

AGFE MISSION

Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT

City/ country	Istanbul, Republic of Turkey
Mission dates	8 -11 June 2009
Head of mission	Yves Cabannes (AGFE Chairperson; Development Planning Unit, University College of London)
AGFE Members participating in the mission	Arif Asan (Urban Resource Centre, Karachi, Pakistan)
Other mission participants/ organisations	Cihan Uzunçarşılı Baysal (Political Scientist at Human Rights Law Department, Istanbul Bilgi University)
Request for mission	NGO coordination group representing 25 communities across the Istanbul Metropolitan Area
Local context / eviction parameters	<p>According to the reports received by AGFE, inhabitants of a considerable number of neighbourhoods in Istanbul have been subject to forced evictions and many more are living under the threat of possible forced eviction. The evictions are carried out in the context of urban regeneration and renewal projects jointly implemented by central and local authorities. The urban renewal agenda is driven by cultural mega-events (Istanbul is the 2010 European Capital of Culture) and the Authorities' ambition to transform 8,000 year old Istanbul into one global first class city with all the related modern infrastructure and housing stock. The evictions affect ethnic/religious minorities, such as the Roma.</p> <p>Continuously high population and economic growth over the past 50 years has generated increasing pressure on land and housing markets. Upper end housing development and gated communities have been exercising pressure on existing well located settlements. Areas cleared through evictions are allocated to the use of higher-income groups.</p> <p>The evictions reportedly have been carried out in an unclear legal framework, and in a non-participatory, top-down manner. The application of the Renewal and Reuse of the Dilapidated Areas Act in certain areas is reportedly against the Constitution. A new general act on urban transformation awaits its adoption by Parliament.</p> <p>The Government, through its Mass Housing Administration TOKI, provides multi-family apartment blocks for the evictees. They do not match the livelihood practices and socio-economic needs of evicted households. The affected population faces difficulties in regard to repayments and debts, augmenting already existing poverty.</p>
Dominant Driving Force	<p>This eviction case is motivated by one of the following or the combination of various driving forces <u>(mark the one that best depicts the case)</u>:</p> <ul style="list-style-type: none"> • <input checked="" type="checkbox"/> (X) Eviction driven by private and/or public sponsored real estate and property market-driven developments and commercial interests; • <input type="checkbox"/> () Eviction driven by legal conflict and litigation leading to land claims by original property/land owners; • <input checked="" type="checkbox"/> (X) Eviction driven by planning & development control decisions that penalise informal/illegal buildings and land occupation; • <input type="checkbox"/> () Eviction driven by transport, road and civil engineering investment projects claiming land for development, and clearing pathways for infrastructure networks; • <input type="checkbox"/> () Eviction driven by environmental protection legislation leading to clearance, demolition and land-use control; • <input checked="" type="checkbox"/> (X) Eviction driven by urban planning and land use ordinances leading to

	<p>clearance & land-use transformation that are incompatible with present residential use;</p> <ul style="list-style-type: none"> • () Eviction driven by historic preservation and urban heritage conservation acts that transform the built-up space and building stock to other uses rather than residential; • () Eviction driven by political, security, social and sanitary/health motivations that lead to clearance and relocation; • () Eviction driven by safety measures against occupation of risk areas subject to land slide, flooding, industrial accidents. • () Eviction driven by natural disasters; • (X) Eviction driven by conflicts and internal ethnic tensions that generate outburst of property destruction and human suffering.
Main findings	<ul style="list-style-type: none"> • Approximately 80,000 people were directly affected by the urban renewal projects in the areas visited by the mission. In total, 12,730 people have already had their homes destroyed in Ayazma/ Tepeüstü, Kücükbakkalköy and Sulukule. Some of these situations cannot be termed 'forced evictions' since some people were willing to sell their property to the government. However, those willing participants in the urban renewal projects are limited to a small minority and the majority are being forced to participate in the projects through the signing of a contract agreement with the public authorities. • Since the project has not been well explained by the municipality in the neighbourhood, the owners may not have full awareness about the potential financial gains they will get at the end of the project. Thus, there is this possibility that the potential value increase will be realized mostly by the outsiders, rather than the existing residents. • There are many other neighbourhoods throughout the city currently under threat of eviction. For the Metropolis of Istanbul, AGFE estimates that one million persons are under threat of having their houses demolished. • Various evictions analysed by the Mission violate international housing legislation to which Turkey is a signatory. The legal framework put into place through laws 5366 and 5393 Art.73 facilitates a regressive policy in terms of housing rights. • Massive demolition of houses of good quality and of houses easily repairable (mainly in the <i>gecekondu</i> unplanned settlements) affects negatively the attainment of MDG 7/11. The gecekondu are not like squatter settlements in other parts of the world. They have proper homes, street paving provided by the municipalities, open spaces, schools, electricity, water supply, sewerage, shops and lots of trees. In some of them the houses are 2-4 floors and there are also low-rise apartment blocks. There is an atmosphere of a neighbourhood and strong social ties • Due to a lack of clarity in the procedural aspects of the laws, coercion is built into the system of negotiations. Collective negotiations are not permitted; individual families have to negotiate with officials. Negotiations are in most cases intimidating for the poor. The owners are informed at the beginning that they can either agree with the municipality or their properties will be expropriated. • TOKI is removed from the people for whom it designs and builds. There is no process through which beneficiaries' concerns feed into the design and construction processes. • The job of the municipalities in the redevelopment process is to get land vacated and handed over to TOKI for development. The laws permit them to do this. Because of ambiguities in the procedural aspects and through selected application of the laws, they can bypass the humane aspects of the law such as the acceptance of people's preferences. • Consequently, developers, speculators and the elite are the main beneficiaries of the TOKI projects.

<p>Recommendations to the Government of Turkey and to its local authorities</p>	<p>On forced evictions and demolitions</p> <ol style="list-style-type: none"> 1. Urge the Government to halt all pending evictions or threatened evictions until an adequate solution is achieved to meet the housing rights of the Turkish citizens enshrined in the relevant international human rights instruments ratified by the State. 2. Recommend that the Government give priority to halting evictions and demolitions affecting so called ethnic minorities such as the Roma and the Kurdish communities, and the tenant with or without formal contracts so as to minimise their negative impact on such vulnerable members of society. 3. Invite the Government to remove the coercitive measures and pressures of various types that families are suffering and that have as an objective to get the families to sign their agreement contract to sell their homes in order to be demolished. The fact that the people's homes will be demolished anyhow, in case they do not accept to sign an agreement should be immediately removed. 4. Urge the Government of Turkey to carry out eviction and demolition impact assessments for each one of the large developments and investments that are taking place to transform Istanbul into a global city. <p>On housing and urban policies</p> <ol style="list-style-type: none"> 1. Invite the Turkish Government to review its current policy following a right-based approach to development, and based on the principles enshrined in the Habitat Agenda, signed in 1996 in the very city of Istanbul. 2. Legalise the land of all <i>the existing Gecekondu</i> and transform the amnesty that was positively enacted into a situation of security of tenure for those families who, through time and effort have been producing good quality neighbourhoods. This legalization and increase of security of Land Tenure should consider collective solutions such as the Community Land Trusts that received the Habitat Award in 2008. 3. Recommend the Government to review its policy in order to aim at friendlier cities. Key aspects of this urban policy should consider: <ul style="list-style-type: none"> • The modification of urban renewal practices that consist in the demolition of <i>Gecekondu</i> and spontaneous settlements to substitute them with high-rise housing blocks. Instead an integrated neighbourhood improvement policy should be put into place. In addition to measures to facilitate a reasonable densification through credit and technical assistance. Such an integrated policy should prioritise income generation and job creation because poverty and lack of resources appeared as a permanent feature of the low-income neighbourhoods. Another important component of such a policy will be a reduction of risks in relation to earthquake hazard. • Participatory methods including the communities and the citizens directly interested and concerned should be built in the formulation, design , implementation and control phase of the whole process. This ingredient, as demonstrated by various international practices will be an important ingredient to prevent evictions and reach creative and positive solutions for the benefit of the city and of its citizens. <p>On governance</p> <ol style="list-style-type: none"> 1. Recommend to the Government to set up an international observatory, at national level in line with the first recommendation to the ED of UN-HABITAT. The role of the observatory: (a) to monitor the evictions and demolitions taking place or due to take place; (b) Monitor the policies and the legal framework at national and local levels and report on the progress or regressions taking place; (c) identify successful processes and methods that have been put into place to solve the eviction issues; (d) largely inform the national and international media about the outcomes of the studies; and (e)
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	disseminate information towards the citizens and their organizations through simple communication tools.
Outcomes and follow-up activities	<ul style="list-style-type: none"> • <u>Positive echo in the local/national media through extensive press coverage:</u> All national newspapers wrote about evictions and listened to the opinion of the AGFE mission members. This is an achievement in a country where demolitions of houses and proposals of alternatives to the government policies are rarely part of an open debate. This was made possible because of the back up team that mobilized the local/national media. • <u>Contribution to the opening of a communication channel/dialogue:</u> It is likely that media coverage of eviction alternatives related by the AGFE mission triggered a meeting between TOKI President and representatives from the STOP INITIATIVE (<i>Saner tanımayan Autonomy Plancılar/Autonomous Planners Without Borders</i>), called by the President himself. This meeting took place in Ankara. STOP had prepared an alternative plan for Sulukulé, in close cooperation with the Roma community and as part of the Sulukulé Platform. It was the first time that an alternative plan coming from Civil Society and Professionals was discussed. • <u>Strengthening of dialogue/communication between the various anti-eviction actors:</u> All the different movements (platforms, networks) that are actively engaged against forced evictions were present during the public forum at the end of the Mission. While this is only a beginning, the strengthening of dialogue and collaboration among communities is an important achievement. • <u>Substantive suggestions for sustainable urban and housing policy:</u> The Mission proposed an <i>integrated neighbourhood development approach</i> as an alternative to the slum clearance and bulldozing approach of the last 50 years. • <u>Stimulus to research:</u> Initiated during the Mission and continued for a month thereafter, ten persons worked on a map that reflects the status of the evictions taking place or due to take place in the future in Istanbul. The result of this work was to be presented at an international conference of European housing and urban researchers to be held in Rotterdam in October 2009.
SCHEDULE OF MEETINGS	
Mon, 8 June 9:00 – 12:00	BRIEF: Mimar Sinan University 1.Ass.Prof.Erbatur Cavusoglu; 2.Ass.Prof.Zeynep Enli; 3.Ass.Prof Asuman Türkün Excerpts from a documentary film by Imre Balanlı
13:00	Site 1: SULUKULE - Neşe Ozan/Hacer Foggo/Ash Kıyak İngin
15:00	Site 1 - Authorities: Fatih Mayor/Ilke/GAP/ KİPTAŞ-Firms implementing Urban Renewal Projects
17:00	Site 2: SÜLEYMANİYE - Muhtar/meet with people
Tue, 9 June 10:00 – 11:30	Visit sites/meeting people - Site 3: BAŞIBÜYÜK - Erdoğan Yıldız(IMDP); Adem Kaya,(Deputy of Maltepe Local Assembly); Ass.Prof.Murat C. Yalçın
12:00 – 14:00	Site 4: GÜLSUYU/GÜLENSU - Erdoğan Yıldız; Murat C. Yalçın
15: 00	Site 5: KÜÇÜKBAKKALKÖY - Hacer Foggo
17:00	Site 6: KURTKOY
Wed, 10 June 10:00 – 13:00	Prep of report and ideas, meeting with people/visit to authorities - TOKİ-İST.
13:30 – 15:00	Kucukcekmece Mayor
16:00 – 17:30	Site 7 : B EZİRGANBAHÇE - Ayazma population
18:00	Site 8: GÜVERCİNTEPE - People/ KHK
Thu, 11 June 10:00	Press conference, feedback to partners Forum Istanbul Bilgi Üniv. Dolapdere; stakeholders ,press, CBOs, NGOs, activists, scholars
14:00	End, internal press release
PM	Reporting