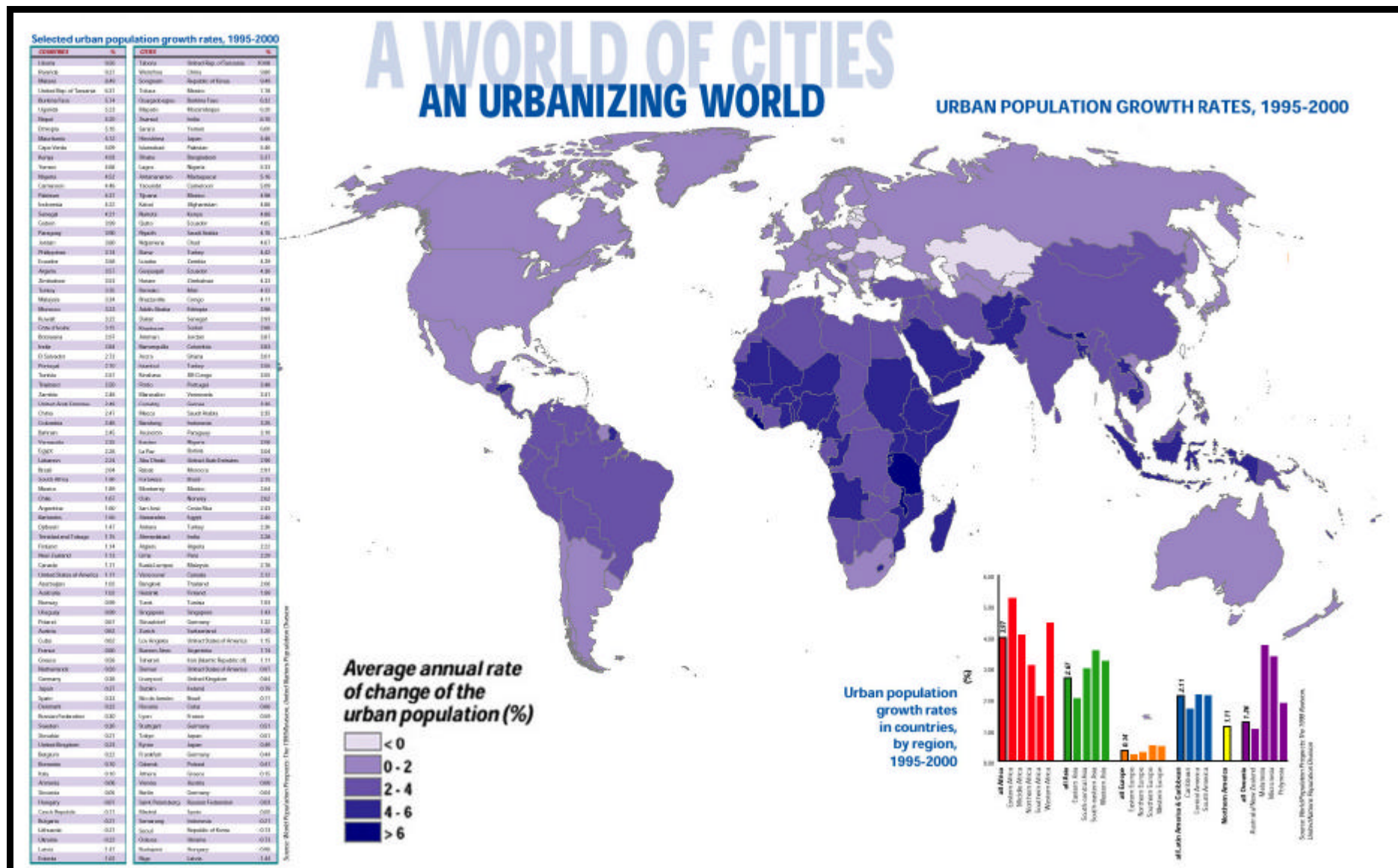
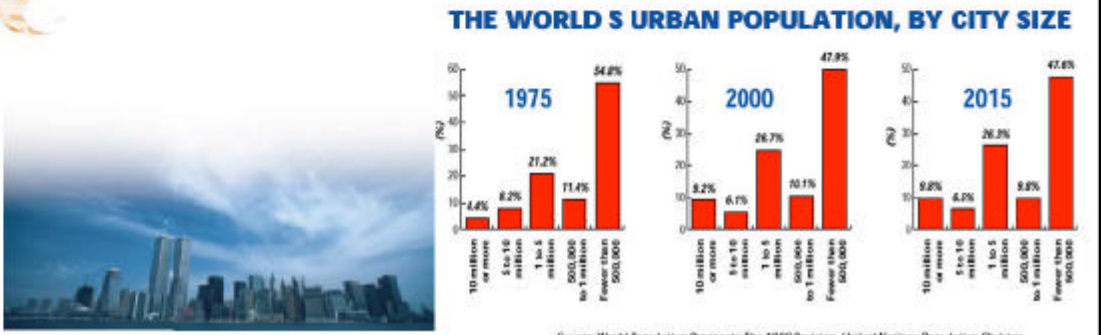
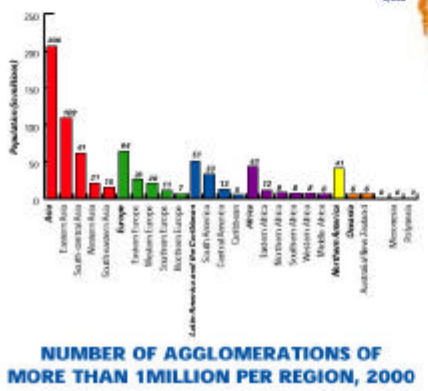


Figure A 2 : Urban Population Growth Rates Source : UNCHS, 2001

A WORLD OF CITIES

THE WORLD'S LARGEST CITIES

THE TEN LARGEST CITIES IN EACH REGION, 2000 (in 000's)



Source: World Population Prospects: The 1959 Revision, United Nations Population Division

Figure A 3 : World's Largest Cities

Source: UNCHS, 2001

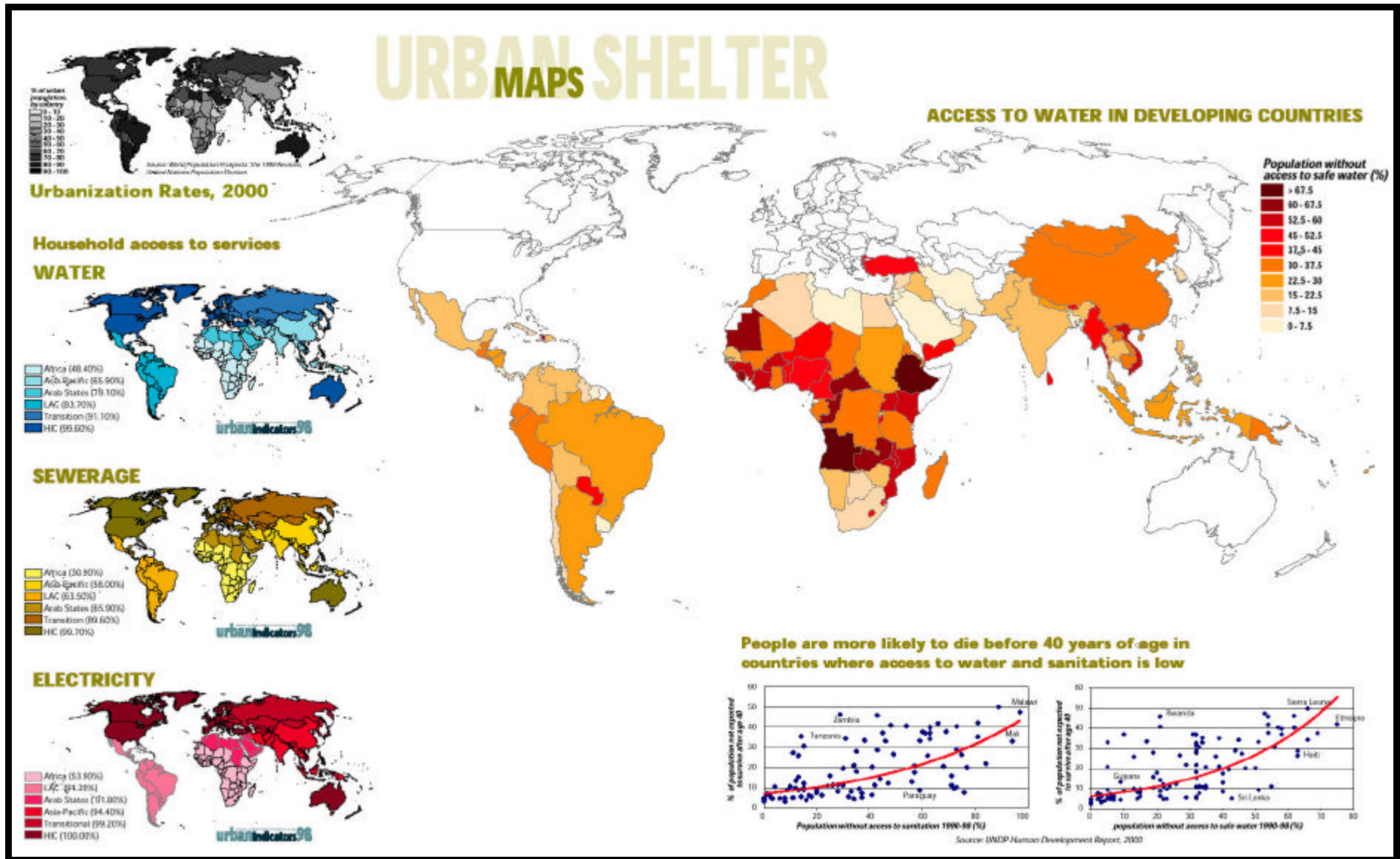


Figure A 4 : Access to Services

Source : UNCHS, 2001

APPENDIX B

SELECTED ARTICLES FROM LAW OF 3194

(Development & Building Regulation Law of Turkey)

ÝMAR KANUNU

Kanun No: 3194

Kabul Tarihi : 3.5.1985

(9 Mayýs 1985 tarih ve 18749 sayýlý Resmi Gazete'de yayýmlanmýþtır.)

BÝRÝNCÝ BÖLÜM

Genel Hükümler

Amaç

MADDE 1- Bu Kanun, yerleşme yerleri ile bu yerlerdeki yapılaşmaların; plan, fen sađlık ve çevre şartlarına uygun tepekkülünü sađlamak amacıyla düzenlenmiştir.

Kapsam

MADDE 2- Belediye ve mücavir alan sınırları içinde ve dıþında kalan yerlerde yapılacak planlar ile inþa edilecek resmi ve özel bütün yapılar bu Kanun hükümlerine tabidir.

Genel Esas

MADDE 3- Herhangi bir saha, her ölçekteki plan esaslarına, bulunduđu bölgenin şartlarına ve yönetmelik hükümlerine aykırı maksatlar için kullanılamaz.

DÖRDÜNCÜ BÖLÜM

Yapı ve Yapı İle İlgili Esaslar

Yapı

MADDE 20- yapı :

a) Kurulu^o veya kişilerce kendilerine ait tapusu bulunan arazi, arsa veya parsellerde,

b) Kurulu^o veya ki^oilerce kendisine ait tapusu bulunmamakla beraber kamu kurum ve kurulu^olarýnýn vermip olduklarý tahsis veya irtifak hakký tesis belgeleri ile,

Ýmar planý, yönetmelik, ruhsat ve eklerine uygun olarak yapýlabilir.

Yapý ruhsatiyesi

MADDE 21-(Anayasa Mahkemesinin 11.12.1986 tarih ve 1986/29 sayýlý kararý ile iptal edilen ibareler çýkarýlarak düzenlenmi^tir.) Bu Kanunun kapsamýna giren bütün yapýlar için 27. maddede belirtilen istisna dý^onda belediye veya valiliklerden yapý ruhsatiyesi alýnmasý mecburidir.

Ruhsat alýnmýp yapýlarda herhangi bir de^oþpiklik yapýlmasý da yeniden ruhsat alýnmasýna ba^oldý^odur. Bu durumda; ba^oýmsýz bölümlerin brüt alaný artmýyorsa ve nitelik de^oþpmiyorsa ruhsat hiçbir vergi, resim ve harca tabi olmaz.

Ancak, derz, iç ve dý^op sýva, boya, badana, oluk, dere, do^orama, döbeme ve tavan kaplamalarý, elektrik ve sýhhi tesisat tamirleri ile çatý onarýmý ve kiremit aktarýlmasý ve yönetmeli^ode uygun olarak mahallin hususiyetine göre belediyelerce hazýrlanacak imar yönetmeliklerinde belirtilecek tapýyýcý unsuru etkilemeyen di^oer tadilatlar ve tamiratlar ruhsata tabi de^oldir.

Belediyeler veya valilikler mahallin ve çevrenin özelliklerine göre yapýlar arasýnda uyum sa^olamak, güzel bir görünüm elde etmek amacýyla dý^op cephe boya ve kaplamalarý ile çatýnýn malzemesini ve rengini tayin etmeye yetkilidir. Bu Kanunun yürürlü^ode girmesinden önce yapýlmýp olan yapýlar da bu hükme tabidir.

Ruhsat alma þartlarý

MADDE 22- (Anayasa Mahkemesinin 11.2.1986 tarih ve 1986/29 sayýlý kararý ile iptal edilen ibareler çýkarýlarak düzenlenmi^tir.) Yapý ruhsatiyesi almak için belediye, valilik bürolarýna yapý sahipleri veya kanuni vekillerince dilekçe ile müracaat edilir. Dilekçeye, sadece tapu (istisnai hallerde tapu senedi yerine geçecek belge) mimari proje, statik proje, elektrik ve tesisat projeleri, resim ve hesaplarý röperli veya yoksa, ebatlý kroki eklenmesi gereklidir.

Belediyeler veya valiliklerce ruhsat ve ekleri incelenerek eksik ve yanlyp bulunmuyorsa müracaat tarihinden itibaren en geç otuz gün içinde yapı ruhsatı verilir.

Eksik veya yanlyp oldu takdirde, müracaat tarihinden itibaren on beş gün içinde müracaatçıya ilgili bütün eksik ve yanlypları yazı ile bildirilir. Eksik ve yanlyplar giderildikten sonra yapılacak müracaattan itibaren en geç on beş gün içinde yapı ruhsatı verilir.

Ruhsat müddeti

MADDE 29- Yapıya başlama müddeti ruhsat tarihinden itibaren iki yıldır. Bu müddet zarfında yapıya başlanmadı veya yapıya başlanıp da her ne sebeple olursa olsun, başlama müddetiyle birlikte beş yıl içinde bitirilmedi takdirde verilen ruhsat hükümsüz sayılır. Bu durumda yeniden ruhsat alınması mecburidir. Başlanıp inşaatlarda müktesep haklar saklıdır.

Ruhsat yenilenmesi ve plan tadili sırasında ayrıca harç alınmaz. Ancak inşaat sahasında artıp, bağımsız bölümlerin brüt alanında veya niteliğinde değişme olması halinde yeniden hesaplanacak harçtan evvelce ödenen harç tutarı tenzil edilir. Yeni durumda hesaplanan harç tutarında azalma olması halinde iade yapılmaz. Diğer kanunlardaki muafiyet hükümleri saklıdır.

Ruhsat ve eklerinin yapı yerinde bulundurulması mecburidir.

Yapı kullanma izni

MADDE 30- (Anayasa Mahkemesinin 11.12.1986 tarih ve 1986/29 sayılı kararı ile iptal edilen ibareler çykarılarak düzenlenmiştir.) Yapı tamamen bitti takdirde tamamının, kısmen kullanılması mümkün kısımları tamamlandı takdirde bu kısımlarının kullanılabilmesi için, inşaat ruhsatını veren ilgili belediye ve valilikten izin alınması mecburidir. Mal sahibinin müracaatı üzerine yapının ruhsat ve eklerine uygun oldu ve kullanılmasında ın bakımından mahzur görülmediğinin tespiti gerekir.

Belediyeler, valilikler mal sahiplerinin müracaatlarını en geç otuz gün içinde neticelendirmek mecburiyetindedir. Aksi halde bu müddetin sonunda yapının tamamının veya biten kısmının kullanılmasına izin verilmiş sayılır.

Bu maddeye göre verilen izin yapı sahibini kanuna, ruhsat ve eklerine riayetsizlikten doğacak mesuliyetten kurtarmayacağı gibi her türlü vergi, resim ve harç ödeme mükellefiyetinden de kurtarmaz.

Kullanma izni alınmamış yapılar

MADDE 31- İnşaatın bitme günü, kullanma izninin verildiği tarihtir. Kullanma izni verilmeyen ve alınmayan yapılar da izin alınıncaya kadar elektrik, su ve kanalizasyon hizmetlerinden ve tesislerinden faydalandırılmazlar. Ancak, kullanma izni alan bağımsız bölümler bu hizmetlerden istifade ettirilir.

Ruhsatsız veya Ruhsat ve Eklerine Aykırı Olarak Bağlanan Yapılar

MADDE 32- (Anayasa Mahkemesinin 11.12.1986 tarih ve 1986/29 sayılı kararı ile iptal edilen ibareler çykarılarak düzenlenmiştir.) Bu Kanun hükümlerine göre ruhsat alınmadan yapılabilecek yapılar hariç; ruhsat alınmadan yapıya bağlandıđı veya ruhsat ve eklerine aykırı yapı yapıldıđı ilgili idarece tespiti, fenni mesulce tespiti ve ihbarı veya herhangi bir şekilde bu duruma muttali olunması üzerine, belediye veya valiliklerce o andaki inşaat durumu tespit edilir. Yapı mühürlenerek inşaat derhal durdurulur.

Durdurma, yapı tatil zaptının yapı yerine asılmasıyla yapı sahibine tebliğ edilmiş sayılır. Bu tebligatın bir nüshası da muhtara bırakılır.

Bu tarihten itibaren en çok bir ay içinde yapı sahibi, yapısının ruhsata uygun hale getirerek veya ruhsat alarak, belediyeden veya valilikten mührün kaldırılmasını ister.

Ruhsata aykırılık olan yapıda, bu aykırılığın giderilmiş olduđu veya ruhsat alındıđı ve yapının bu ruhsata uygunluđu inceleme sonunda anlaşılırsa, mühür, belediye veya valilikçe kaldırılır ve inşaatın devamına izin verilir.

Aksi takdirde, ruhsat iptal edilir, ruhsata aykırý veya ruhsatsýz yapýlan bina, belediye encümeni veya il idare kurulu kararýný müteakip, belediye veya valilikçe yýktýrýlýr ve masrafý yapý sahibinden tahsil edilir.

Ceza Hükümleri

MADDE 42- ⁽¹¹¹⁾ Ruhsat alınmadan veya ruhsat veya eklerine veya imar mevzuatýna aykırý olarak yapýlan yapýnýn yapý sahibine ve müteahhidine, istisnalar dýþýnda özel parselasyon ile hisse karþýlýđý belirli bir yer satan ve alana 500.000 TL. dan 25.000.000 liraya kadar para cezasý verilir. Ayrýca fenni mesule bu cezalarýn 1/5'i uygulanýr.

Birinci fýkrada belirtilen fiiller dýþýnda bu Kanunun 28,33,34,39 ve 40. maddeleri ile 36. maddenin üçüncü fýkrasýnda belirtilen yükümlülükleri yerine getirmeyen mal sahibine, fenni mesule ve müteahhide 500.000 TL. dan 10.000.000 liraya kadar para cezasý verilir.

Birinci ve ikinci fýkralarda belirtilen fiillerin tekrarý halinde para cezalarý bir katý artýrýlarak verilir.

Yukarıdaki fýkralarda gösterilen cezalar, ilgisine göre dođrudan dođruya belediyeler veya en büyük mülki amir tarafýndan verilir.

(2) Bu cezalara karþý cezanýn tebliđinden itibaren yedi gün içinde sulh ceza mahkemesine itiraz edilebilir. Ýtiraz, zaruret görülmeyen hallerde evrak üzerinde inceleme yapýlarak sonuçlandırýlýr. Ýtiraz üzerine verilen karar kesindir.

Ýgili idarenin Cumhuriyet Savcýlýđý aracýlýđýyla sulh ceza mahkemesine bapvurması üzerine, bu mahkemelerce ayrýca,

yukarıdaki fıkralara göre ceza verilen fenni mesuller ve müteahhitler hakkında bir yıldan beş yıla kadar meslekten men cezasına da hükmolunur.

Bu husustaki mahkeme kararları ilgili idarelerce Bakanlıkta ve meslek mensubunun bağlı olduğu meslek tepekkülüne bildirilir.

Bu maddeye göre belediyelerce verilen cezalar dolayısıyla tahsil olunan paralar belediye bütçesine irad kaydolunur.

(1) Madde hükmünde yer alan ceza miktarları 1.8.1999 tarih 23773 sayılı Resmi Gazetede yayımlanan 4421 sayılı "Türk Ceza Kanunu ile Cezaların İnfazı Hakkında Kanunda Değişiklik Yapılmasına Dair Kanun" uyarınca güncelleştirilecektir.

(2) 1.2.2001 tarih 24305 sayılı Resmi Gazetede yayımlanan 15.5.1997 gün, 1997/51 sayılı Anayasa Mahkemesi Kararı ile yayımı tarihinden itibaren 6 ay sonra yürürlüğe girmek üzere iptal edilmiştir.

BAYINDIRLIK VE İSKAN BAKANLIĞI

Teknik Araştırma ve Uygulama Genel Müdürlüğü

Bilgi İşlem Dairesi Başkanlığı

APPENDIX C

An Interview Example with Municipality Officials

Görümlerde Sorulan Sorular – Belediye Çalışanları

1. Bölgede rastlanan yasadışı yapılar hakkında sorular:

- Bölgenin yasadışı yapılaşma açısından genel karakteri nasıl?
- Hangi tür yasadışı yapılaşma süreci daha sıklıkla görülüyor?

2. Bu durumun oluşmasına neden olan faktörler hakkındaki sorular :

- Ekonomik sorunlar mı?
- Bilgisizlik mi?
- Diğer nedenler.

3. Denetim süreci ile ilgili sorular :

- Belediyelerin yasadışı yapılaşmaya karşı tavırları neler?
- Denetimi sağlayan veya güçleştiren unsurlar neler?
- Cezalandırma sürecine ilişkin sorular.

APPENDIX D : GOVERNMENT WEB SITE EXAMPLE IN UK (Scotland)

Development Services
Development Services

Abbotsford House, David's Loan, Falkirk FK2 7YZ
Director: Rhona Geisler • e-mail: director.ds@falkirk.gov.uk
Tel: 01324 504 950 • Fax: 01324 504 747

Development Control Homepage

WEEKLY LIST **Data protection issues lead to suspension.**

Development Control is about striking a balance between the need for new development such as housing, industry, leisure and shopping facilities and the need to protect both the natural and built environment and quality of life within the District. At an individual level, it can be about balancing your need to extend your house against the impact that extension may have on your neighbour's property.

The planning application process allows this balance to be struck because in determining an application, the Council has to have regard to its own planning policies as well as those of central government and take into account other material considerations. These are usually any views expressed by Community Councils, amenity groups and neighbours or any responses from statutory consultees such as the roads department or water and drainage authority. In all cases we have to deal with each application on its merits.

The Council is committed to involving the general public in as much of the planning process as possible. Community Councils, community groups and associations, tenants groups and individual members of the public are encouraged to become involved in all aspects of the Council's planning functions. Local opinion on planning matters is essential and helps Councillors and Officers reach a balanced view on planning proposals.

How a building is constructed is not part of the remit of Development Control. There is a separate system of Building Regulations for this. The Building Control function is, however another part of Development Services.

We hope that these pages will encourage public involvement in the Development Control process and afford easier access to planning information, such as recent changes to the law on mobile phone masts. Your comments on the form and content of the Development Control pages would be welcomed as we are committed to embracing the power of this medium for the benefit of the wider community.

Do I need Planning Permission to....

- ▶ extend or altering my home ?
- ▶ build a garage / shed / pigeon loft etc in my garden ?
- ▶ build a new house ?
- ▶ build, alter or extend a shop or office ?
- ▶ change the use of a property ?
- ▶ build, alter or extend a factory or industrial building ?
- ▶ extract minerals or tip waste ?
- ▶ display signs or advertisements ?

How Much does it cost?

- ▶ General Fees
- ▶ Other fees

Application Forms

- ▶ Householder Planning Application
- ▶ Standard Planning Application
- ▶ Listed Building Consent
- ▶ Signs / Advertisements

Help and Guidance

- ▶ Making a planning application
- ▶ Commenting on a planning application
- ▶ Planning appeal procedure
- ▶ Copyright in planning application plans and other documents
- ▶ Neighbour Notification - getting it right

Enforcement

- ▶ Formal Action
- ▶ Types of Action
- ▶ Planning Contravention Notice
- ▶ Breach of Conditions Notice
- ▶ Enforcement Notice
- ▶ Stop Notice
- ▶ Interdicts
- ▶ Time bars / timescales

Source : http://www.falkirk.gov.uk/DevServices/Dev_Control/general/DC_Home.htm

Fig. D 1 : Government Web Site Example in UK (Scotland)

Source : www.falkirk.gov.uk/DevServices/Dev_Control/general/DC_Home.htm


ÇARŞAMBA, 4 Eylül 2002

Kim takar yasaları

Bahçelievler'de izinsiz yapılan, mühürlenmesine, girişine moloz dökülmesine karşın çalışmasını sürdüren ruhsatsız otopaz istasyonunda Konak Belediyesi'nin bir hafta önce yaktığı kaçak idari binalar yeniden yapıldı.

KONAK Belediyesi, Bahçelievler'de, arsa sahiplerinin izni olmadan yapılan kaçak otopaz istasyonunun baraka ve portatif depolarını bir hafta önce yaktı. İstasyonun pompa ve gaz tankının bulunduğu bölüme gerekli teknik ekipman bulunmadığı, Sanayi ve Ticaret Bakanlığı Otopaz Yönetmeliği'ne göre Büyükşehir Belediyesi sorumlu olduğu gerekçesiyle müdahale edilmedi. Ancak, kaçak istasyonu işletenler, yıkılan depo ve barakaları, yeni işli panolar da ekleyerek bir haftada yeniden yaptı.

Bahçelievler Ali Rıza Avni Bulvarı'nda, Bozyaka SSK Hastanesi'ne 200 metre uzaklıkta, dört yol kavşağında, çevresi apartmanlarla çevrili istasyonu **Adnan Erdil** ve kardeşlerinin ortak olduğu Er-Bay-Er Şirketi işletiyor.

YASA TANIMIYORLAR

Valilikçe kurulan komisyonun belirlemelerine göre, arsası imar planında konut alanında yer aldığı, yönetmelik standartlarına uymadığı için istasyon kesinlikle ruhsat alamayacak durumda. Otopazcılar Büyükşehir Belediyesi'nin mühürlenmesine,

Konak Belediyesi'nin girişine moloz döküp ve idari binalarını yıkmasına karşın çalışmasını sürdürdü.

BAŞKAN MAHKEMELİK

Öte yandan, arsa sahipleri de Konak Belediye Başkanı **Erdal İzgü**'yi istasyona göz yumduğu iddiasıyla İçişleri Bakanlığı'na şikayet etti. Danıştay 2. Dairesi'nin kararı ile soruşturma izni verildi. Sahiplerinin şikayeti üzerine, hisseli arazide izinsiz yapılan istasyonu yıkmadığı gerekçesiyle İzmir 5. Ağır Ceza Mahkemesi'nde İzgü aleyhine dava açıldı. ■ **İZMİR, (DHA)**



Bahçelievler'de kaçak otopaz istasyonunun, yasa gereğince bir hafta önce Konak Belediyesi tarafından yıkılan baraka ve portatif depoları şirket sahipleri tarafından yeniden yapıldı.

Oktay Elincil'den tepki

Yaşama hakkı gasp ediliyor

Haber 31 Ekim - Ankara - Oktay Elincil, Bakanlar Kurulu'nun 31 Ekim 2002 tarihli toplantısında, Bakanlar Kurulu'nun 31 Ekim 2002 tarihli toplantısında, Bakanlar Kurulu'nun 31 Ekim 2002 tarihli toplantısında...

30.06.2001

Türkiye

Gecekondu affı tamam

Gecekondu affı tamamlandı. Bakanlar Kurulu'nun 31 Ekim 2002 tarihli toplantısında...

29.06.2001

star HABER

Yaşasın! İnşaat sektörü canlandı

İnşaat sektörü canlandı. Bakanlar Kurulu'nun 31 Ekim 2002 tarihli toplantısında...

29.06.2001

BATIKENT'TE ÇARŞILAR SORUNU

Sezai BAYAR'ın 16 Eylül 2000 günü Hürriyet Ankara ekinde, Ankara'yı Dinliyorum köşesinde " Hayalet çarşılar sorunu " başlıklı bir yazısı yayımlandı. Sayın Bayar, bu yazısında , Batikent'in sorunlarının diz boyu olduğunu belirtiyor ve bu yerleşim merkezinin her yönden unutulduğuna dikkat çekiyordu. Özellikle vurgulamak istediğinin ise , Batikentteki korsan çarşılar olduğu anlaşılıyordu.

Batikent'in kuruluşunda görev almış birisi olarak, Sayın BAYAR'ın bu yazısı beni çok etkiledi. Batikent planlı bir yerleşim alanıdır. Konutlar, yeşil alanlar, kamu hizmet alanları ve ticaret merkezleri bir plan içerisinde düşünüldü ve yerleştirildi. İnsanlar bu planlara güvenerek, konut sahibi , işyeri sahibi olmayı kararlaştırdılar. Oysa şimdi durum böyle değil. Sayın BAYAR'ın vurguladığı gibi, imar planında yer alan mahalle merkezlerindeki çarşı esnafı kan ağlıyor. Çünkü Batikent'in her yanını ur gibi korsan dükkanlar hatta çarşılar sardı.

Şimdi imar planında yer alan ticaret merkezlerindeki çarşılarda in cin top oynuyor. Dükkanlar sarhoşların barınağı haline geldi. Koskoca Vedat Dalokay Parkı içinde yer alan tesisler bile yıkılmaya terk edildi. Çünkü birileri bilerek yada bilmeden Batikent'e kötülük etmek istiyor. Yasal olarak desteklenmiyor, kaçak olana korsan olana göz yumuluyor. Batikent'in en gözde alanlarında derme çatma baraka çarşılara izin veriliyor. Bu iğrenç görüntüler yerel yöneticileri nedense rahatsız etmiyor.

Batıbirlik olarak Batikent'in güzel yüzünü dosta düşmana gösterebilmek için büyük çaba harcıyoruz. Görevimiz olmayan işlere bile büyük paralar harcıyarak katkıda bulunmaya çalışıyoruz. Yolları asfaltlayarak, çevre düzeni yaparak, toplumsal etkinlikleri destekleyerek yasal çarşıların tanıtımı için gazetelere ilan vererek bir şeyler yapmaya uğraşıyoruz. Ancak ne yazık ki, ilgililerden ve yetkililerden gereken desteği göremiyoruz. Tek dayanağımız yaptıklarımızı takdir edip üyelerimiz ve kimi hemşehrilerimiz ile basınımızın namuslu kalemleri oluyor.

Ümitsizliğe düşmüş değiliz. Her başarımız gelecek başarılarımız için birer mayaya oluyor. Mayanın tuttuğunu görmek bize mutluluk veriyor. Elbette üretmeyen, ürettiği güzelliklerin mutluluğunu yaşayamayan insanların bizi anlamasını beklemiyoruz. Ancak iyi niyetli kamu görevlilerinin çabalarımıza destek olmalarını beklemenin de hakkımız olduğuna inanıyoruz.

Şimdi görev zamanı, Batikent'teki korsan çalışanların, büfelerin, merdiven altı kaçak dükkanların ortadan kaldırılmasının ; Vedat DALOKAY Parkı'na hayat verilmesinin ; Metro durağındaki kokoreççilere engel olunmasının ; sinema, tiyatro salonları için kolları sıvamamızın; yani Batikent'in güzel yüzünü ortaya çıkarmanın tam vakti.

Yapılacak şeyler belli ve çok zor değil. Yenimahalle Belediyesi ve Ankara Büyükşehir Belediyesi yetkililerine göre çağınıyoruz. Bu hakkımız değil mi?

Batıbirlik (Aralık 2000)

Boğazda işgale son

İstanbul Defterdarlığı, 'izinsiz çıkma ve dolgu' yaparak Boğaz kıyılarını işgal ettiği saptanan 117 kişi ve kuruluşu tahliye için çalışmalarına başladı

İSTANBUL - Boğaz'da izinsiz olarak denize dolgu ve çıkma yapıp lokanta, otopark, çay bahçesi ve akaryakıt istasyonu olarak 'işgal' ettiği yerleri işletmeye açan 117 kişi ve kuruluş, İstanbul Defterdarlığı tarafından saptandı.

İstanbul Boğazı kıyılarındaki işgale son verilecek. Defterdar Yardımcısı Sacit Akdemir, Boğaz'da 'talan' yoluyla rant kazanan kişi ve kuruluşları saptamak için uzun süre önce çalışmalara başladıklarını açıkladı. Akdemir, adı açıklanan 'işgalci'lerin imar durumlarına bakılarak tahliye çalışmalarına başlandığını vurguladı.

50 yıldır sürüyor

Bebek, Ortaköy, Anavutköy, Rumelihisarı, Yalıköy, Kandilli, Salacak, Çengelköy, Beylerbeyi, Üsküdar, Vaniköy, Anadolukavağı ve Büyükdere'de büyüklükleri 10 ile 4 bin 746 metrekare arasında değişen işyerlerini tespit ettiklerini kaydeden Akdemir, bu kuruluşların işgaliye ücreti ödemeleri için çalışmaların başlatıldığını söyledi.

İstanbul Büyükşehir Belediyesi Boğaziçi İmar Müdürü Mevlut Karataş da Boğaz'daki kıyı işgalinin 20 ila 50 yıl içinde oluştuğunu belirterek, "Bunlar zamanla olmuş, ayrıca yalnızca vatandaşın yaptığı işgaller de değil. Örneğin sahil yolları da dolgu alanlarıdır" dedi. Karataş, kendi dönemlerinde gerek Boğaz'daki inşaatlar gerekse sahil yollarının yapımına izin vermediklerini söyledi. Mimarlar Odası Başkanı Oktay Ekinci de defterdarlığın çalışmalarını olumlu bulduğunu belirterek, Boğaz'ın yalnızca kıyılarında değil, ön görünüm ve geri görünüm bölgelerinde de 'yasadışı yapılaşma işgali' olduğunu vurguladı. Ekinci, "Bu kaçak yapılaşmanın büyük bir bölümünde, defterdarlığın vergi denetiminden uzak yasadışı rantlar elde ediliyor. Defterdarlığın, Boğaz'ın iç kesimlerdeki kaçak yapılaşmayı kapsayacak şekilde çalışmasını genişletmesini umuyorum" diye konuştu.

İnsan Yerleşimleri Derneği Başkanı Korhan Gümüş ise yıllardan beri Boğaz'ın yağmalandığını vurgulayarak, bir izleme komitesi oluşturulması gerektiğini söyledi. Yerel yönetimlerin de işgalde büyük payının bulunduğunu belirten Gümüş, "Burada imar hukukuyla ilgili problemlerin var olduğu bir kere daha karşımıza çıkıyor. Korumanın bekçisi devlet olunca kamu malları peşkeş çektirilebiliyor. Ancak, zararın neresinden dönülse kârdır" dedi.

Radikal / 26 aralık 1998

Kaçak villalara mühür

Son bir yıl içinde Antalya ve ilçelerindeki yaylalarda kaçak yapılan bin civarında villa mühürlendi.

DENETİM SONUCU...

ANTALYA Bayındırlık İl Müdürü Coşkun Elmas yaptığı açıklamada, son bir yıl içinde gerçekleştirilen denetim ve incelemeler sonucunda, merkez Kuzdere, Geyikbayırı, Çağlarca, Dereköy, Hacımehmetler bölgeleri ile ilçelerdeki yaylalarda yapılan bin civarında villanın kaçak olduğunun tespit edildiğini bildirdi. Kaçak villaların da mühürlendiği kaydedildi.

PARA VE YIKIM CEZASI

ELMAS, kaçak yapılan villa sahiplerine, 1 milyar ile 30 milyar lira arasında para cezası kesildiğini kaydederek, bu villaların yıkımına karar verildiğini bildirdi. Bayındırlık İl Müdürü Elmas, yaylalarda kaçak yapılan diğer inşaat ve villalarla ilgili araştırmaların ise, sürdüğünü, araştırmalar sonucu bu villaların akıbetinin belli olacağını ifade etti.

Akşam / 17 Ekim 2001

Yaylalarda kaçak ev furyası

Giresun'un turizm merkezi ilan edilen yaylalarında çarpık yapılaşma bütün çabalara rağmen engellenemiyor. Kümbet, Bektaş ve Kulakkaya yaylalarında yapılan denetimlerde 155 kaçak bina tespit edildi. 30 bina sahibine 99 milyar lira para cezası verildi. 78 bina hakkında da yasal işlem başlatıldı, 12'si hakkında da yıkım kararı alındı.

Giresun Valiliği bir açıklama yaparak çarpık yapılaşmanın büyük boyutlara ulaştığını kaydetti. Açıklamada, vatandaşlara yaylalara ruhsatlı ve doğanın dokusuna uygun binalar yapmaları istendi.

Mehmet EKİZOĞLU / Giresun

Akşam / 18 Şubat 2002

ÖZDİLEK FİRMASI, İNCİRALTI DOĞAL SİT ALANINDAN NELER YAPIYOR? İzmir Barosu yapılaşmanın durdurulması için valiliğe başvurdu...

1980 sonrası başlayan ve bir anda yayılan 'bir kereden bir şey olmaz' anlayışı öylesine benimsendi ki, artık hukuksuzluk bir kere yapılsa bile, yapanları tatmin edemez hale geldi. Türkiye'yi inşaat cehennemine çeviren anlayış, toplumun büyük kesiminde aksi bir tepki bulamayınca yayıldıkça yayıldı. 17 Ağustos 1999 depreminde yaşananlar bile bu anlayışı değiştiremedi. Sanırsız bu nedenle, Duyarlılık sözcüğü, kulağa hoş gelen ama içi boş bir sözcük olarak havada asılı duruyor.

Türkiye'de bir kentin tarihsel ya da doğal dokusuna ilişkin anılarınızın olması çok zor. İzmir'in çehresine bir bakalım ve çok uzak bir tarihi değil, 5 yıl öncesini anımsamaya çalışalım; İnciraltı nasıl bir yerdi, şimdi nasıl oldu? İnciraltı'na uzanan yollarda 2 adet hipermarket çoktan yapılaştı, 3 tane yapılmak üzere olan hipermarket ve 1 adet ticaret merkezi (bu yapıların neye benzediğine değgin en güzel tanımlamayı Can Yücel yapmıştı, anımsayacağın ızı umuyoruz) mevcut. İnciraltı, kent merkezine en yakın, ulaşımı kolay nadir doğal alanlardan birisi. Yapılan yeni çevre düzenlemeleri ve sanat etkinlik alanları ile görünümü çok bozulmadı (eski balıkçı barınakları ve tahta iskeleleriyle daha güzeldi de denebilir).

Bu nefes alınacak alanda şimdi, ÖZDİLEK TURİZM TESİSLERİ İŞLETMELERİ A.Ş'nin kaçak gökdeleni yükseliyor. 16 Nisan 1999 tarihinde inşaat ruhsatı veren Balçova Belediyesi; 1 Temmuz 1999 tarihinde İzmir 1 no.lu KTVK'nun inşaatın yapıldığı alanı 1. Derece doğal SİT alanı olarak tescil etmesiyle, verdiği inşaat ruhsatını iptal etmişti. Ancak Şirket, İzmir 3. İdare Mahkemesine açtığı iptal davasıyla, 4 Mayıs 2000 tarihinde 'yürütmeyi durdurma' kararı aldı ve ardından inşaat çalışmalarına devam etti. 3. İdare Mahkemesinde görülen bu davaya İzmir Barosu ise, 2577 sayılı yasanın ilgili hükümlerince katılma isteminde bulunmuş; ancak istem 15 Aralık 1999 tarihinde reddedilmişti. Ancak, İzmir 1. İdare Mahkemesi, SİT kararının iptali istemini reddetti. Hatta 3. İdare Mahkemesince verilen yürütmeyi durdurma kararına yapılan itiraz üzerine Bölge İdare Mahkemesi, alanın Doğal SİT alanı olduğu gerekçesiyle, yürütmeyi durdurma kararını kaldırdı. Yine de 3. İdare Mahkemesi, doğal SİT alanı kararının iptaline karar verdi.

Anılan davaların temyiz aşaması sürerken, İzmir 1 no.lu KTVK, 21 Şubat 2001 tarihinde, "alanın doğal SİT statüsünün sürdürülmesine ve derecelendirilmesinin de yargı kararlarının kesinleşmesinin ardından yapılacağına karar verdi."

Gelişmelerin takipçisi olan İzmir Barosu Başkanlığı, 2863 sayılı yasanın 17., 9., 65. ve 66. maddeleri uyarınca;

1. Kıyı Yasasına aykırı olarak yapılan inşaatın derhal durdurularak yıkımın sağlanması,
2. Kıyı Yasasına aykırı olarak inşaat ruhsatı veren Balçova Belediye Başkanlığının ilgili ve sorumlularının "görevi suiistimal" suçundan cezalandırılması için gerekli soruşturmanın yapılmasının sağlanması,
3. Koruma Kurulunun 21 Şubat 2001 tarihli kararına karşın (Balçova Belediye Başkanlığı kararın oluşumundaki toplantıda yasa gereği bulunmaktadır) ve Büyükşehir Belediye Başkanlığının uyarılarını da dinlemeyerek, 2863 S.Y. 17. maddesine göre inşaat ruhsatını iptal etmesi gerekirken bunu yapmayarak, inşaatın devamını sağlamış olmakla ikinci kez görevi suiistimal suçu işlemiş bulunmaktadır. Bu nedenle de soruşturma açılarak ilgili ve sorumlularını (belediye Başkanı, İmar Müdürü ve Zabıta Müdürü) görevi suiistimal suçundan cezalandırılması için gerekli soruşturmanın yapılmasının sağlanması,
4. Koruma Kurulunun 21 Şubat 2001 tarihli kararı ile yasal statüsü ortadan kalkarak kaçak hale gelen inşaatı durdurmayarak 2863 S.Y 9. Ve 65. Maddesi çerçevesinde suç işleyen şirket yetkili ve sorumlularının cezalandırılmasının sağlanması,
5. Halen işlenmekte olan ve ağır cezayı gerektiren suç oluşturan yapılaşma faaliyetinin Polis Vazife ve Selahiyetleri yasası çerçevesinde durdurulması için 14 Ağustos 2001 tarihinde İzmir Valiliğine başvurdu.

www.izmirbarosu.org.tr / Sayı 122

Kaçak yapıya resmi tören

İzmir'de kaçak inşaat olarak yapılan Özdilek Turizm Tesisleri AŞ bugün açılıyor. Açılışı, Başbakan Yardımcısı Mesut Yılmaz ve 7. Cumhurbaşkanı Kenan Evren yapacak.

"Hukuk mu güçlü, Özdilek mi?": İzmir'de yaşayanların aklına ister istemez bu soru takılıyor. İzmir'in doğal özelliklerini korumuş, yeşil kalmış yegâne yerlerinden olan Balçova'nın İnciraltı bölgesinde SİT alanı Turizm Tesisleri İşletmeleri AŞ, hukuk kararlarını görmezden geliyor. İnciraltı Doğal SİT alanında 2283 ada 27 parselde bulunan Özdilek Turizm Tesisleri İşletmeleri AŞ'nin inşaatı, 16 Nisan 1999 tarihinde, yani bugün önce Balçova Belediyesi'nden alınan ruhsat sonrası 11 Haziran 1999 tarihinde başlatıldı. Aynı yılın temmuz ayında İzmir Kültür ve Tabiat Varlıklarını Koruma Kurulu (KTVK), inşaatın 1. dercede doğal SİT alanı olarak tescil etti ve bunun üzerine de Balçova Belediyesi 3075 sayılı kararı ile inşaat ruhsatını iptal etti. Bu gelişmelerden sonra Şirket, İzmir 3. İdare Mahkemesine açtığı iptal davasını durdurma kararı alarak inşaatı yeniden başlattı. Mimarlar Odası'nın İzmir 2. İdare Mahkemesi'nde açtığı dava sonrasında ise mahkeme tarafından dava konusu imar planının Bayındırlık ve İskân Bakanlığı'na Kanunu kapsamında onandığını belirtilerek, davanın Danıştay tarafından görülmesi gerektiği kararı verildi. Danıştay 6. Dairesi de, 2863 sayılı KTVK Yasası'nı referans alarak geçtiğimiz ocak ayında şu kararın anılan yasa hükmü karşısında 1. doğal SİT alanı olarak tescil ve ilan edilen, uyumsuzluk konusu dava konusu imar planlarının uygulama olanağını kaldırmıştır. "İşte Danıştay 6. Dairesi'nin bu kararını dikkate alarak AŞ, inşaatı devam ettirdi. İzmir 1. No'lu KTVK, Şubat 2001 tarihli toplantısında ise 9108 sayılı karar ile, "Alanın doğal SİT statüsünün devam ettirilmesi ve derecelendirmenin de yargı kararlarının kesinleşmesinin aracı karar verdi. Kültür Bakanlığı da Doğal SİT Tescil kararlarına karşı açılmış olan davalarda alınan yürütme kararını durdurma ile ilgili Danıştay'da temyiz davaları açtı.

Evren ve Yılmaz açacak

Bu davalar hala sürüyor. Hukuk süreci devam ederken, Özdilek Alışveriş Merkezi tamamlandı ve bugün 7. Cumhurbaşkanı Kenan Evren ve Başbakan Yardımcısı Mesut Yılmaz tarafından açılışı yapıldı. Özdilek Turizm Tesisleri AŞ'nin sahibi Hüseyin Özdilek 15 milyon dolar yatırım yaptıklarını söylerken, bu süreç içerisinde 10 yıl daha yaşlandığından yakınıyor. Basına yaptığı demeçlerde sık sık "İzmir'de kaçak inşaatın kazandırmanın zor olduğunu anlatan Özdilek, İzmir gibi büyük ve çağdaş kentte hiç kimsenin hukuk kurallarını çiğneyemeyeceğini iddia ediyor.

Dava açıldı

İzmir Barosu, Hüseyin Özdilek ile aynı fikirde değil. İzmir Barosu Yönetim Kurulu Başkanı Noyan Özkan, kaçak inşaat olan Özdilek Turizm AŞ için 14 Ağustos 2001 tarihinde suç duyurusunda bulunmuştu.

İzmir Barosu dün de Balçova Belediye Başkanı Ali İhsan Ülker hakkında usulsüz ruhsat verdiği ve inşaatı durdurmadığı için kamu davası açtı. TMMOB İzmir İl Koordinasyon Kurulu da yaptığı yazılı başvurularla "Yasadışı uygulamalar durdurulmalı" uyarısında bulundu. Mesut Yılmaz tarafından açılışın yapılmasına da tepki gösteren TMMOB İzmir İl Koordinasyon Kurulu, "Özdilek alışveriş merkezi Başbakan Yardımcısı tarafından açılıyor. Ülkemizde yasadışı uygulamaların politikacılar eliyle örtülmesi geleneği artık son bulmalıdır" dedi.

1 işçi inşaatla ölmüştü

Özdilek Turizm Tesisleri AŞ'nin sahibi Hüseyin Özdilek, tesislerde 400 kişiye ekmeğe olanak sağladıklarını ve bugüne kadar tüm Özdilek İşletmelerinde de sağlıklı bir çalışma ortamının bulunduğu ile övüncü tesislerin inşaatı kaçak olarak devam ederken, geceyarısı inşaatla meydana gelen çökme sonucunda bir işçi ölmüş, üç işçi de ağır yaralanmıştı. Havlu ve bormoz üreten Özdilek, bugün 3000 çalışana ve 6000 tır Türkiye havlu üretiminin yüzde 18'ini gerçekleştiriyor. Merkezi Bursa'da olan Özdilek'in Bursa, İstanbul, Afyon ve İzmir'de mağazalar bulunuyor. Ayrıca Özdilek bünyesinde bulunanlar.

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B a s ı n A  ı k l a m a s ı :

Kanunlara Aykırı Olarak Yapımı Tamamlanan Özdilek Alışveriş Merkezi Açıldı

Özdilek Turizm A.Ş. yerel seçimlerden 1 gün önce 16.4.1999 tarihinde Balçova Belediyesi'nden inşaat ruhsatı almış ve 11.6.1999 tarihinde de inşaatı başlamıştır.

- Kültür Bakanlığı 1 Numaralı Kültür ve Tabiat Varlıklarını Koruma Kurulu inşaatın bulunduğu alanı da kapsayan bölgenin bütünü 1.7.1999 tarihinde 1.derece doğal sit olarak tescil etmiştir.
- 2863 sayılı KTVK Kanunu bir alanın sit olarak tescil edilmesiyle o alandaki imar planı uygulamasının duracağı, koruma planı yapılarak yeni plan koşullarının belirleneceği hükmünü içermektedir.
- Balçova Belediyesi bu yasa hükmü kapsamında Özdilek'in inşaat ruhsatını iptal etmiştir.
- Özdilek A.Ş., sit tescil kararının iptali için İzmir 3.İdare Mahkemesi'nde açmış olduğu davada 4.5.2000 tarihinde yürütmeyi durdurma kararı almış ve inşaat faaliyetlerini yeniden başlatmıştır. İzmir 2.İdare Mahkemesi, Mimarlar Odası'nın açmış olduğu davada, dava konusu imar planının, Bayındırlık ve İskan Bakanlığı'na 3621 sayılı Kıyı Kanunu kapsamında onandığını belirterek, davanın Danıştay'ca görülmesi gerektiği kararını 29.6.1999 tarihinde almış ve davayı görev yönünden reddetmiş, dava mahkemece ve Mimarlar Odası tarafından Danıştay'a gönderilmiştir.
- Danıştay 6. Dairesi, 2863 sayılı KTVK Yasası'nı referans alarak 11.1.2001 tarihinde oybirliği ile "...yukarıda anılan yasa hükmü karşısında 1.derece doğal sit olarak tescil ve ilan edilen uyumsuzluk konusu taşınmazla ilişkin dava konusu imar planlarının uygulama olanağı kalmamıştır" kararını almıştır. Bu karara rağmen inşaat aynı tarihlerde devam etmiştir.
- İzmir 1 Numaralı Kültür ve Tabiat Varlıklarını Koruma Kurulu 21.2.2001 tarihli

toplantısında 9108 sayılı kararı ile "Alanın doğal sit statüsünün devam ettiğine ve derecelendirmenin de yargı kararlarının kesinleşmesinin ardından yapılacağına" karar vermiştir.

- Ayrıca doğal sit tescil kararlarına karşı açılmış olan davalarla alınan yürütmeyi durdurma kararları ile ilgili olarak Kültür Bakanlığı Danıştay'da temyiz davaları açmış ve bu davalar da halen sürmektedir.

- Koruma Kurulu'nun alanı 1.7.1999 tarihinde 1.derece doğal sit olarak tescil eden kararı, alanın doğal sit statüsünün devam ettiğini belirten Koruma Planı yapılmadan, hiçbir uygulama yapılamayacağı şeklindeki 2863 sayılı KTVK Yasası'na rağmen Özdilek Turizm A.Ş. inşaatı sürmektedir.

- İnciraltı - Narlıdere bölgesinde doğal sit olarak tescil edilmiş alanda, Koruma Planı yapıp planın KTVKK'nun uygun görüşü alınarak yürürlüğe girmesi sağlanmadan, sürdürülen inşaat, ruhsatsız ve yasadışı yapı statüsündedir.

Tüm bunlara karşın Özdilek alışveriş merkezi Başbakan Yardımcısı Mesut YILMAZ tarafından açılıyor. Ülkemizde yasadışı uygulamaların politikacılar eliyle örtülmesi geleneği artık son bulmalıdır.

Bir kez daha belirtiyoruz, yasadışı uygulamalar durdurulmalı, ülkemizde hukuk sisteminin geliştirilmesi amacıyla, değil açılışa katılmak, yargı son kararını açıklayana kadar tüm uygulamalar durdurulmalı, ruhsatlar iptal edilmelidir.

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