

Providing Formal Property Rights to Slum Owners through Tenure Legalization Process in Turkey

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SUMMARY

After World War II, most rural households rapidly migrated to Turkey's big cities in search of employment. Informal settlements known as slums occupied urban peripheries and hold more than half of the urban population in Turkey's big cities. Slums are illegal dwellings because they are built on public land usually belonging to the Treasury and constructed without occupancy and land titles. In the original meaning, slums as shelters of poverty were built in the city's peripheries temporarily. Local politicians, especially, tended to benefit from votes of slums' inhabitants through providing infrastructure and basic services for squatters. In 1983, Turkish Government accepted liberal policies to open the society to international market. In this process, the government attempted to integrate slum lands into the formal urban market by a law which titled 2981. Slum settlements were legalized through a series of slum amnesties and deeds of occupied lands were given to slum owners. The law did not enable the demolition of existing slums. In contrary to this, property rights were provided through the legalization process.

In this study, the way to make slum owners to acquire land ownership is explained with a flowchart describing how a technical procedure is executed under what circumstances. Consequently, advantages and disadvantages of applied urban land management system in Turkey are clarified in detail. Differences, related to informal settlement, between international studies and Turkish system are discussed.

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1. INTRODUCTION

Slums are symptoms of immigration phenomenon. Immigration arised as a movement from rural to urban areas in the industrialization period (Uzun and Cete, 2004). Today, an estimated one-third of all urban residents live in informal settlements or slums – the vast majority in developing countries. Common characteristics of slums include unclear tenure status, poor basic services, low-grade construction and overcrowded living conditions. Slums are often located in precarious areas. They appear to sit on top of one another and often actually do. Virtually every bit of space is in use by someone, somehow (Werlin, 1999). With continuing rapid growth of urban areas, improving the life of slum-dwellers is high on the agenda of national governments and the international community. The Millennium Development Goals, for instance, advocate significant improvements in the lives of at least 100 million slum-dwellers by 2020 (United Nations, 2005). Over the past several decades, strategies to achieve better living conditions for slum-dwellers have included sites-and-services programs and resettlement to new housing development. In this study, we will focus on providing land tenure to slum-dwellers which have been paid less attention till today.

2. THE SLUM PHENOMENON IN TURKEY

In Turkey, urbanization accelerated in 1950's and still is in progress. Especially this date is the start point of the agricultural mechanization, highway transportation and industrialization of Turkey.

Immigrations have been directed to the cities regarded as 'attraction centres'. The basic causes of the immigration are the insured job, high salary, and the other facilities such as education, health, culture etc. in urban areas. Primary aim of the immigrants which immigrate to urban areas is having a guaranteed and permanent job and then having a shelter. However, because of the financial inefficiencies of the local authorities, the level and quality of the services has been low. Especially the lack of convenient dwelling areas and affordable housing has led to construction of the slums (Uzun and Cete, 2004).

Early 1950s, the newcomers, who were mostly young men, first built slums in and around the large cities, preferably close to the jobs available to them. Slums were built on state property or on land belonging to the municipalities. Their slums were called *gecekondu*, literally meaning 'built in one night' or 'landed overnight' in Turkish (Erman, 2001; Baslevent and Dayıoglu, 2005). Legally, what is understood from the term is a dwelling erected on land and lots which do not belong to the builder, without the consent of the owner, and without observing the laws and regulations concerning construction and building (Law No. 2981, dated 1984).

Over time, their slums turned into ‘slum towns’ surrounding the cities. A range of problems have been arised in these slum areas. After slum dwellers gained legal recognition, public bodies improved basic technical and social infrastructures.

3. THE PROCESS OF FORMALIZING SLUMS IN TURKEY

The migrant population and their slums towns were tolerated by the government and by the public as poor individuals making an attempt to escape from rural poverty. Also, the sympathy the *gecekondu* settlers had won from the private sector as they contributed their cheap and flexible labour to the industrialization process (Erman, 2001). Because of these reasons and deliberate negligence by local authorities for political concerns, most immigrants invaded public lands. During the past half-century, the population of Turkey has tripled to reach about 70 million while the urban population has increased nearly eight-fold. In 1955, 5 percent of Turkey’s urban population would reside in slums. Today, this percentage is 27. This figure is estimated at 62,5 percent in metropolitan areas such as Ankara and at over 50 percent in Istanbul and Izmir (Keles, 2002).

At the beginning of the *gecekondu* process, they never received much opposition from the public as *gecekondus* were viewed as self-help project so that legalization meant helping out the poor. Also, the construction of slum is a solution way of the slum residents who have not sufficient income at the beginning for dwelling. Because, dwelling is the first requirement to survive for the slum residents. However, over the years, this aim has turned into getting land with speculative motive. One cause of this situation is that all increases in land value in urban areas could be owned by land owners (Dale and McLaughlin, 1999). At the beginning, spontaneously constructed slums with ‘de facto’ and ‘instinctive’ planning manner have been turned from buildings into districts. Namely, in addition to the physical dimension, the case have had social, economical and political dimensions. Because there is no land and social housing policy to produce solution yet, authorities have produced two contrary policies in Turkey. One of them is to demolish all of them. Because, these were constructed illegally. However, there were costs of removing slum-dwellers from source of employment. The other is formalization of these illegal settlements. It is believed that most slum residents will gradually get their living conditions better and, especially when encouraged by security of tenure. Government gave higher priority to land tenure. At last, the political authority of Turkey has preferred the latter and the new Amnesty law No. 2981/3290/3360 in 1984 put into practice to formalize illegal settlements (Uzun and Cete, 2004). There were two main reasons to enact formalizing of slum dwellers;

- The urbanization brought many problems including excessive demand for affordable housing. The need for affordable housing led to the adoption of illegal solutions. Thus, slums met the housing needs of the migrant rural poor.
- More attention must be paid to providing land tenure. Because lack of security of tenure is one of the greatest known impediments to voluntary resource mobilization for housing. If the private housing financial and construction sectors can be mobilized, they can do far more for the urban poor.

Each of the slum dweller should meet some certain requirements for the formalization of their slums. According to this law;

- All illegal settlements constructed on the public lands before the law is included.
- The slum residents will pay the value of the land respect to current market value in 4 years period of time with 12 equal instalments.
- It is not allowed to allocate more than 400m² for each slum.
- If the slum resident or the other people in the same family have a building or land in the same municipality boundary, they can not benefit from this law.

3.1 Formalizing Slums through the Land Readjustment Process

Legalizing squatter houses is to turn the transfer of ownership rights from the state to the slum dwellers (Werlin, 1999). According to Article 10-c of Amnesty Law No. 2981/3290/3360, firstly 'title allocation document' was given to each slum resident who meet the legal requirements according to plot plan of informal settlement area (Figure 1) by local authorities, and then, after the preparation of subdivision map (Figure 2) with the implementation of improvement plan (Figure 3) using land readjustment (LR) method, 'title' was given for each slum by the governmental agency. Consequently, security titles were provided for slum dwellers.

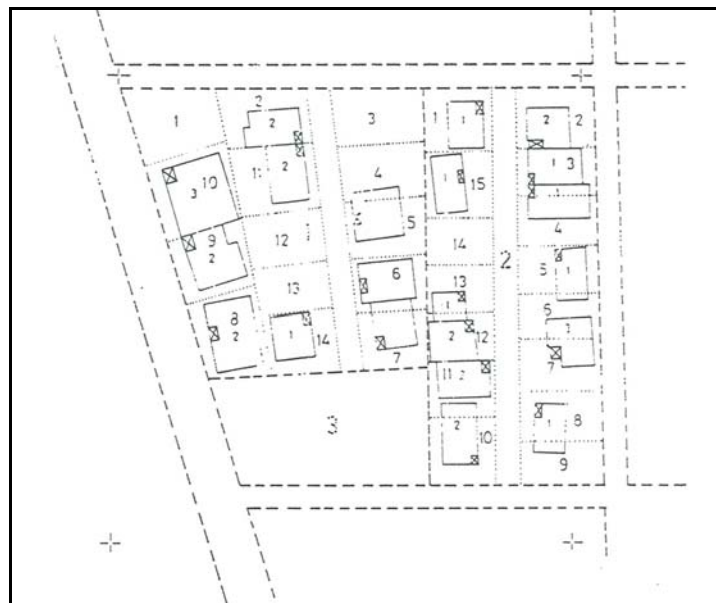


Figure 1. Plot plan of informal settlement area

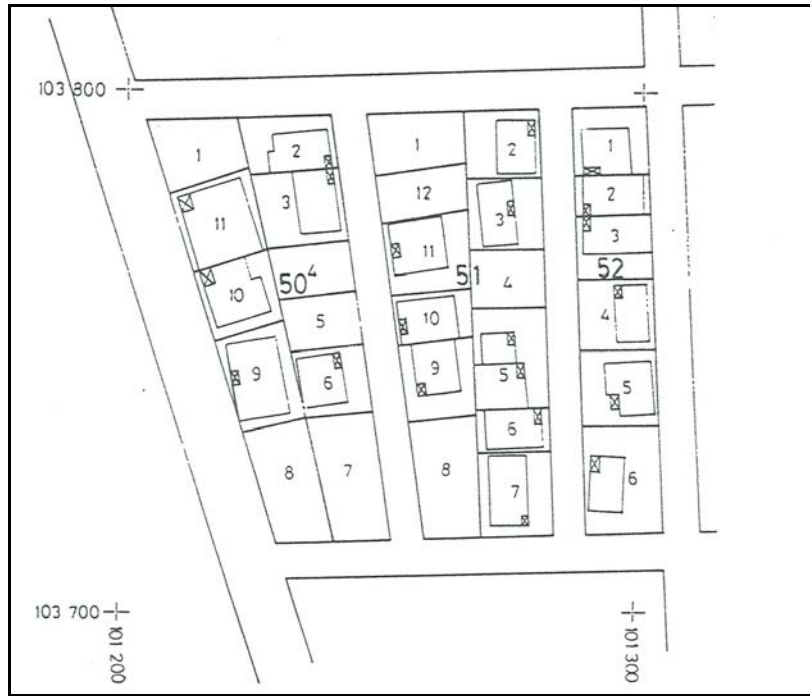


Figure 2. Subdivision map

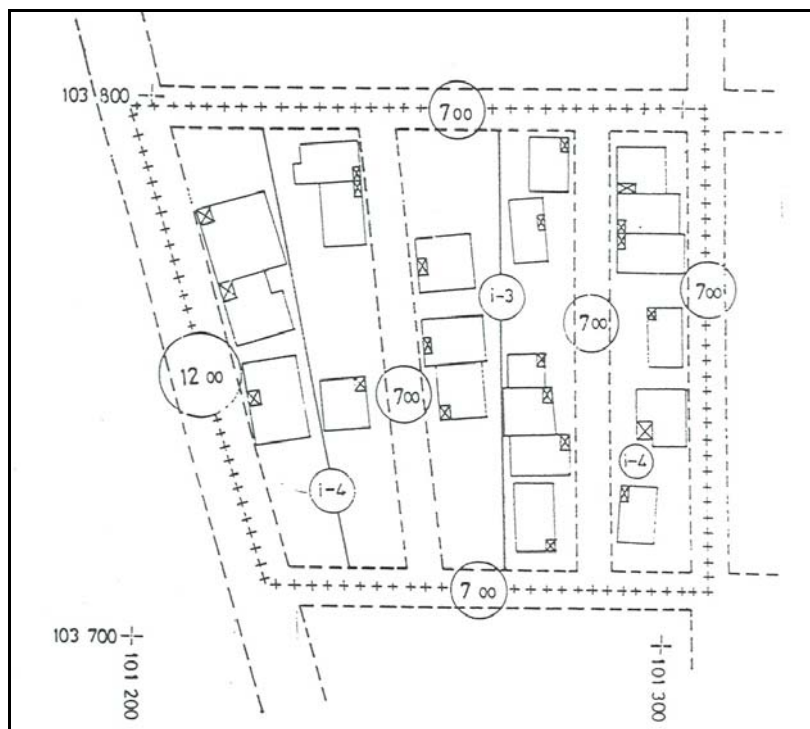


Figure 3. Improvement plan

The main steps of legalizing of slum dwellers (Figure 4) can be examined under the following items.

- Improvement plan (Figure 3) is prepared by the municipality. According to the Amnesty law No. 2981/3290/3360, improvement plan is a kind of development plan which is based on large scale (1:1000) topographic maps and defines building permits to improve the quality of built up areas by demarcating and taking into consideration the current situation.
- LR method is applied in accordance with Article 10-c of the Amnesty Law. Briefly, Land readjustment (LR) can be identified as a technique for managing the planned development of land, whereby a government agency consolidates a selected group of land parcels and then design, serviced and subdivides them into a layout of streets, open spaces and serviced building plots, and the distribution of the remaining plots back to the landowners to develop or to sell for development (Yomralioglu, 1993).
- The LR projects are announced for a period of one month upon approval of the municipal committee or provincial committee. Then, the final project is forwarded to a cadastral office for technical control and to a land register office for register respectively. Thus, title allocation document of slums owners is converted into land ownership title after completion of LR.

Although it is limited the size of urban land ownership, each of the slum owners is given security of tenure and thus, all produced plots have enough space for building houses. That is to say, these titles have a development right.

3.2 Disadvantages of the Amnesty Law No. 2981/3290

Although this has great advantages, there are still some insufficient subjects.

- The slum areas in and around big cities with development permits was idle for land speculation purposes, because of no regulations forcing landowners to construct buildings after the LR projects.
- As land is improved, it will almost certainly go up in value. Property values in the LR project areas expanded by up to 400-600 percent (Uzun, 2000). Unfortunately, the municipalities failed to undertake adequate property tax collection.
- Public urban service investments provide windfall gains for slum dwellers. But local authorities are failed to take a part of unearned earnings of slum dwellers.
- Because of the availability of squatting opportunities which goes up command of slum dwellers over resources, legalization of slums fuelled the further invasion of public land and paved the way to widespread land speculation.
- Legalization produced surpluses which are shared among land speculators who are slum dwellers, commercialized construction companies and other interest-groups. Because development right is completely left slum owner, this right is not shared with public authorities. In other words, instead of giving a single flat, slum owners is given all development rights on their building plot.

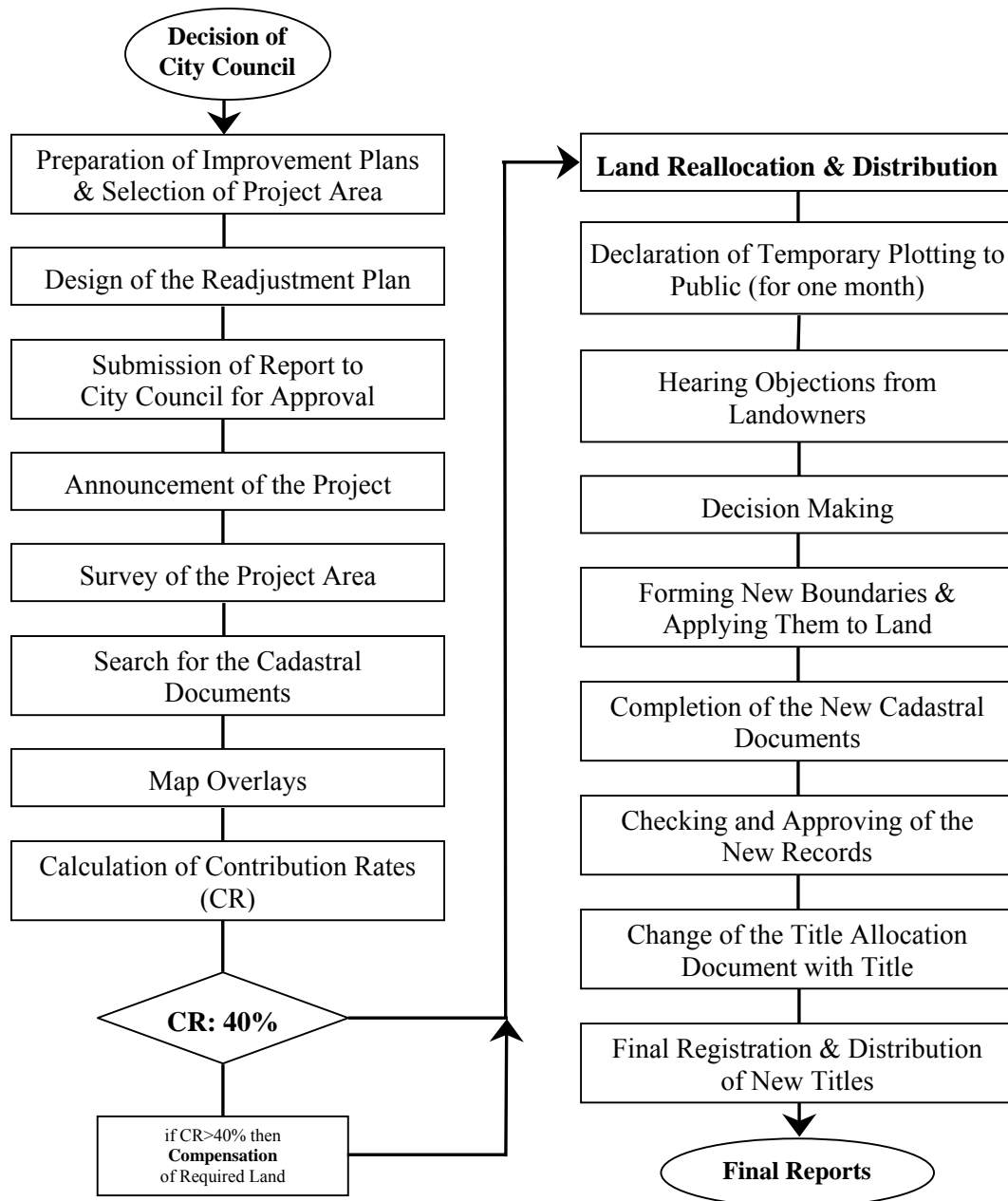


Figure 4. The detailed flowchart of formalizing slums through the (LR) process

In recent years, slum problem have developed towards market-based housing solutions in Turkey. Because, this Amnesty Law have been a positive impact upon home industries and work shops. Thus, an increasing proportion of many of big cities' formal slum areas has been converted into shopping centers, offices and business spaces and luxurious high-rise apartments. Important contributing factors responsible for the commercialization of informal settlement areas are their increasing proximity to the city centre as cities grow outwards over time and the giving of development right and the provisioning of public utilities to these

areas. Landlords of the slum dwellers have also improved their economic position over time (Baslevant and Dayioglu, 2005).

4. CONCLUSION

The Amnesty law which enacted by the government not only legalized the illegally built squatter houses, but also was a tool for land speculation. Because of these reasons, it seems that the Turkish society is no longer willing to accept squatting. There is need for a further approach to recover a part of increasing value. For example, instead of leaving construction right to slum owner completely, this right should be shared with public authorities. In other words, slum owners should not be given all development right on building plot; instead, they should only be given a single flat. Besides, there is also a need for providing urban settlement areas and meeting of affordable dwelling demands. Therefore, sufficient and qualified houses should be provided for formalized slum-dwellers and a construction process should be developed.

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BIOGRAPHICAL NOTES

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