



Upgrading of illegal settlements in Turkey; the case of North Ankara Entrance Urban Regeneration Project



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ABSTRACT

Rapid population increase, inadequate supply of affordable land for residential purposes, and economic reality of low-income residents have been the most important reasons behind the squatter settlements all over the world. As a developing country, since 1950, Turkey has been trying to deal with illegal settlement and construction issues and by the year 2000, it took yet another turn with the concept of “urban regeneration” in the urban areas. Based on this concept, this article has introduced general characteristics of slum regeneration and implementation stages of a regeneration project have been compiled with current data. One of the different implementations has been selected between many other projects and analyzed from a legal and technical perspective. How the region that was in the world megaslum list in 2005 had been transformed into the habitable places was explained. Thanks to this implementation project that contains a special regeneration law for the first time in Turkey, a new lifestyle has been provided for the gecekondu owners, landownership problems have been resolved, and squatter settlements have been legalized. The project shows that if they are well planned and developed, including through integrated planning and management approaches, cities can promote economically, socially, and environmentally sustainable societies.

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1. Introduction

More than half of the world's population currently lives in urban areas. Projections of urban population growth around the world indicate that between 2000 and 2050 urban space will need to be doubled in developed countries and expanded by 326% in developing countries to accommodate the population (UN-Habitat, 2013). Rapid urban growth presents challenges to sustainable urban planning and good governance, particularly when localities are not properly prepared. Managing urban areas has increased in both scope and complexity, and it is one of the most important challenges of the 21st century. Cities are often described as cradles of civilization and sources of cultural and economic renaissance but for the roughly one third of the developing world's urban population that lives in extreme poverty, they are anything but that. According to the United Nations's reports, 863 million people, or 31.6% of the world's total urban population, lived in slums in 2012 compared with 650 million in 1990 and 760 million in 2000 (UN,

2014). Most of these urban poor have no option but to find housing in squalid and unsafe squatter settlements or slums (UN, 2000). The World Bank and the United Nations have joined forces to respond to this challenge by building a global alliance of cities and their development partners. An ambitious “cities without slums” action plan was launched in December 1999. It has aimed at improving the lives of 100 million slum dwellers by 2020. By the end of this year, the study will continue to emphasize ensuring access for all to adequate, safe, and affordable housing with basic services and upgrading slums by the year 2030. In this context, the international community and national governments have been trying to improve the conditions of illegal settlements (Uzun, Cete, & Palancioglu, 2010).

The squatter housing problem in Turkey (called gecekondu) appeared as a result of unprecedented dimensions of rural-to-urban migration during the 1940s (Dündar, 2001). Extensive migration to the metropolitan cities, rapid urbanization, population increase, economic inadequacies, legal gaps, and planning issues (Uzun et al., 2010) led to construction of the squatter settlements, especially after 1950. And from the 1960s to the 1980s, squatting took the form of land invasions. A permanent upgrading policy for slum settlements could not be created from 1980 to 2000. The most

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obvious indicator of the upgrading failure was in the city of Ankara in 2005. During that period, a half million megaslums were constructed along the border of the Altındağ district. Moreover, this region was the 25th on the “30 Largest Megaslums” list in 2005 (Davis, 2006). Such a serious urban settlement problem that is at the heart of Turkey and also being the prevalent issue among the other parts of the country are the main reasons for this study.

The concept of “slum upgrading” that has been mentioned in the UN and international reports is being replaced by “urban regeneration” in Turkey. There has been an increase in laws that authorize municipalities to upgrade unhealthy constructions. However, methodologies were developed purely based on the experiences of city planners or administrators in the absence of a specific law regarding the regeneration. After all, the regeneration law that intended to solve many administrative, legal, economic, and social challenges was enacted in 2012. So, the Ministry of Environment and Urban Planning, Turkish Housing Development Administration and Municipalities have entered into a new and effective process in the regeneration of the urban areas.

This article discusses the general characteristics of the urban regeneration process, while focusing on the implementations in the North Ankara Entrance on the border of the Altındağ district.

First, the organization of urban areas and the urban regeneration process and its perceptions in Turkey are briefly examined. Then, the question of what makes the North Ankara Entrance Urban Regeneration Project (NAEURP) different from other regeneration projects is answered with reference to the observed weaknesses and strengths of the NAEURP in terms of finances, participation, and legislative framework of the gecekondu regeneration problem. The project shows that legal regulations with clearly defined rules are necessary for a successful regeneration scenario.

2. Background of Turkish illegal settlements

More than 69.6% of Turkey's population live in urban areas (Vassigh & Hove, 2012). The Turkish population began gathering in cities after 1950; 25% of the population lived in urban areas in 1950, and this rate increased to 43.9% by 1980 and to 75.5% in 2010. Thus, Turkey became one of the leading countries in terms of urban population growth (Demir & Çabuk, 2010). Migration is one of the most important reasons for the rapid population growth in urban areas. The primary aim of the immigrants is possessing a guaranteed, permanent job and a home (Uzun & Cete, 2004). The housing issues emerging with migration resulted in squatting, invasion of public areas, and unplanned urbanization. Uncontrolled settlement in rapidly growing cities is often orderless, unhealthy, risky in terms of life and property, unaesthetic, and against zoning legislation and unlicensed constructions. The structures are called “gecekondu” (pronounced “gaiga kondoo”), which are houses or settlements literally defined as “informal” and sometimes even as “illegal,” because they are “(1) built on public land; (2) constructed on private property (not belonging to the homeowner); (3) built on shared-title land; and/or (4) constructed without occupancy or construction permits” (Leitmann & Baharoglu, 1999) and are in contravention of the development and construction laws.

Until the 1980s, urban policies remained inadequate in meeting housing demands and solving industrialization problems; a nationwide comprehensive urbanization policy and mass housing application had not yet developed, and illegal slum housing became a big problem (Colak, 2013). After the 1980s, the economic policies and related legal regulations that aimed at solving housing issues caused new problems. Large cities were under the influence of the outward-oriented liberal economy and globalization. The low-income groups whose housing needs failed to be met in an orderly and legal manner built unhealthy and illegal constructions,

and these squatting areas were legalized without improvements so they turned into highly populated areas (UC, 2009).

Between 1985 and 1989, an attempt was made to bring legalization to the squatting areas in the five-year development plan, and the Squatting Amnesty Law No. 2981 found a large area of application by legalizing the previously illegal constructions. Due to a combination of populist politics, amnesty laws aimed at legally formalizing the status of these settlements and the state-level practice of providing utility services to these settlements. So, it was no longer possible to define these settlements as “illegal” (Milz, 2013). In addition, by defining a tapu tahsis document,¹ that is the certificate of occupancy, the law turned into a “title deed granting law.” This kind of legalization became a way of preserving slums and gecekondu as-is and a way to legalize occupancies that led to generations of legal but unhealthy settlements (Uzun et al., 2010). Redevelopment plans made it possible for slums to be built on existing parcels without authorization, so high-rise apartment blocks were encouraged (Mutlu, 2007).

During the early 2000s, development plans transformed only the property; they were unable to procure environmental, social, and economic regeneration. There was a need for a new approach to the slums that could not be transformed entirely with these development plans. Thus, the concept of urban regeneration was transformed into slum regeneration. There was an increase in laws authorizing municipalities with urban regeneration. During this time, the Turkish Housing Development Administration (TOKI) was radically restructured to become the most powerful real-estate developer in the country through reforms and by giving sole agency to regulate the zoning and sale of most state-owned urban land (Kuyucu & Unsal, 2010). These reforms further authorized TOKI to construct for-profit housing on state land either through its own subsidiary firms or through public–private partnerships (Milz, 2013). TOKI's illegal-settlement upgrading model is generally implemented to upgrade unplanned and problematic areas, occupied public lands, underdeveloped slum areas that lack basic urban services, regions having disaster risks, and cultural and historic areas surrounded by illegal settlements (Palancioglu & Cete, 2014; Uzun et al., 2010).

Existing urban regeneration projects have been implemented by means of different laws. These regulations are as follows:

- The North Ankara Entrance Urban Regeneration Project Law No. 5104 (March 2004)
- Law for Metropolitan Municipalities No. 5216 (July 2004)
- Preservation by Renovation and Utilization by Revitalizing of Deteriorated Immoveable Historical and Cultural Properties Law No. 5366 (June 2005)
- Municipal Law No. 5393 (July 2005)

The legal regulations that empowered the metropolitan and outside municipalities to renew old and worn parts of the town, create technology parks and social areas, and take measures against the risk of earthquakes were applied punctually and segmentally. But the regulations issued in order to transform slum areas, unauthorized structures, and urban areas were not entirely successful. Moreover, the devastating effects of the 1999 Marmara earthquake discouraged success. For this reason, The Urban Regeneration Act for the Areas under Disaster Risk, also known as the Urban Regeneration Law, was published in May 2012. The purpose of this

¹ A tapu a future tahsis document guarantees de jure property right to the housing that the immigrants own or occupy. If a gecekondu area receives a formal plan, the tapu tahsis documents may be turned into formal tapus (title deeds) (Kuyucu & Unsal, 2010).

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