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Civic Equity in Urban Planning
and Planning Implementation Issues



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Prof. Dr. İlhan Tekeli

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Preface

In the days we were preparing this issue for publication, Turkey (and Syria) was trying to recover from the destruction caused by the Kahramanmaraş-centered earthquakes on February 6, 2023. Experiencing one of the biggest earthquake disasters of the last century forced the society to face the fact that nothing has changed since the 1999 Gölcük Earthquake. While trying to heal the wounds with civil solidarity on the one hand, on the other, a ground has emerged for us to discuss what should be done in order to live humanely. In this context, as KA Academy Journal, we share with you the first article of Prof. Dr. İlhan Tekeli's article series in which he focuses on the earthquake and reconstruction process, namely "Civic Equity in Urban Planning and Planning Implementation Issues". Tekeli invites us to reconsider our relationship with the city, the political authority and the other citizens in this article, which he concludes with an appeal to active citizenship.

The Development Workshop embarked on its journey in 2002 as a social enterprise aiming to contribute to the social development of Turkey and officially started its activities in 2004. For 19 years, activities have been carried out in line with the aims and objectives stated in the cooperative's by-law. KA Academy Journal focuses on themes within the scope of the programs and projects implemented by the Development Workshop. We aim to include academic articles for target groups and to publish them time to time as long as our resources allow.

Ayşe Özsoy

Introduction

The discipline of urban and regional planning is the child of modernity. A normative understanding of citizenship emerged during the development of the modern state after the American and French revolutions at the end of the 18th century. In the modern nation-state of the industrial age, the legitimacy of governments began to be based not on the commands of God, but on the choices of the individuals of the nation. Within these new legitimacy practices, a human and society model consisting of equal atomistic individuals was accepted. As such, equal voting rights came to be the *sine qua non* of modern citizenship. The assumption of equality of citizens does not presuppose absolute equality. The level of inequality challenged here is the rise of differences in power and wealth of individuals in society to a level that will become an obstacle for individuals to act as virtuous citizens. What is rejected is inequality reaching a level that will destroy, by creating an oppressive effect, individuals' ability to demonstrate freedom and consent in their decisions. Therefore, a limited level of inequality is in fact accepted.

Urban and regional planning, being the child of modernity, has inevitably developed in harmony with the normative egalitarian citizenship understanding of the nation-state. The planner does not even take this limited inequality into account when making their plan. They assume all citizens in the city to be equal and make their calculations on equal green space, equal water consumption, equal infrastructure, public services per population and so on. For the planner, citizens are equal. But every planner knows that the city is a place of inequalities. The urban area has differentiated according to the types of land use. Housing areas in the city are separated according to income strata. There are significant differences in terms of residential square meters used by urban residents per capita as well as in terms of building quality.

These differences are created by the patterns of behaviour determined by the ownership and market mechanism as the two basic institutions of capitalist society. These plans, prepared within the understanding that the citizens are equal, happen to contain considerable differences as a result of the operation of the ownership and market mechanism. The inequalities created by these two institutions working together are accepted as legitimate by the social system.

However, urban planners expect their citizens, who are within the limits of this inequality, to be aware of their responsibilities as much as they are aware of their rights. Chief among these is that private property owners shall act within the rights defined by the plans for their own property. If this assumption were true, we would have arrived at positive results in our research on whether the city plans were implemented successfully or not. However, researches conducted in most countries of the world and today's Turkey often conclude that the plans are not implemented.

What this article will attempt to discuss is the validity of this general judgment that plans are not implemented. If we assume the plan as a wholeness made for the entire city, this judgment is valid. A difference has arisen between the realized urban structure/texture and the one envisaged by the plan. If so, the plan prepared by the planners was not implemented. In this case, when asked who is responsible for this, the answer emerges as a citizen who does not fulfill their responsibility. It is this judgment that this article problematizes. If we start to evaluate the issue of whether the plan is implemented or not, not by means of considering the whole city, but rather, by lowering the scale, at the level of the citizen-plan relationship, we will reach a different conclusion. When we make such an evaluation, we realize that the plans prepared by the city planners are binding

for the powerless segment, which constitutes the majority of the citizens in the cities. People in this segment cannot afford to disregard the city plans. However, the strong part of the society does not consider themselves bound by plan decisions and finds the opportunity to realize their personal preferences in one way or another. In this case, we cannot spread the responsibility for the failure of urban planning in Turkey to all citizens in a city. This responsibility lies largely with the powerful citizens of the society.

“ **However, those who make urban plans prepare their plans under the assumption that all citizens of the city have equal capacity and respect for the plans. If we acknowledge that citizens in a city are divided into strong and weak ones and that they behave differently on this basis, we should question what are the negative consequences that will be brought about by the attitudes of those, who design the institutional arrangements regarding the planning and prepare the plans, as if there is no such difference. Further to that, we also need to develop recommendations regarding what kind of changes to be necessarily created, by the awareness to be reached on this subject, in the approaches to the urban planning.**

In this article, we will do a four-step analysis to achieve these goals:

- **In the second stage**, we will try to demonstrate the complementarity relationship between the strong and weak sections of society in terms of the implementation of city plans.
- **In the third stage**, we will focus on how the plans implemented in a city provide an accumulation of opportunity/environment in case of violation of the plan – especially for the politically powerful of the future.
- **In the fourth stage**, we will deal with the changes likely to be created in the approach to urban planning particularly by the fact that the citizens in a city are divided into the weak and the strong as well as by becoming aware of the necessity of the implementation of the plan by the weaker part of the city in order for the strong part of the city to get superior benefits from the practices made by straying from the plan.
- **In the first stage**, we will discuss how to define strong and powerless categories of citizens in terms of our problem.

1 How Can We Separate Citizens into Strong and Weak in Urban Planning?

In this article, we distinguish between strong and weak citizens with reference to their behavior towards the city plan in a given settlement. The powerless are those who do not attempt to change the existing plan and who undertake their enterprises in the city in accordance with the city plans. There are different groups living in a city within this group of citizens: Those who do not own land and houses in the city do not have the opportunity to behave in ways that do not comply with the city plan. Thus, they become members of the powerless group. Owners of houses and buildings built following the development plan are also included in this group. The people in this group do not use their opportunities to not comply with the plan. Among the land owners, those who will use these resources in accordance with the development plans, are also included in this group.

The strong are composed of those who can maintain their existence in the city without providing the legitimacy provided by the development plans and those who may attempt to create such a state in the future. These are composed, among the wealthy part of the society who owns housing and land, particularly of those who do not consent to the existing development rights in their pursuit of having more. For these wishes to come true, they try to establish corrupted relations with politicians and bureaucracy. While the powerful maintain their existence in the city in the way they want, they act as opportunists in two different ways: They stray from legitimacy both with what they want to achieve and with the way

they relate themselves to bureaucracy/political cadres.

Another segment that has survived in the cities of Turkey outside the development order has been the people living in the squatter areas. The people living in these places are not from among the wealthy part of the citizens in the city but from the low-income part of the city. What puts them in the capable/powerful segment is their willingness to live with low standards along with the risk of being wrecked by the political authority at any moment.

At the beginning of this article, we saw that the urban planners prepared the plans under the assumption that the citizens were equal atomistic individuals, without considering the differentiations among them. We have now come to the point that there are two groups in cities whose behavior differs. If there are two groups in a city, to be able to discuss the effect of the existence of these two groups on urban planning, it is necessary first of all to investigate the nature of their relationship.

2 What kind of an Unwitting Complementarity Relationship is Established between the Behaviors of the Strong and the Weak in Cities?

Citizens who, at first glance, comply with the patterns of legitimacy defined by the development plan and who actually respect the society, the powerless in one word as we call them here, react to the opportunistic enrichment of the powerful as a result of their ignoring the rules of the society, taking advantage of the opportunities of the market mechanism, and seizing the rents. The weak are opposed to the strong by position. They do not knowingly aid the opportunism of the powerful. They try to thwart these opportunists if they can. However, by following the plan due to the way the system works, they help opportunists to realize their goals without realizing it. It is necessary to reveal this mechanism in order to develop new proposals in the future.

Let's do a thought experiment to reveal this mechanism: Let's assume that in a part of a city where the demand for building is high, the part of the city is divided into parcels and that the parcel owners are left free in terms of construction rights of the buildings they will build. Let's develop a scenario of what will happen in this area. If each landlord builds a building at the desired height on his own parcel, after a while, if we add up the amount that each of them paid for the construction, we arrive at a very high amount. But as this place will become uninhabitable in the end, the value of the structured environment will come close to zero. It can even be said that it reaches a negative value. In order to make the land usable again, it will be necessary to demolish these buildings and pay a certain amount for this demolition.

This thought experience is very enlightening. This experiment tells us that in a capitalist system, in order for real estate investments to become profitable by maintaining/increasing their

“ **In the story set up until this part of the article, since the weak in the society implement the city plan, it provides the strong section of the city with the opportunity to get opportunistic value increases by overstepping plan without losing value in the market. This brings up an interesting situation: When the citizens of the city, who respect the plan, fulfill their civic duties, they unwittingly create an environment that makes it profitable for opportunistic powerful citizens, whom they dislike, to violate the plan.** ”

value, these investments must remain in the order of the development plan. If the powerless also did not comply with the plan, as the value of the urban fabric to emerge would be very low, those who violated the plan would not be able to find an increase in value to seize.

The powerful people's engagement with practices disregarding the development plans is not only a fait accompli they embark upon against the society. To make these fait accomplis permanent and to enable an asset transfer, additional steps need to be taken. These complementary steps are taken differently. The wealthiest of those in the strong group do not want to take any risks while overstepping the development plan decisions. For this reason, they either find a way to increase the existing development rights for their parcels by forcing a plan change, or they have parcellation (referring to works done on raw lands) made on their lands that do not have the development rights and ensure the development right being

granted. This segment of the powerful group legalizes their use of high development rights before starting construction. In the words of the people, they 'keep their job by the book' and do not take risks. The increasing population in each city increases the rent cone on the lands of the city. These opportunistic powerful groups in the city, by increasing the development rights on the city lands above what the society envisages in the plans, have the opportunity to increase significantly the share to fall on their land from the overall rent cone to be formed on the city. For powerful landowners to seize such an increase in value, these decisions must be developed and legalized by the relevant political authority and bureaucracy. It does not seem very convincing to assume that this huge increase in value, which was allowed to be realized by a small number of landlords with these decisions, will remain only in the hands of the landlords. Those who are skeptical about this issue think that these high increases in value are redistributed among the concerned politicians or bureaucracy in a way that remains hidden from the public. The establishment of such a secret

division mechanism eliminates the risk for the powerful and facilitates their operations.

Amnesty laws are another complementary mechanism that ensures low-income groups to be socially persistent, which constitute the second group of those whose attitudes disregard the plan. For this to happen, political authorities must enact amnesty laws. This step is not taken by the political authorities behind secret doors, it is rather done through an announcement to everyone in the public sphere. The expectation of the politician who takes this step is not material. Instead, it is to increase his votes in the election to come from the building owners who were pardoned.

In this article, we did not include into our discussion the question of how to make a city plan. We only tried to make clear the established mechanisms of overcoming, in practice, a plan which is already made, without discussing its adequacy or inadequacy, just to develop suggestions that could make the prospective plans more binding on society from now on.

3 On the Consecutive Responsibility of Political Authorities Arising from the Elections in the Implementation of a City Plan

Political authorities have a special position within the category of the powerful. Their relationship to city plans is different from that of property owners. They also have expectations outside of financial interests. Of course, a politician, as an urban property owner, may have financial interests arising from the abuse of his authority. But it is not this type of material interests that concern us in our analyses in this section. It is rather the expectations that the politician has as regards increasing his political power by using his authorities in the urban planning.

It is observed that the political authority has two types of expectations in terms of creating political power. The first of these is that the local political authority wants to consolidate its political power by ensuring a successful urban planning and its fair implementation, increasing its political support and therefore votes. This should be the first and fundamental expectation. But if the power in a locality is not in the hands of the same political party as the power in the centre, the political authorities of the local and central administrations get into competition with each other in the public sphere of that locality. In this way, they may gain the quality of being an obstacle rather than a support for each other. In today's Turkey, central governments engage in fait accompli practices without negotiating with local governments. Thus, the central government obtains the attribute of being the foremost of the powerful who makes the settlement plans of local governments inapplicable.

Between the perspectives of making city plans and the term of rule obtained by the political authorities at the elections, there is an incompatibility which depends on the nature of both phenomena. City plans are prepared with a 20-year perspective. However, the term of rule obtained by the political authorities in the elections is five years. If a new mayor comes in every election and wants to amend the plan according to his own sense of good and right, the implementation of that plan will become impossible. In order to implement a city plan covering the election period of four mayors, four mayors must bear a consecutive responsibility. Here we need to question how the logic of this responsibility can be established. It can be said that if four elections have been won by four different parties and each of them has a separate political program, they will claim the right themselves to intervene in the plan. Thus, there must be something wrong with this way of thinking. It should be known that the legitimacy of the plan does not originate from it being prepared and given the green light by the political authority of the local government, but from the participation of the people, their acceptance, and the approval of the representatives of the people. If the legitimacy of the plan is approached in this way, all four mayors will respect this plan and the mayors' consecutive responsibility towards the plan will therefore have been realized.

It is necessary to emphasize a point for this logic we have developed not leading to a wrong opinion: Plans should not be accepted as immutable taboos. In an ever-changing world, it is not pos-

sible to defend an invariably implementation of a plan made twenty years ago. Plans will change. But the question is how to make this change happen. If the plan changes are made in a transparent and participatory manner, as in the preparation of the plans themselves, there will be no problem. But if these changes are made behind closed doors, as a *fait accompli* to society, it will be a spoiled operation that opportunists will take advantage of.

Let's assume that the first three of the four consecutive local governments in a municipality follow the city plans that are formed by the consensus of the people while the fourth political authority tends to make changes in the plan according to their own preferences. In this case, the first three political authorities have prepared, with their actions relying on the consecutive responsibility, a suitable environment for the consequences of the violation of the fourth one to become much greater. One of the most interesting examples of this happened in Ankara. One of the most important elements of the Ankara Project of the Republic was Atatürk Forest Farm (AOÇ). This farm, established by Atatürk, contributed significantly both to the nutrition and quality of life of the city and has been one of the most impressive parts of Ankara's story. During the expansion of Ankara to the west as it grew larger, there were demands for construction on the AOÇ lands. When the political authorities had difficulty resisting these demands, an obligation was issued in the 1950s stating that special laws need to be enacted in order to open the places in this area to urban use. Despite this necessity, the opening of AOÇ sites to building construction could not be completely prevented. This necessity slowed down the pace of development and provided a significant protection. But this protection has also created an opportunity that could be used by a political authority that would come to power later. And finally, the Presidential Complex was built in this area in a way that does not consider the development

laws. In a sense, the conservation efforts spent in the past could not produce any results other than laying the ground for the misconduct of a powerful authority that came to power later on.

It is assumed in the analyses we made up to this point that there is only one development plan in the cities and that the political authorities develop their relationships in accordance with this plan. The events of the last ten years in Istanbul have created a suspicion that this assumption is insufficient. By establishing the Istanbul Metropolitan Planning and Urban Design Centre (IMP), the Justice and Development Party (AKP) government and AKP Metropolitan Municipality, mobilizing a significant amount of technical manpower and allocating resources, provided the preparation of an environmental plan for Istanbul and master development plans with a scale of 1/5000 for the city as a whole. This was an extraordinary achievement in country conditions. In the days when the expectations for the implementation of this plan were high, the prime minister of the country successively announced mega projects that were not included in this plan and put them into practice. This is a surprising situation, as the political party in power declared that its own government would not comply with the city plan that it produced with significant sacrifices. If there were mega projects cared about, this government could negotiate these projects with those who prepared the development plan and ensure in this manner that they would also become included in the plan. However, the government did not follow this path that could be seen as normal and preferred to declare that it would violate the plan it had prepared. Of course, this has created a situation that needs to be explained. The main explanation for the adoption of this abnormal path, finding resonance in society, has been that the prime minister used this path to reinforce his image of a powerful man in the society. It is believed that such approaches gradually paved the way for him to become a single man.

The weak sections of the society continue to implement the plans made by the IMP in Istanbul. In the analysis we have conducted so far, the powerful of the city also continue their behaviour of trying to increase their material interests by using the mechanisms to go out of this plan. But in explaining the creation of urban rents in Istanbul and on which property owners' properties these rents will be deposited, the analyses basing on triple concepts of the city plan, the urban strong and the urban weak remain insufficient. The reason for this is that there is a kind of implicit/hidden plan in Istanbul that has not passed the legal stages that a plan, other than the plan made by the IMC, has to go through. The acceptance of the existence of a hidden second plan, rather than a single plan, causes new considerations which our analyses should incorporate. I think that this plan consists of the sum of the mega projects determined by the only man of the country in and for Istanbul. In a top-down manner, each very important/big element of this plan is presented to the society by the political authority as a fait accompli, without being negotiated with the society, with the claim that it will solve an important problem in the society. The existence of such an implicit plan will change both the rent formation on the Istanbul Metropolitan area and that on which city lands these rents will be deposited. The expectations created by the making of the IMC plan in the formation of the real estate market in Istanbul did not create great leaps in the city's rent surfaces. These rents will be realized without causing great turmoil in the development history of the city. However, this secret plan created by mega projects creates huge leaps in the formation of the city's rent surfaces. It is impossible for the residents of the city to predict, by looking at the development trends of the city, on which real estates these extraordinary rent values will be settled. To be able to predict in which parts of the city this implicit plan consisting of mega projects will cause an increase in rent, it is necessary to obtain inside preliminary information about these mega

projects. Those who can obtain such information benefit from this information and gain the opportunity to make a huge profit by buying land in suitable places. Even if those who obtain this information do not have their own land, they now find themselves among the powerful of the city. By acquiring land in line with this information, they will be able to transform this information into a material resource. The existence of such an implicit plan changes the redistribution process of the rents generated by the city across society. We do not have any empirical information about the share of political power holders in this redistribution process.

4 What Kind of Changes Need to be Made in the Urban Plan Making Process due to the Increasing Differences in the Distribution of Rent Revenues in the Cities?

Until this last section, we saw that the main factors that create the dynamic of not complying with the city plans are the effort to take a large share of the increase in the land values that occur with the growth of the cities. This increase in value is created by the population growth of the city. In today's Turkey, the owner of the land largely seizes this increase in value, to the formation of which he did not make any contribution. The presence of this expectation creates negative pressure on the existing plans. Before listing my suggestions on how the plans should be, I will develop a proposal that will remove the negative pressures on the plans. In fact, this recommendation is well-known and widely used in some countries. Basically, it is suggested that the value increases, which the land owners appropriate without having rights to do so, should be taxed and further, that these value increases should be transferred to the public. When this proposal is implemented, on the one hand, the pressure on the violation of the plans is reduced, and on the other, a resource is provided to the administrations that can be used in the implementation of the plan. Thus, a suitable environment is created for the preparation and implementation of the new plan.

The nature of the political regime largely determines how a city plan will be made and how decisions will be reached. Here, the problem of making city plans in a democratic regime will be discussed. Democratic regime practices that are common in today's world have been developed over the assumptions of representative democracy. Plan decisions produced within the legitimacy mechanisms provided by representative democracy create important democracy deficits. If it is desired to establish a governance that does not create a democracy deficit, it is necessary to complete/develop the mechanisms of the representative democracy system

with participatory democracy mechanisms. What is recommended here in this respect is the participatory planning process. Accepting such a process means changing expectations from the planner and the ways the plan is talked upon/negotiated. There is no longer an elitist planning attitude. Rather than a technician, the planner is a person who has strong relations with the people of the city, mobilizes and directs them through negotiations in the public sphere, and is highly trusted by the public. The planners cannot criticize the results of the city plan obtained after such a process, according to their own elitist judgments in the past. Such prejudices can no longer be tolerated. The planner who initiates the participation process will consent to the result achieved. They have to direct their criticism only on the deficiencies and inaccuracies related to the working of the participatory process. Those who engage in planning through participatory processes should be aware from the outset that the new plans that will emerge will be different from the plans that could be achieved using old ways.

Politicians and bureaucratic organizations in the center in Turkey do not take, in a tutelary attitude, the will of local governments seriously. They want the votes given to them to be respected and they require compliance to the numerous decisions that they have taken based on the legitimacy of these votes. However, they do not respect the votes given to the politicians at the head of local governments, further, they make and implement fait accompli decisions towards that locality without negotiating with them. The central government does not respect the binding nature of the plans in effect in localities. Such a system cannot be described as democratic. With these practices, large democracy deficits are created. For a system to be considered democratic, it is necessary to abandon

the understanding that the decision made above will bind the local and that the local must necessarily abide by it. Of course, it is desired that the implementation of the decisions of the center and the local go in harmony. The only way to do this is to produce a negotiated compromise that is accepted by both parties. If the one-way chain-of-command logic can be broken, in this way, both the harmony will be achieved and a democracy deficit will not be created.

In today's Turkey, an astonishing practice continues at the level of building bylaws, which connects the level of urban planning with the level of implementation. For an identity to develop in parallel with the plan prepared for each city and for it to be consistent with the lifestyle of the social structure therein, a separate building bylaw should be prepared. However, a single building bylaw is applied in all cities in Turkey. This does not allow for the rise of developments, incorporating an identity, in the growing districts of cities in Turkey, which in turn limits a city's claim of having an identity only with the preservation of its historical textures. The use of a uniform building bylaw in all cities means taking away the freedom of the citizens to make a city plan. A huge democracy deficit is being created.

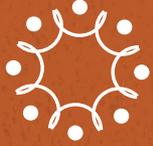
Moving from a plan that brings about a closed system to such an open planning system is not possible only with changes at the conceptual level. It requires radical changes in the institutional structure of the development and the development ethics reigning in the city. For this reason, this article does not enter into a more in-depth discussion on this subject and only touches on it.

In today's world, expectations from urban planning have also changed significantly. What is expected from urban planning is no longer the realization of a closed system. We expect from the city plans to ensure the city's growth by constantly realizing certain performance standards, remaining open to the new, and realizing the strategic goals of the city.

We have come to the last paragraph of the article, in which I discussed the relationship between urban planning and citizenship in a multifaceted way. In the last paragraph, I will focus on the assumption of the citizen as the condition of achieving successful results in plans that a governance, that does

At the individual level, an active citizen is a person who has reached the consciousness of being involved in his own future. They are individuals who go out into the public sphere, being loyal to the community they live in, loving their fellow citizens, respecting them, being altruistic in dialogue with them, and willingly taking on participatory roles. In today's world, we can say that active citizens should have these qualities as a prerequisite for people to realize their right to a dignified life.

not create a democracy deficit, tries to develop through participatory processes. While dictatorial, totalitarian and autocratic regimes expect their citizens to be obedient, passive citizens, the expectation of the governance which, through participatory processes, tries to obtain a city plan that does result in a democracy deficit, is an active citizen. The European Union has an active citizenship provision. According to this, every individual has the right to actively participate in public life through "Independent Citizens' Organizations". Through civic participation, they contribute to the protection of fundamental rights and the strengthening of democracy. Through advocacy activities, they work for the protection and delivery of common public goods and the empowerment of citizens. By using the democratic structure, they are engaged in activities for the public benefit without any profit. The European Charter provides the framework for the organized work of active citizens. But we also need to define the active citizen at the individual level. If we want to improve our quality of life, we must realize that the way to do this is not to remain silent but to become an active citizen. Politicians also need to realize that they can no longer see the citizen as a mere voter but as a public subject. In a city where active citizenship becomes widespread, the areas of activity of the powerful by overstepping the plans will be greatly limited.



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