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Obstacles in the adoption of international DRR policies: The case of Turkey
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OBSTACLES IN THE ADOPTION OF INTERNATIONAL DRR POLICIES

THE CASE OF TURKEY

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This paper reviews conditions, causes, and indicators that obstruct a full understanding and adoption of the new international disaster policy in a national context. The review is particularly based on the case of Turkey, and surveys the legal, organizational, professional, and political dimensions of resistance. It has been possible to draw conclusions from the current state of affairs, and make a number of recommendations to overcome the impediments.

In order to identify the disaccord, it may be necessary to review briefly the fundamental aspects of the new international disasters policy. Beginning with the IDNDR (1990-2000), Yokohama (1994) and Kobe (2005) Conferences, the Hyogo Framework for Action (2005-15), Incheon Declaration (2009), and the subsequent efforts, the main attributes of the new international policy could be described in terms of:

- Greater emphasis on pre-disaster determination of existing risks and organized efforts for risk reduction, rather than solely relying on improvements in emergency management
- Incorporation of risk analyses in the preparation of all plans at every level and scale
- Participatory decision-making by means of 'platforms' or new forms of governance, and the involvement of local communities and local administrations in the identification of vulnerabilities, risk mitigation, and in the consensual implementation of projects
- Dedicated consideration to be given to the special risks of cities and low-income groups

UN and allied international bodies have encouraged national entities to adopt these principles since 1990s. Many countries revised their legal provisions and organizational structures in line with the new principles since then. Some have at least pretended to adopt a few of the principles, but there are others who have been distant to an understanding of what these issues entail. Turkey unfortunately falls into the final category. Reasons for this condition are worth exploring to retain a hope that disaster policy conduct could in the near future find its appropriate track.

A. Many Faces of Resistance

The following sections provide an analysis of the many manifestations and indicators of how and why a rapprochement with the international policy was never attained by authorities in Turkey with the explicit international mode of efforts.

A.1. Adverse Background Conditions and the Political Climate

Disasters history in Turkey ordinarily covers cases of earthquakes, floods, and fires. Disasters policy in the country has conventionally been confined to measures of response for the past century. We observe that after every major

incident, additional provisions and new legal and organizational regulations are put into effect. The issue is considered as an obligation to help the unfortunate survivors of the 'god given' calamity.

A second aspect of this entrenched attitude is the strong tendencies of consolidating the interests of the central authority, irrespective of who resides in power. The unexpressed macro-level interest is the exploitation of the opportunity to spend public resources for the benefit of survivors and to appropriate maximum possible political credit. Disasters are usually occasions when most tolerant auditing is also exercised. Thus, more extensive the loss, greater could the political gain to accrue. In this context there is no room for pre-disaster risk mitigation.

The 1999 earthquakes in East Marmara with a loss of almost 18'000 lives has been a major blow to the existing confidence that an organization of post-disaster activities was sufficient to cope with disasters. This breakdown resulted in the:

- Improved methods and procedures of geological research in urban areas
- Introduction of the 'obligatory building insurance' system,
- Building construction supervision mechanism,
- Higher standards in the structural properties of buildings and a new regulation for building retrofitting

Despite the very conducive political climate after the 1999 earthquakes however, governments in office largely ignored the new policies of the international bodies. Yet it was obvious that the rapid urbanization of the country after 1950s was seriously tested for the first time by natural forces endemic to the country. Development of settlements of all sizes was based on reinforced concrete technology on one hand, and planning procedures that was largely exposed to the pressures of the interest groups. The resulting spatial pattern of urban growth was not only vulnerable location-wise at the face of destructive forces of earthquakes, but also poor in terms of building robustness. In other words, Turkey was specifically in need of implementations of the new international policy at greater extent probably than many other countries.

After the SAR activities in 1999, the coalition government had to concentrate on reconstruction of infrastructures and accommodation and social means of survivors. That government also undertook the above mentioned measures and supported a number of major disaster research projects. Even though these did not amount to a full subscription to international policy, the efforts represented an ever first attempt to consider the pre-disaster management of affairs and establishment of new institutions.

The following governments did not necessarily contribute on these lines until the earthquakes in the city of Van and environs in East Turkey were experienced in February 2012. Again as a reaction regulation, and as if to compensate for a decade of inaction, a very powerful Law of 'urban regeneration' has been put in effect very recently centralizing all capacities in an absolute and 'etatist' manner.

None of the actions of the political authorities in the country seem to have referred to the principles of the new international disasters policy. This indifference or negligence of the international approach reveals itself in numerous modes of conduct as explained in the following sections.

A.2.Organizational Setup is Post-Disaster Focused

Organizations for disaster management in Turkey have conventionally assumed responsibilities of emergency response, SAR, immediate relief and temporary accommodation, compensations for survivors, and reconstruction activities. Although the main body of responsibilities were carried out by the General Directory of Disaster Affairs of the Ministry of Public Works and Resettlement (MPWR) since 1960s, such post-disaster relief functions were carried out independent of each other, by three distinct units, each attached to a different ministry (1). These units were eventually combined in 2009 by Law 5209 into a singular body (Disaster and Emergency Management Directorate: DEMD), responsible from all disaster affairs, and attached to the Prime Ministry. Neither a description of pre-disaster activities takes place in the Law and explicitly identified as one of the objectives of the new body, nor the responsibilities of risk mitigation are assigned to a specific subunit. All subunits of DEMD are related to post-disaster activities. Needless to state, no reference is made to any of the principles of the international disasters policy.

This is clearly observed again in the document “National Earthquake Strategy and Action Plan” prepared by DEMD in 2010 (2). The report provides information on new areas of research in earth sciences and engineering. The ‘strategy plan’ does not contain an appreciation of urban risks, the need to incorporate risk analysis or public participation in the preparation of plans. The document seriously overlooks economic and social measures and an integrated approach in risk reduction. Thus the establishment of the unified body has resulted even in a more biased approach for post-disaster activities. The new body in its purposes and recruitment policy is far from discovering the extent of issues concerning risk management, and does not provide a unit responsible for such a task.

The centralized nature of emergency management is further fortified with the assignment of sub-directorates attached to the central body in each province. Provincial governorates in their administrative capacities have to accommodate units of emergency management, which largely perform directives given by DEMD and serve for the local needs, as governor of the province considers necessary (Appendix A).

Municipalities and the elected governments at the local level on the other hand have been given the obligation of disaster management in 2005 by the insertion of brief articles into the three laws concerning local administration. The wording and description of such tasks however are very nebulous. It is not surprising not to observe any case in which such practice has been achieved by local administrations. Regulations for the implementation of such tasks indicated in the Laws have not been produced either. Indeed it would not be possible to

describe a modus operandi without revising the separate 'Law of Development'. Municipalities are auxiliary to the local governor in emergencies due both of these laws of local administration, and by the 'Disasters Law'. Rights and functions of municipalities in planning and provision of building permissions are removed and become ineffective in the case of the declaration of a disaster in their areas of jurisdiction. This set of conditions could impel municipalities to undertake functions of risk mitigation in particular if they were capable in terms of personnel and empowered to implement mitigation plans. Central authorities unaware or in avoidance of the international approaches have never expressed this possibility and the need for enabling the local authorities for DRR.

After the 1999 earthquakes, several other formal attempts in disaster management brought two semi-private organizations into existence. The 'building supervision' system, and the 'obligatory earthquake insurance' have been considered as revolutionary steps in the disaster management of this country and praised extensively. Both have their drawbacks however in contributing to risk reduction. The former intends to compensate for the weaknesses of local authorities in following new constructions that have received building permissions from the municipalities. This supervision responsibility is assigned by the MPWR to accredited firms. The original design in the structure of relations between actors of the building industry has been relaxed afterwards so that the accredited supervision firms liable from failures is now directly paid by the building owner causing an unintended conflict of purpose.

The other weakness of the supervision system is that it has a partial scope, since only residential construction starts are targeted. This excludes non-residential buildings and smaller private residences. What is more crucial is the fact that public buildings are not liable to supervision despite the experience in this country that revealed tragic cases of loss especially in school buildings. Even though a major event did not take place yet, hospitals are likely to fall into the same category of vulnerabilities.

The purpose of the other attempt is to reduce public obligations for allocating extreme sized funds as experienced in the 1999 earthquakes. The 'Obligatory Earthquake Insurance' is often described as a substantial pre-disaster preparation and risk-sharing system. Yet it functions only to compensate the realized post-disaster loss of housing. This does not cover all vulnerable assets and does not necessarily constitute a risk reduction mechanism. On the contrary, it may be argued that it serves to encourage risk-taking behavior.

The MPWR was abolished recently (2010) and its functions have been transferred to the new Ministry of the Environment and Urbanization (MEU). The organizational structure of MEU contains a sub-department entitled "Earth Scientific Analyses" and a sub-unit of "risk determination and mitigation planning". The meaning, scope, and implications of such responsibilities are not envisaged accurately as the activity is not related to urban development planning. The 'risk assessment and mitigation unit' is staffed by a team of

geologists, who are totally alien to the urban risk environment and professionally not eligible to prepare plans.

An ambitious campaign for urban regeneration has been put into effect by a new law (6306) entitled the “Law for the Regeneration of Areas Under Disaster Risk” (2012). This attempt can be considered as a change of mind in the mistaken strategy of reliance for a decade on an over-estimated market demand for the retrofitting of individual buildings. The new law empowers the MEU at an unprecedented rate with a capacity to appropriate all property, prepare plans, and build. The Law obstructs all possible forms of objections by citizens as well as contrary provisions of existing laws. Despite the over concentration of powers and privileges, the law avoids all forms of auditing, as the following section will review. In terms of organization, the central administration has acquired an overwhelming power over all citizens, local administrations, and other legal entities in an ‘etatist’ manner. This is a power that cannot be challenged, alien to contemporary understandings of governance, let alone to the rights and participation demands of local communities and ordinary citizens.

The nature of the organizational structure and developments for disaster management in Turkey is therefore fundamentally biased for post-disaster concerns and paternalistic. Responsibilities for risk management are not clearly defined and tasks assigned to local administrations are nebulous. Even the insurance system is focused to post-disaster circumstances, rather than serving to facilitate risk reduction.

A.3. Legal Provisions Omit DRR

A.3.1. The Disasters Law (1959):

Legal provisions have always followed earthquakes and other disasters in Turkey for almost the past century. They are meant to solve problems met after a major event. The ‘Disasters Law’ (7269) has compiled various pieces together and has been in effect since then. Considered as a comprehensive regulatory system, the ‘disasters law’ is involved only with the aftermath of a disaster. This reflects the dominant understanding and running of disaster affairs in the country.

The Disasters Law and its attending regulations provide a capacity for intervention after disasters and provide extraordinary powers to local governors when a state of disaster is formally declared. The governor then becomes the absolute and sole authority to command all public and private resources and means. Governors in running an emergency can confiscate land and buildings, equipment, means of transportation and communication. Owners of collapsed buildings, or of those property allocated for relief operations, and of property subject to expropriation are designated as ‘right-holders’. They are entitled to have access to non-profit public housing as compensations, or credits in the case of commercial facility owners.

“Besides its confinement to post-disaster operations, Disasters Law and its attendant regulations fall short of a system for the management of risks and remains totally unrelated in its content to the Development Law. The Disasters Law does not differentiate between authorized and unauthorized buildings. Owners who have strictly remained within legal limits and those who have obtained insurance for their buildings are punished within the system. The Law subsidizes non-conforming citizens by funds generated by the contributions of law-abiding taxpayers. The Law encourages individuals to ignore land-use plans and choose locations liable to hazards, construct without permits, avoid insurance coverage and victimize themselves to receive handsome subsidies. This contributes extensively to a culture of fatalism and even leads to the formation of a society in expectation of disasters” (Balamir, M. 2001, 213).

A.3.2. The Development Law (1985):

Reduction of risks depends extensively on appropriate technical decisions concerning land-use and building construction. Measures to this end should have been covered in the current Development Law (3194). The Law is the fourth generation of legislation in this area but is already outdated. Intentions are stated as the achievement of ‘appropriate formation of settlements and buildings’. Municipal and provincial administrations are obliged to prepare city plans, within the hierarchy of physical plans. They also have powers to ratify the plans they produce irrespective of their administrative size and capacities. There are about a dozen central authorities and ministries that have rights and powers of local plan-preparation and self-approval. It may often become enigmatic to settle disputes between authorities, as many central authorities could impose their different preferences on local land-use allocations. This could distort the efforts of municipalities even if they were dedicated in preparing plans for risk mitigation.

Further to the problems of multiple plan-makers and the practice of self-ratification without plan control, no effective liability exist in the Development Law for building production either. Large part of building production is carried out unauthorized, without the necessary expertise in projects, without authentic control in the process of production. The development system that does not accommodate mechanisms of locational verification and construction inspection is bound to generate urban environments susceptible to disasters.

Local authorities, municipalities in particular are given the total freedom with the Development Law of 1985 in plan-preparation and self-ratification. Local preparation of plans and local ratification obviously gave rise to deviations from safety standards and concerns due to pressures by local private interests and political powers. A good proof of this was available with sufficient evidence in the case of town of Adapazari, which experienced excessive loss in 1999 (Appendix B). In between 1985 and 1999 the town plan has experienced over 900 partial revisions to serve the individual interests of property owners and developers, which can be shown to be the main source of most of the damage and loss of life suffered in the 1999 earthquakes.

Plan control and building supervision capacities of most municipalities are weak in terms of finances and experts in the country, which allows extensive room for corrupt conduct. The Development Law does not realistically provide the means for supervision and control in development processes. Within the same period of the current Development Law (1985) again, a special law (2981 of 1984, now abrogated) provided new means to legalize unauthorized developments and buildings with the excuse of improving the urban environment. This allowed and assumed the self-planned areas and unauthorized building stock to be registered as legal and in compliance with safety standards. Thus one of the major difficulties of maintaining authentic risk reduction in the settlements of Turkey was created.

An awkward symmetry in role sharing in relation to the supervision of local authorities, between the two ministries of MEU and Interior Affairs contribute to the obstructions to maintain safety. As the technical capacities of plan making and building resides with MEU, they are deprived of powers of supervision. The Ministry of the Interior on the other hand has powers to audit and supervise the conduct of municipalities yet in turn deprived of a technical capacity. This set up largely provides room for corrupt behavior in development processes.

In constructional activities, building control is supposedly carried out by a 'professional with technical liability', who is hired by the property owner or the developer, removing all reliability from the process. Furthermore, municipalities are not liable effectively for the omissions in their responsibilities of development and building control. After the 1999 earthquakes, the dominant conviction was that a solution to this multi-faceted problem was the privatization of supervision functions. This resulted in a Ministerial Board Decree and later a Law of building supervision allowing accredited firms to undertake the responsibility. The Law still retains the same flaw, whereby the person undertaking technical responsibility hired by the developer providing room for corruption.

It is obligatory to obtain building permissions based on projects. The projects submitted to the municipality are supposed to meet requirements of both the Development Law and the Disasters Law. Building regulations attending the former are related to dimensional standards and requirements in heating, lighting, fire, mechanical system, car parks, landscaping, and the like. Structural safety requirements on the other hand are provided in a regulation of the Disasters Law. A building permission on project could be granted only if conditions are fulfilled in these regulations. When the building is completed, control of building realized is then necessary to grant the occupation permit. Most of the municipalities are not capable to maintain this volume of work. The whole task is then overlooked as unnecessary bureaucracy with many phases that require visa and becomes a target for sustained corrupt relations.

Land assembly, sub-dividing and rearrangement of properties are powerful planning tools as described in the Development Law which are especially useful in the growth and expansion of the city. Together with public investment decisions for infrastructure, these could be effective in avoiding hazard areas.

However, these tools are of little effect in the retrofitting of buildings or in the renewal of existing stock. Tools like enforcement of community-partnerships, transfer of development rights, provisions for collective shares are not available in the Development Law for regeneration, lowering densities, or removal of existing vulnerable areas for any DRR project implementation. Risk mitigation methods in land-use planning and building construction are alien to the existing system of Development Law as a conspicuous omission. Yet zoning, infrastructure and transportation systems layout, density assignment, arrangement of open spaces, constraints on hazardous uses, assigning locations for emergency facilities, devising periodic building use control and methods of public participation are aspects of planning decisions that are directly related to disaster management.

Another significant obstruction in the current conduct of development is the superficial use of geological surveys made prior to the preparation of plans. Every land-use planning exercise is to be based on a geological survey, before decisions for allocating uses are made in space. Yet owners of land and property directly interfere with the preparation of the geological reports in the expectation of high development rights. Mostly, these surveys carried out by accredited private firms are distorted in line with the local interests. Geological information base of cities has to be divorced from the development process. Public information on potential hazards and the spatial distribution risks in any local environment is a sufficiently powerful device for monitoring behavior of development investments.

On the other hand, the Development Law does not contain guidance for safer allocation of land uses based on the geological surveys. A detailed code exists for the drawing techniques of areas subject to different types of hazards. Yet there is no principle or binding rule for the use of such vulnerable land.

The Development Law and the Disaster Law in Turkey do not communicate with each other. The existing state of two distinct laws for development and disasters is a clear indication for the post-disaster bias and the gross omission in development processes, and evidence of a major obstacle in adjusting the legal framework compatible with the international approach.

A.3.4. The Local Authorities' Obligations as Described by Laws of 2005:

Three laws on duties of the different local administrations as renewed in 2005 have briefly introduced tasks concerning disasters. In both the Municipalities Law (5393) and the Provincial Special Administration Law (5302) identical tasks of 'emergency planning' were introduced (by articles 53 and 69 respectively). These state that the respective administrations are responsible for the provision of a 'disaster and emergency plan' that aims protection or reduction of losses in fires, industrial accidents, earthquakes and other natural disasters taking in consideration the local conditions. Metropolitan Municipalities Law (5216) in the description of duties of the administration identifies tasks in two sub-articles. Preparation of metropolitan level plans and other measures related to natural disasters with respect to the plan of the province, and vacating and removing of risky buildings that constitute threat to life and safety.

The wording of these provisions is nebulous. No explanation, guidance, or regulation exists for local administrations in the implementation of such broad descriptions of duties. No pilot cases or examples are available either. It is not surprising that almost no attempt to fulfill these obligations have occurred. On the other hand, this is an area where the international efforts have concentrated providing local authorities the status of global actors. It is not surprising again that no local government from Turkey has been seriously involved in the global campaigns of 'safe cities'.

A.3.5. The Law of Urban Regeneration (2012):

After a decade of confident policy with the support of the engineering lobbies in the retrofitting of individual buildings, it has been observed that reliance on market demands for retrofitting was a mistake. The policy seems to have been reversed very recently to the other extreme of top down imposition of regeneration of the vulnerable urban stock in batches. The Law of 6306 entitled "Regeneration of Areas under Disaster Risk" concentrates all powers and financial means in the center avoiding all forms of supervision.

The policy of comprehensive regeneration of vulnerable areas in settlements has been proposed by a number of urban scientists after the 1999 earthquakes, against the option of retrofitting of individual buildings. The feasibility of this alternative has been demonstrated, and the need and possibility of its multiple response to many of the ills of settlements in Turkey has been explained (Appendix C). Urban regeneration is an imperative in Turkey for a number of reasons. The high rate of urbanization and growth of the building stock has been possible by means of a transformation of ownership relations. The process of 'appurtenance' or as ordinarily referred as 'flat ownership' enabled the concentration of capital in building production and gave rise to unprecedented rates of growth. The process resulted in the fragmented ownership patterns in buildings almost totally avoiding the possibility of a joint decision in buildings. This necessitates the external interference for any form of renewal. Regeneration processes must be considered as part of social policy to reduce the disparities between households. Furthermore, comprehensive regeneration could be a means to encourage residents for partnerships in the management of the environment. Urban regeneration can be a means of reducing risks in the urban environment. But this could not be the sole target of a regeneration project in Turkey. On the other hand, if authorities are really concerned in DRR, they have to take into consideration of the many other principles and criteria that the international community follows. The incompatible nature of the approach in the Law with the international policy becomes obvious when procedures envisaged are reviewed.

The Law 6306 (May 2012) on the other hand discards all possibility of participatory action, avoids objections of citizens and the possibility of challenging decisions in courts. According to the procedures envisaged the Ministry of the Environment and Urbanization (MEU) has powers to determine areas with high risk, or require local authorities to determine risk areas under

their jurisdiction. Owners of buildings in such areas are given a notice and required to act in 30 days, vacating the property and demolishing it by their own means. Objections are possible only to the administrations, rather than courts. If objected, the property owner will not be eligible for financial support and the objection is to be decided by a commission of professional engineers and members of the administration. The decision is final. The property owner will have right to accommodation in the redevelopment accessible after it is completed. In the preparation of the project and in its production, citizens are not allowed to express their opinion. Only after redevelopment has been completed they are asked if they would accept the share they are offered. If they do, they are to accept a long-term debt program. This is how the Law is based on outdated anti-democratic procedures and premises in its refusal of participatory action.

The Law 6306 employs a vague language unobserved in the conventional legal systems in its awarding and imposition of penalties. This provides a special political power to be used for discrimination between citizens. The implementation of the law will have to be observed. Yet given the general attitude towards environmental design and management, towards participatory procedures, use of resources

A.4. Official Views and Reports are Deceptive

Reports of disaster management authorities to UN
Appointments
In International Relations

A.5. Professional Lobbies Rely on Their Own Interests

Deviant Attitudes
- We need more geological research
- We can design and build irrespective of location and hazard probabilities
- Building retrofitting is the only remedy

A.6. Media Approaches Exhibit Triviality

Clash of opinions of different schools of thinking in earth sciences
Non-influential
Irrelevant, insignificant
Interest in post-disaster news-making
Prediction of hazards
Campaign in schools retrofitting

A.7. Economic Growth and Stability Based on the Construction Sector

Reliance on growth of stock
It is for this reason that existing areas are intended for regeneration

A.8. Scientific Research Efforts Omit International Approach

B. ANOMALIES AND DEFICIENCIES OF THE CURRENT STATE OF AFFAIRS

A typology of Mistakes

- Exclusion of communities and vulnerable groups
- The over-paternalistic and top-down 'etatist' attitude
- Distortion of an overall vision by partial interests and powerful lobbies
- Inability to determine and declare risks independent of local interests
- Partial measures rather than integrated

-
- Mevcut yönetsel yapılanma yeni yaklaşımla tutarlı değil;
- Yönetimler yeni politika konusunda bilgi sahibi değil;
- Konvansiyonel disiplinler kavrayış ve sınırlar zorluk yaratıyor;
- Mevzuat dağınık; Özendirme değil, kararları merkezden empoze etme geleneği egemen;
- Güncel araştırma ve projeler kısmi ve yeni politikaya hizmet etmiyor;
- Farklı meslek lobileri kentsel riskler konusunda kendilerini yetkin görmekte;
- Kentsel risk azaltma çalışmaları Planlama meslek çevresinde yeterince sahip çıkılmıyor;
- Acil Durum çalışmaları ile Sakınım çalışmalarının farkı ve sakınımın önceliği gözetilmiyor;
- 'Türkiye Tehlike Haritası' var, ancak bunların bölgesel, yerel, kentsel ölçeklileri bulunmuyor;
- 'Risk Belirleme/giderme' (sakınım) işlemleri kurumlaştırılmamıştır;
- Sakınım amaçlı sürdürülebilir kaynaklardan yoksun kalınmıştır;
- Yerleşim alanlarına ilişkin risklerin yapı risklerinden ibaret olmadığı anlayışı geliştirilebilmiş değil;
- Risk belirleme ve yönetiminde disiplinlerin farklı yaklaşım ve katkıları olduğu henüz kavranmış değildir;
- Katılma özendirme/ödüllendirme değil, zorlama ve cezalandırma egemen yönetim anlayışıdır;
- Yönetimler, toplulukların büyük can ve mal kaybına uğraması söz konusu ise sorumlulukların paylaşılması gerekir (Luhmann)

C. DIRECTIONS TO BE FOLLOWED

Notes to be developed ----

The earthquakes of 1999 in Turkey have been interpreted by a wide circle of authorities and opinion shapers to mark a turning point in the attitudes towards disasters. Declarations highlighted that "nothing will be the same after these events". This claim provided some consolation to the survivors and released some of the extreme feelings of dissent observed in the perceptions and approaches of citizens at large.

Earlier promising indications for a change in attitude were observed after the Erzincan earthquake of 1993. Although unrelated with the reorientations in the international policy, a few steps in the right direction were introduced. In this context credits of the World Bank extended for this earthquake were not totally

depleted, but some remainder was employed for a research to establish the necessary changes in the development system of the country.

Recent restructuring unified relief functions. Yet no body specifically responsible for DRR activities is officially identified and the international risk mitigation efforts have remained alien to local and central governments. Many vested interests tend to retain this set of relations, despite few individual efforts in the country.

Bodies responsible for relief deny the need for DRR, and political authorities are kept unaware of possible range of efforts for risk mitigation. Professional lobbies function as a second major obstacle to comprehensive DRR practices. Powerful engineering lobbies committed to building-retrofitting programs believed in triggering demands in the market, and promoted regulatory means necessary for retrofitting. Expected demand in the market was never realized since 1999. Discussions of earth scientists occupy most of the media diverting again public attention from DRR.

Private construction firms would enjoy the encouragements in investment yet there are limits to new construction since there is already a surplus of housing in almost all cities. The local authorities with their powers of preparing land-use plans and providing building permissions are subject to pressures for amendments in plans and permissions of the local elite, as evidence is now available.

Central Authorities short of developing a capacity to follow international policy and its principles could not develop a DRR policy. Most recent efforts are the blunt urban regeneration law empowering central authority with extra-ordinary powers, and the EQ insurance law both under Parliamentary discussion.

1. Conventional disaster experts still in command; major obstacle
(‘tents and blankets’ approach; limited understanding of DRR)

2. Poor Emergency Planning

Disregarding:

- the spatial context
- vulnerabilities and scenario development
- participatory preparation
- systems view of emergency facilities

3. No formal mitigation planning / No legal provision / No obligation

4. Narrow Interpretation of Planning

Reliance on: - ‘land use’ tools

- existing organizations and powers
- disconnected measures in DRR

The Need is for:

- An integrated form of planning to monitor complex socio-economic-spatial systems
- Comprehensive analysis of ‘risk sectors’ of a city for action and implementation

5. Inaccessible Hazard Information

A central registry of hazard information; free public access

6. Absence of Mechanisms to Encourage DRR

- competition systems for funds (DMA2000)
- national or international funding to attract further investments in DRR
- provision of income generating assets for local community partnerships to encourage DRR

7. The Planning System (Development Law) does not communicate with Disasters Law

- Conventionally 'Disasters Law' is confined to SAR and compensation issues, whereas 'Planning Systems' primarily focus on new physical development
- No objectives declared or measures provided in disasters law for risk management, and therefore for development planning
- No tools / standards / procedures described in development law for mitigation of risks

Central Authority's Adverse Attitudes:

- Powers not to support
- Powers to intrude in local plans
- Powers to intervene even in the municipality budgets
- Powers to over-audit, especially for local governments of the opposition parties

Footnotes

The actual title of the 'disasters law' is lengthy and cumbersome. "Law Concerning the Precautions and Relief to be maintained for Disasters Effective on Public Life"

Attendant Regulations of Disasters Law 7269 (1959)

- Emergency relief operations and preparation of management brief;
- Principles in the determination of effects of disasters on social life;
- Determination of rights of survivors;
- Discounts to be made in the compensation programs for survivors for allocated housing constructed by public means;
- Principles of distribution of the residual buildings and property
- Design principles for buildings in areas subject to disasters
- Principles for the valuation of damaged property, etc.

Attendant Regulations of Disasters Law 3194 (1985)

- Uniform development of urban areas;
- Preparation, enforcement, and revision of development plans;
- Development in areas where plan making is not obligatory;
- Land rearrangement procedures under article 18 of the Development Law;
- Authors eligible for preparing urban plans;
- Authors eligible for preparing topographical maps;

- Rights and liabilities of the technical personnel other than planners, architects, and engineers
- Provision of shelters, car parks, etc.

References

Balamir, M. (2001) Recent Changes in Turkish Disasters Policy: A Strategic Reorientation? in *'Mitigation and Financing Seismic Risks in Turkey'*, eds. P. R. Kleindorfer and M. R. Sertel, NATO Science Series (IV/3), Kluwer publishers, 207-234.

- Official reports submitted by the Turkish officials
- ISDR publications and GAR reports
- Critical accounts of Turkish performance in DRR
- International research on vulnerabilities in Turkey

APPENDIX A

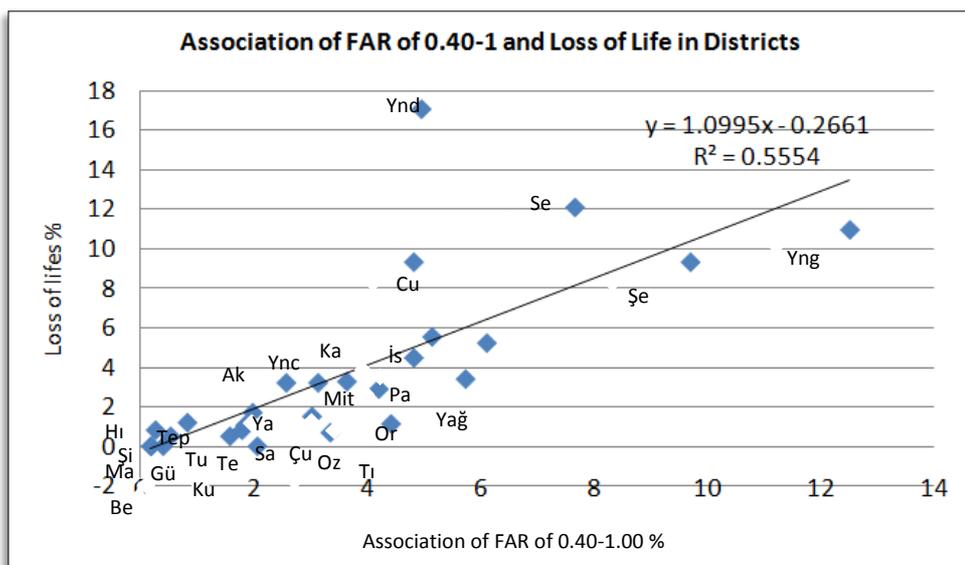
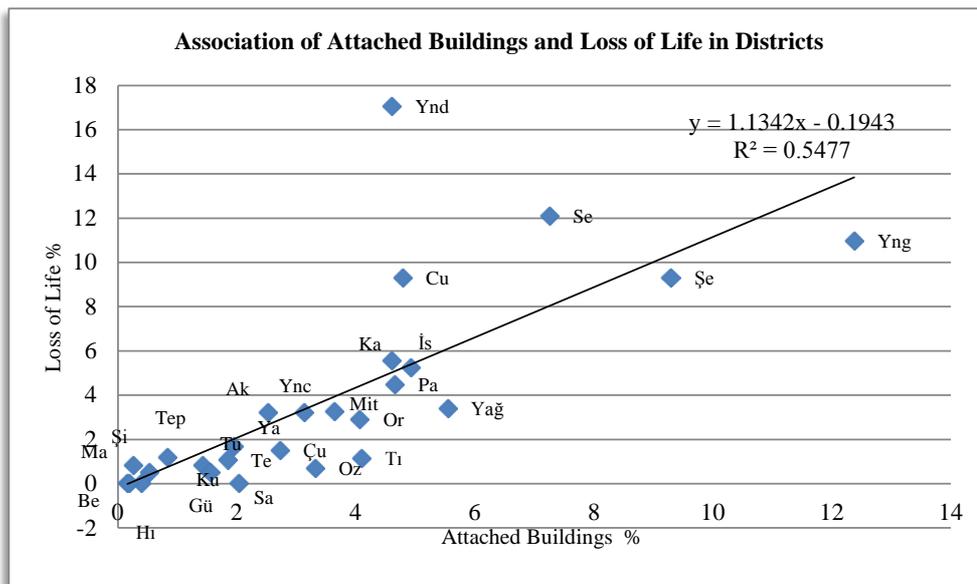
The law to restructure disaster affairs has been prepared at the Prime-Ministry, perhaps for the reason of minimizing likely antagonistic attitudes of the three distinct units currently in effect; ie. The General Directory of Disaster Affairs attached to the Ministry of Public Works and Settlement, the General Directory of Civil Defense attached to the Ministry of the Interior, and the General Directory of Emergency Management attached to the Prime-Ministry. It is likely that greater input has been made to the draft law by the latter, than the others as it is more directly related to the Prime-Ministry. Failures that could be pointed are:

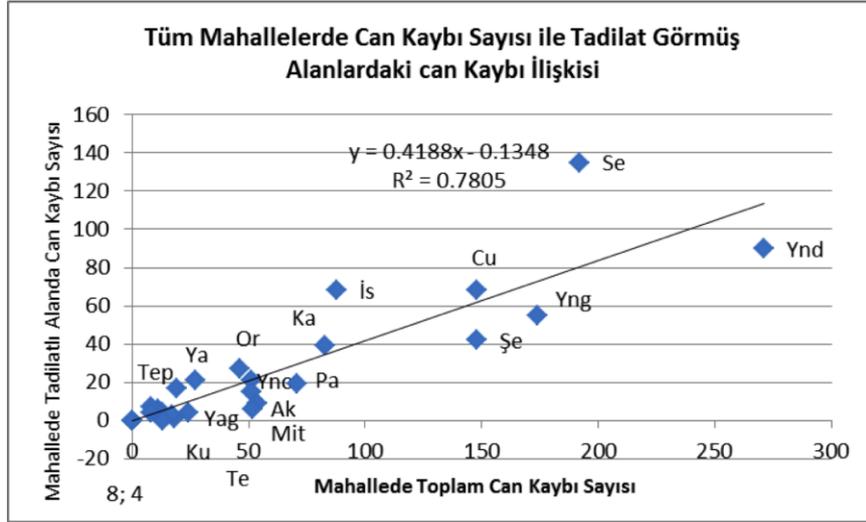
1. The international disasters policy during the recent decades has been restructured, and the main objective of the practice is now focused in risk determination and management. IDNDR, Yokohama and Kobe Conferences, the HFA, and the activities of ISDR are indicative of this turn, and Turkey has officially agreed to follow suit in all the declarations made on these lines. Turkey has not yet moved in the direction of risk mitigation. The most essential deficiency in the law is the negligence of this reorientation.
2. This negligence is apparent in terms of the inner structuring of the unified administration, and in the avoidance of the essential concepts and terminology necessary to start a language of mitigation. No units of administration proposed are designated to undertake the tasks of determining hazards, risks, and methods of mitigation at the different levels. Furthermore, concepts of hazards, hazard probabilities, risks, acceptable risk, etc. are missing in the vocabulary of the draft law. One particular term used in this country that mentally obstructs the perception of risk mitigation is the term "zarar azaltma", verbatim translation of which is 'damage reduction'. This may well apply for the post-disaster activities. As such, it is not only far from meeting the contents of the term mitigation, but it also robs us of the capacity to introduce in the Turkish language the terms of risk and risk management.
3. Another significant issue is the insistence in conventional terms of governance, whereby participatory processes in decision-making at the central and local levels are ignored. The objectives of national and local platforms are totally overlooked.

It is not surprising perhaps to have a law that ignores tasks that are unfamiliar to the conventional mode of thinking and existing administrative units. All three General Directories are experts in their own areas of post-disaster activities, and they are all alien to the meaning, scope and coverage of mitigation or risk management issues. After all, the main objective of the law has been the physical integration of the existing General Directories into a single body.

APPENDIX B

The town of Adapazari suffered extensively in the 1999 earthquakes. It has been possible to correlate loss of life with that of planning decisions in the spatial context (Beyhan and Balamir, 2011).





APPENDIX C

Official policy and implementation has during the last decade promoted many alternatives besides retrofitting. All however have been non-commendable top-down attempts and implementations. Despite our counter arguments to favor comprehensive regeneration against retrofitting to respond the many current ills of cities, and that of Istanbul in particular, a decade has been lost in confusion of thought. The following is an excerpt from an argument for regeneration in Istanbul reviewing the alternative attempts (Balamir, M. 2003):

- **Evacuation of Specific Areas:** A number of such programmes in Istanbul are already underway. A current prominent case is the redevelopment of the Sulukule district where traditionally the Roman minority is concentrated in Istanbul. These projects have no intentions of protecting local cultural assets or accommodating participatory processes.
- **Piecemeal Retrofitting of Individual Buildings:** A number of steps to facilitate retrofitting of buildings are already taken with the implicit intention to open a large market for the engineering profession. Yet economic and social viability of such policy is questionable; As standards in urban environment is low, this approach only tends to consolidate the existing physical pattern. Unauthorized buildings, which would need retrofitting in particular are in the first place legally denied of the possibility of carrying out a formal retrofitting operation.
- **Production of New Housing Estates:** This widely encouraged production only serves the city to carve into the forests in its northern periphery. These estates are then marketed to the more affluent, with the assumption that such approach will allow the poor households to climb up in the housing ladder. This does not happen. Recently such estates can not be sold since the city is already over-saturated in terms of housing production.
- **Local Comprehensive Regeneration:** This has been the recommendation of the Earthquake Master Plan of Istanbul (2003) for the high-risk districts. The propositions made here aim at self-financing models, social development, enhancement of economic vitality, promotion of social integration, safe and high urban design standards, avoidance of removals and gentrification, maintenance of tenants, protection of historical assets, encouragement of partnerships, empowered local management, enhancement of community life, and provision of collective activities and well-designed public spaces.

It is the feasibility of this last option that is worth following and it is most likely that even small-scale incentives provided for urban regeneration could trigger a series of repetitive processes in the market, particularly in districts with dominating unauthorized stock. Stake-holders in this model of regeneration are not only the local residents and NGOs, but also the local municipalities, metropolitan municipality, local government, and the central authorities. Fundamental principles of the comprehensive regeneration policy for resilience in Istanbul can be envisaged as:

- independent voluntary citizens' partnership processes
- self-financing projects of necessary scale, triggered perhaps by marginal public incentives
- no involuntary removals or gentrification in the area
- the organization of new urban management units
- improved environmental and urban design standards
- seismic and other risks reduced to a minimum with ample provisions for the emergency state in physical and organizational design

Disturbance costs of all households (residents and tenants) together with total costs of development must be met by the credits advanced. The method of regeneration is to protect current tenants as well, avoiding the likelihood of an abrupt gentrification. To convince households to partnerships and participation in such processes, professional means of informing and facilitating campaigns are necessary. Employment of residents is a preferred policy of running such campaigns.

Special programs could be separately organised for a small group of authentically poor and handicapped households. Regeneration is not confined to operations of physical redevelopment. Rather it is a multi-impact social process, which represents a transformation into authorised and registered conduct, an entirely new mode of activities for many of the cases. This implies status changes not only in property ownership but also in business, employment, and in all aspects of life. Moving into a registered economy requires careful monitoring. Smooth transformation will necessitate economic sweeteners, business and property tax exemptions, other concessions for intermediary periods. This is a socialization process, and a move to higher level of organizational structures for all stake-holders.

WHY URBAN REGENERATION IN TURKEY?

Murat Balamir (2010), Part of report submitted to the Parliamentary Commission on Earthquakes. This note is prepared for the purposes of explaining why urban renewal in the cities of Turkey is an imperative today. Such operations require a special form of organization and planning for local community development.

Cities in Turkey Experienced Extreme Rates of Growth

Cities in Turkey rapidly grew after 1950's. This was not dependent only on the displacement of rural populations, but also on new methods devised for financing development and enabling more intensive investments in cities. In a context of general capital-scarcity, transformations in property relations and ownership provided the means either to discard capital-dependence or glean together the small-scale savings. Processes of 'appropriation' (squatters on public or private land), 'apportionment' (informal building on shared-landownership), and 'appurtenance' (flat-ownership in blocks) are at the time of their inception were all illegal forms of property relations. The performance of the building production industry was significantly increased with 'flat-ownership' (FO), at rates comparably high in global terms. Most of the observed environment in urban Turkey today is related to FO, legalized in 1965. Although free-market relations have led to the rapid development of cities by such investments, the free-market in general is incapable of resolving this set of relations for redevelopment, as it is almost impossible to unite interests of individual owners for a new investment. Fragmentation of the discretionary power in buildings has led to an urban paralysis. Yet residential areas developed under this regime representing similar periods of development are subject to obsolescence and depreciation collectively today in many quarters of cities in Turkey. It is for this reason that an external means of intervention is necessary for land-use efficiency (Balamir, 1975).

Cities in Turkey have for this reason, always tended to grow outwards in spatial terms. This was even more lucrative as cheaper agricultural land was transformed into urban use extracting greater land-rent. As cities grew at the peripheries, more intensive public investments in central

areas for improvements in transportation, infrastructure, and services were also inevitable. This could not be responded however by the existing central development in paralysis, even though higher densities were now justifiably provided. For this reason, effective forms of public or collective intervention will have to be devised to facilitate urban renewal and regeneration.

Cities in Turkey are Transformed into Disturbingly Low Quality Environments

The introduction of the new technology of reinforced concrete and materials (cement and structural steel) greatly contributed to the increased pace of urbanization. However, the deceptive conveniences of this technology led to the extensive production of non-engineered buildings by non-qualified producers. Together with a superficial form of urban land-use planning, development of cities in the country has been alienated from the local cultures of settlement and physical environment, an accumulation of centuries. The rent-greedy urban growth disregarded local geographical, morphological and climatic conditions, existing modes and patterns of life, cultural heritage and assets. Yet one of the basic natural conditions (apart from hazards) of Turkey is its ecological diversity in surprising proximities. This must have found its expression in the term 'Asia Minor', as variations only possible at a continental scale are all concentrated in a peninsula. The attitude to discard local cultures of urban living have unfortunately has been fuelled by large-scale private and official housing development entities as well. Thus not only small-scale and piece-meal entrepreneurial investments, but also developments in the form of complexes of high blocks in the peripheries are physical and social environments that fall short to contribute to the capacities of generating an urban mode of life, a sense of place or a sense of community. It is for this reason that urban renewal projects in central areas relying on the organized tendencies and needs of local communities could promise an opportunity in the contemporary revival of urban cultures of the country. Projects of regeneration as they help remove existing low-quality and unsafe environments, opportunities exist to respond to the local natural and historical assets, environmental characteristics, prospects in the economy, future potential roles, to high-standard aesthetic and design merits, and contribute in implanting the spirit of communities of the respective localities.

Cities in Turkey are Extreme Risk Pools

In this country of extensive natural hazards, location of settlements is a historical given. Such decisions obviously were based on the availability of agricultural and natural resources in periods when little understanding of sources of hazards were known. Ironically however, most of current urban development in Turkey did also take place on agricultural land, and tendencies of investments on hazardous areas could not be curbed. This cannot be considered a rational strategy especially in the face of high probabilities of earthquakes. On the other hand, the 'deceptively easy' reinforced concrete building technology led to the avoidance of formal structural engineering services. This negligence in building activities is particularly significant in unauthorized forms of construction, which is declared as 70% or more of the building stock in the case of Istanbul. Furthermore, very many of the currently authorized buildings are only legalized afterwards and simply on paper by means of 'building amnesty laws', implying no improvements in structural terms. To complement the issue, self-collapsed structures in our cities (with no external force applied) are no rarities.

Cities in Turkey are extensive 'risk pools' not only for their unreliable structures, but also due to a family of other settlement attributes. Deficiencies in accessibility, infrastructure networks, open spaces; little systematic control on storing-processing-transporting of dangerous materials; unauthorized uses and proximities between uses, inadequate emergency facilities in terms of capacities and/or location are some of the factors that aggravate risks to intolerable levels. Such conditions often raise concerns that are accompanied by proposals like removal of local communities, increases in the new safer building stock, and retrofitting of existing buildings. Such proposals are no remedies. Removal of population implies recessions in the local economies. Production of new settlements at the peripheries means city dispersal and further alienation from local urban modes of life. Retrofitting of existing buildings on the other hand is legally difficult as many of the owners will not agree, and buildings are unauthorized in the first place. Technically impossible since 'as built' information are not available. Even more serious than these is the fact that if it was possible to retrofit these buildings, it would only boil down to

the perpetuation and consolidation of the existing mistakes and low-standards in the urban environment. It is for these reasons that regeneration activities in cities of Turkey today represent the most rational strategy for disaster risk mitigation.

Cities in Turkey are Agglomerations of Extreme Social Injustice

The inevitable consequence of rent-led urban development processes is the differentiation of social classes. This could at least be accounted in terms of property wealth positions. A second major consequence of such a system employing building production as its basic engine is the problem of over-production, besides uneven distribution of its output. If the growth of urban housing units over years is observed together with the growth of urban households, a discrepancy of almost of 30% surplus of housing units becomes clear at levels. This process of growth has approximately enabled one third of the urban households possess three dwellings per household in the average, another one third to become owner-occupiers, and the other one third to become captive-tenants. As high-income groups live in their gated-communities, urban poor today is a significant social reality. The retired, educated and even specialized yet unemployed, women stuck at home are large groups in the society, potentially ready and willing to turn into organized productive forces.

Urban regeneration projects in many countries have served as attractive local social organization and development tools. Comprehensive urban regeneration operations instead of pumping further growth in the building stock is a preferable strategy in Turkey, to be complemented by special privileges provided for participants in such operations, cheaper and simpler sales and purchases procedures, progressive property taxation for multiple-ownership, low-interest credits, postponed taxation rights, social projects, seed-financing, and other advantages as local conditions require.

Citizens are Excluded from the Administration of Cities in Turkey

Apart from the appointed governors and their functionaries, administration of cities in Turkey is carried out by the elected municipal mayors and city councils. Conducting strategic and land-use planning activities are responsibilities of the mayor. Modes of city administration however are still short of contemporary democratic needs and expectations, despite recent changes in related laws and powers entrusted with mayors. Contemporary city management demands integrity between collective determination of objectives, and technical tools necessary to achieve them. Synergies could be maintained by coordinating the powers of land-use decisions and design objectives with those of property taxation, rent regulation, credits, rights of ownership, etc. Apart from technical capabilities of coordinated use of such tools, public participation procedures could help diffuse responsibilities and maintain some social adherence in policies followed. Powerful coordination of objectives and means of implementation is frequently exercised in the world within the practices of urban regeneration. Urban regeneration projects are always equipped with powerful means of implementation, finance, and public involvement.

Powers recently given to municipalities in this country for urban renewal however are only blunt physical tools. Municipalities are not obliged to employ services of technical specialists, particularly in areas of urban design, transportation, infrastructure, energy, environmental protection, disasters, protection of the historical heritage which are particular attributes of cities in Turkey. Even if they do ascribe to such objectives in certain cases, there is no obligation for them to follow the recommendations. This type of city administration is therefore reduced solely to a general political mechanism with no tradition of supervision or control. Although the current macro political preferences point to the objectives of dismantling the central administration, the idea is not followed to its logical consequences at the local level. Means and modes of citizen participation in settlements remain totally obstructed.

Alienation of citizens from decisions concerning disaster risk reduction (DRR) is unacceptable and contrary to current international tendencies. According to UN policies, decisions and action for DRR at all levels demand participation of stakeholders. Protection of citizen life and property must be maintained by means of processes of 'participatory democracy'. 'Representative democracy' falls short of purposes here, and it is for this reason that UN particularly aims the

formation of 'platforms' at every level. The 'global platform' meets in Geneva every two years since 2007. UN encourages the 'national platforms' in every country with representatives of administrations, universities, business, NGOs, media, and communities. The 'city platforms' on these lines help building up the legitimacy of decisions taken for DRR.

The 'spatial structure of discretion' in cities of Turkey reveals still another major gap. Cities are administered by city councils as a whole on the one hand, and by the independent administrations of individual buildings on the other according to the 'flat-ownership' law. Between these two physical extremes, no formal body to manage parts of urban land exists. It is possible that partnerships for regeneration could facilitate the reorganization of local residents as communities, as larger democratic units of sustainable spatial administration in cities.

Urban Regeneration Could Provide the Means to Challenge These Problems

If comprehensively organized and run, urban regeneration projects in central areas in cities could meet the requirements of the above stated problems in Turkey. This would however mean partial revisions in recent laws and provisions. The foremost condition is the participation of local households in the process. Ideally this would involve the formation of local development partnerships by the very residents in an area volunteering in some majority. This process must be promoted and facilitated by the municipalities and local governors who could also act as one of the partners. Rather than impositions as the current laws imply, dominating the rights of local households and starting conflicts and resistance from the very beginning, operations of regeneration could be shaped as a local initiative. This should not only maintain the self-determination of local needs, design, and programming of the physical and financial issues, but also lead to the formation of a local democratic self-management of the area of regeneration.

The second condition is the structuring of some self-financing system. Regeneration operations need support with long-term and low-interest debt programs for the residents. Affordability studies and necessary support systems will have to be carefully designed so that no local resident is excluded involuntarily. Methods of protecting the local tenants' rights could be another basic objective of the regeneration operation. Assuming all costs of regeneration (project preparation, moving, demolishing, infrastructural works, construction, etc.) is to be met by residents themselves, appropriate debt programs, rather than external donations and subsidies are to be provided. This is a basic condition for the reproduction of urban regeneration projects in the market environment as sustainable modes of operation. Yet for the promotion and initiation of regeneration projects in Turkey, especially in areas of significant vulnerability, partial subsidies may be necessary. This can be justified in many cases since there is multiple public benefits in urban regeneration in which local governments could act as members in the partnership.

A third condition is to avoid the possibility of regeneration processes to turn into rent-seeking investment projects. This should avoid density increases, gentrification, and painfully lengthy periods of construction. The developer must find an average rate of profit transferred in pecuniary terms rather than in terms of shares from development. This should exclude the possibility of introduction of new households to the area, other than previous residents. The social profile of the area is a prerequisite to be interpreted by sociologists, public relations and communications experts. Regeneration projects must be accompanied by social projects to transform such efforts to full local development plans. Value increases in the form of extra building areas and advantages allowed must be transferred not to individuals but to the partnerships.

Fourthly, the regeneration project must provide options to residents rather than constraints. Not only alternative choices should be available to participants in terms of changes in size of housing and amenities, but also different financing schedule options, and opportunities of moving out at any point in time. Detailed programming of tasks, design alternatives, flow of funds, resolution of numerous legal issues must be determined with reference to residents' preferences.

A fifth condition is the introduction of high-level environmental design standards. This condition could be met by services of urban designers, design services at every scale, and sometimes by design competitions. Maintaining improved standards of life depends in the first case on

satisfactory physical support in the dwellings and the housing environment. Cultural studies and contemporary interpretations of local community values could be a very relevant issue to be incorporated in urban regeneration projects.

Further conditions in Turkey require changes in current legal provisions and a renewed identification of responsibilities. Technically, revisions in laws require minor efforts, once some consensus is maintained on the conditions indicated above. The more difficult issue is the identification of a new authority with special powers and know-how in procuring and implementing urban regeneration projects. The local municipalities and the Housing Administration (TOKI) in Turkey must have specific roles in the execution of these projects. However, both will fall short in meeting most of these conditions. An independent 'urban regeneration entity' URE empowered by law to prepare and implement such projects could be an ideal body as experienced in many countries. This body will then have to cooperate both with local municipalities and the housing administration.

Research carried out in Istanbul provided sufficient evidence that under such conditions as above, projects could have physical, financial, social, organizational, legal viabilities. Financially it was observed that for an average sized flat, monthly payments in the order of 150-200 \$ per household in the average, on a 20 year program could make the feasibility of regeneration project even in the most densely built area of Zeytinburnu.

This approach requires a new understanding and abilities in the synchronized employment of human resources, urban land, finances and technologies. This is not dissimilar to what was achieved in this country during 1950s in terms of reorganization of resources with the invention of 'flat-ownership' by means of which a leap in building production was made possible. The system was legalized and refined since then, by further improvements in due course so that this set of relations turned into a context in which almost all urban life takes place. Today we have to accomplish yet another leap forward, but organize a more intricate set-up and synchronize a multiplicity of actors with greater volumes of capital use, spread over a longer period of time. If we achieve this, an urban renaissance could be possible with the mutual meeting of physical developments and people, contemporary interpretations of urban life and high standard values in the design of urban environments.

