

TURKISH SPATIAL PLANNING PRACTICE  
IN THE NEOLIBERAL ERA: OVER-FRAGMENTATION

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IN THE NEOLIBERAL ERA: OVER-FRAGMENTATION**

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## **ABSTRACT**

### **TURKISH SPATIAL PLANNING PRACTICE IN THE NEOLIBERAL ERA: OVER-FRAGMENTATION**

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After 1950, Turkey had adopted comprehensive urban planning methodologies within the competence of a unique central authority. By 1980s, localization policies were introduced and local administrations had been authorized for planning issues. But this political turn could not continue effectively, because of dispersed sectoral policies have gained the leading role in decision making, creating the fragmentation problem. Administrative competences in different central bodies, especially in the sectoral ministries, have weakened the local decision mechanisms. This thesis will try to present a critical analysis of the aforementioned process aiming to provide the pros and cons of the multiple planning policies.

Keywords: Urban planning legislation, sectoral policies, fragmentation, institutional competencies

## ÖZ

### NEOLİBERAL DÖNEMDE TÜRKİYE MEKÂNSAL PLANLAMA PRATİĞİ: AŞIRI-PARÇALANMA

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1950'den sonra, Türkiye, merkezi bir otoritenin yetkisi çerçevesinde, kapsamlı şehir planlama metodolojilerini kabul etmişti. 1980ler itibariyle, yerelleşme politikalarının benimsenmesiyle, planlama konularında yerel yönetimler yetkilendirildi. Fakat bu politika dönüşümü etkin olarak devam edemedi, çünkü dağınık sektörel politikalar ağırlık kazandı ve parçalanma sorunu oluştu. Merkezi kurumlardaki, özellikle sektörel bakanlıklardaki yönetsel yetkiler, yerel yönetimlerin karar mekanizmalarını zayıflattı. Bu tez, sözkonusu süreçlerin eleştirel bir analizini yapmaya çalışırken, çoklu planlama politikalarının olumlu ve olumsuz sonuçlarını da belirlemeyi hedeflemektedir.

Anahtar kelimeler : İmar hukuku, sektörel politikalar, parçalanma, kurumsal yetkiler

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To  
my wife Betül DUYGULUER  
and  
my son Can DUYGULUER

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## **CHAPTER 1**

### **INTRODUCTION**

Our country witnessed significant changes in many areas within the understanding of “restructuring” emerging from globalization and international relations. In the sphere of economy, free market reforms and privatization programs gave rise to essential legal innovations within our written rules.

Planning authority and planning decision-makers have undergone a notable change. By the start off the neo-liberal programs, it has become fashionable to see the planning authority as an impediment. Planning was thought to be incompatible with market mechanism, while capital became the basic dominant force. (Kuruç, 2010)

Before 1980s, physical planning issues were under the responsibility of only one central public body, the Ministry of Reconstruction and Settlement. But now there has evolved a multi- institutional structure, where both local and central administrations have competencies in planning activities.

Empowerment of local governments after the year 1984 was an important turning point. Yet in the same years, there was a departure from the central government for establishing a new planning authority, the Ministry of Culture and Tourism. In the year 1982, by a new law for tourism investments, The Law For The Encouragement Of Tourism 2634, within tourism areas and tourism centers , The Ministry was authorized to approve and amend implementation plans in accordance with master plans of the

Ministry of Reconstruction And Settlement. This is the first condition of fragmentation.

After 3 years, this first fragmentation was supported by the exceptional clause of the Urban Planning Law 3194 in the year 1985. The aforementioned clause in the Fourth Article of the Law 3194 defined certain exceptions that provisions of this Law which do not breach provisions of other special law statutes (such as the Law 2634) are to be applied (B.İ.B. 2009).

Till now, this diversification of authorities has continued to increase and the institutional state of spatial planning in Turkey has reached a noticeable pattern of fragmentation. A definite wording is over-fragmented structure.

### **1.1.Objective and scope of the study**

Unlike years when holistic planning was the basic accepted policy, from the beginning 1980s on, planning action and plan product have lost its technical significance. There is an authority question among administrations related to planning. Also, in local administrations, there came out a situation, in which they cannot plan their towns with their own “council decisions” due to sectoral institutions have appeared. The most striking but paradoxical development is that as to what extent our urbanization process becomes complicated, on the contrary, we simplify rules to that extent. Political preferences are on the side of simplification of planning and administrative rules. Crucial aim in facilitation was to speed up the streamlining of administrative procedures.

While there has evolved new authorized planning administrative bodies, there also were introduced new approaches for legal processes. Certain institutions have obtained the competency of approving plans “without being subject to planning legislation restrictions”. Some others which had no professional background and archive accumulation, became able to approve plans at all scales and at every type. Instead of working in

coordination, institutions drawing away from general rules by way of making exceptions created a fragmented environment for spatial planning. Sectoral planning gained predominance, Among colleagues, the resulted multiplicity of sectoral plans is commonly called “plan inflation”.

Meanwhile, the most favorite accepted process is making plan amendments. An important quantitative increase is observed related to “plan amendments” as well as disjointed local “partial plans”. With the notion that plan making process takes a long time, the public bodies preferred to chose the method of partial planning solutions.

Ofcourse, planning work became the instrument of investment climate. Individual investment project-aimed initiatives, plot-based solutions and designing megaprojects have become indicative issues of the present understanding. A great number of administrations, both local and central, have penetrated into the physical planning medium such that there is created a very uncontrolled and diversified situation.

This dissertation taking the year 1980 as the starting point of study, tries to demonstrate the fragmented liberal turn in planning practice under the respect of its legal issues. The evaluation was conducted according to the laws of planning as well as certain institutional alterations . In methodological sense, to justify the fragmented structure of planning, the basic aim had become to expose the abandonment of the holistic pre-1980 rules. Therefore, it is worked out here, to indicate the legislative exemptions and the legislative simplifications in the laws of planning.

The study presents the legal and institutional aspects of spatial planning practice in Turkey with specil emphasis to the neo-liberal period. Description of these aspects referring to fragmentation arguments, will serve to construct a base of identification of problems in legal issues related to institutional development of planning and urbanization

## **1.2.Methodology**

Within the sources of planning problems, there lies at the foreground the inconsistency of law making procedures where planning legislation have become a complex mass of written rules. During the last 30 years planning in Turkey operated under increasing number of different legislative regulations concerning spatial planning. The laws without considering the basics of legal norms, came into force to face only certain daily solutions. Planning performance lost its scope of integrity by project base solutions. The planning legislation is in a kind of flux.

This study is an analysis of the fragmented legal structure of the Turkish planning system. The planning legislation, commonly called, is the main data source of this thesis. Before going into the methodological explanations, there is a need in conceptual terms, to define what the “planning legislation” is about.

In general, with its common understanding, the notion of “planning legislation” embodies the Urban Planning Law 3194 and its bylaws and its circulars. This is the formal but “narrow meaning” of planning legislation. However, planning topics are not only under the scope of the Law 3194, besides, in quantitative terms there is a huge amount of many other related laws in functional and in administrative sense. When mentioning “planning legislation”, in broad sense laws related to coastal, tourism, preservation, environmental, housing, amnesty, ownership, expropriation, industrial themes and etc are understood. These are sectoral regulations or establishment codes of ministries in charge of planning subjects. And this approach can be expressed as the “broad meaning” of planning legislation.

To grasp the legal documents (laws, decrees, regulations etc) comprehensively, there should, of course, be a research base of historical background, starting from The Republic, 1923, almost a 90 year accumulation of experience. In this sense, to give an overall commentary

about the broad meaning of planning legislation, following classification can be arranged indicating the range of legal diversity :

- General laws:** Planning Law, Village Law, Land Registry Act, Cadastre Act, Turkish Civil Code and etc...
- Amnesty laws :** Urban development amnesty laws entered into force since 1948; These laws are the first body of legislation, which bring special provisions by being separated from planning rules ..
- Administration / Establishment laws:** (Laws of establishment of ministries, local administration laws and etc) Many institutions have gained planning duties and planning competencies with these laws.
- Sectoral based laws:** Sectors such as housing, tourism, culture, industry, privatization, agriculture and etc have specific regulations. These are especially the Tourism Encouragement Law , The Cultural And Natural Heritage Law, Law on Regulation of Privatization Practices, Mass Housing Act, Industrial Zones Law and etc. There are about 40 such laws sectorally. Some of these laws incorporate spatially specific planning provisions and are separated from provisions of the Planning Law.
- Location dependent laws:** The Bosphorus Act, The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Southeast Anatolian Project (GAP) Administration, Gallipoli National Park Law, the Law for Northern Ankara Entrance Urban Transformation Project and etc. As specific planning provisions are situated in these laws, they also have administrative diversifications.

Although legally such a separation (narrow meaning/broad meaning) does not exist, narrow or broad meaning discourses of legislations can be used within legal interpretations according to their context of use, to the depth of investigation conducted.



Here in this study, planning legislation is taken with its broad definition and in its extended meaning. The “planning legislation” incorporates all the laws of which take into consideration the content of the spatial dimension exercised by the public authorities.

The analysis in this study depends on the experiences and the past studies of the author. Here the search was conducted according to the document compilation formed of 81 laws, 18 statutory decrees (decrees having the force of law) and 4 decisions of the Council of Ministers. The documentation is listed in the appendix (Appendix A: Compilation of Legal Documents). The laws are sorted according to the day of enforcement in the Official Gazette. Also in the text, certain by-laws are referred in relevance to the discussions.

When these laws and their amendments are examined in detail, it is found that, not a lot of, but all types of governmental administrations have been involved in spatial planning responsibilities. These bodies are Presidency Of The Republic, the Council of Ministers, supreme councils, The Prime Ministry, ministries, provincial governorates, municipalities, villages and authorised other legal entities.

Legal diversities created by the multiplicity of sectoral planning laws which have created the fragmentation problem in planning practice were tried to be classified and grouped according to their date of force in effect. The classifications or groupings were made according the administrative structures, central and local bodies. The laws and their amendments related with planning issues since 1980 were defined in detail, in relation to these administrative bodies. The table “Spatial Competencies of Institutions” in Appendix- C, illustrates the planning competencies related to land use decisions and plan approvals, in chronological order.

Of course the historical background of planning legislation has an accumulation of an 90-year experience and especially by the mid-1950s

there we see the basic law of planning, the Urban Planning Law, Code 6785, and as well a new administration body, the Ministry of Reconstruction And Settlement responsible from planning activities had been established..

In these kind of studies, while making historical evaluations, generally there stands a tendency of constructing certain periods of timeline, in order to grasp the diachronic diversities clearly. The common accepted approach for making a periodization for Turkey, is to divide the timeline into three periods, The first, starting from the foundation of The Republic, is the pre-planning period from 1923 to 1960; the second is the planning period between 1960 and 1980; and the last one is the privatization period since 1980 till now. To understand certain controversies, of course there are other different and detailed ways of periodical abstractions used, but the year of 1980 is very notable in the Turkish development timeline and in every type of historical study, the 1980-year is taken as the turning point. Briefly, the year 1980 is the cornerstone of privatization leading to a lot of political, economic and social changes among which the planning environment has been one of the disciplines affected predominantly.

While laws, on which planning regulation is predicated, have differed since the establishment of the Republic to the present day in respect of periods (by diachronic approach), besides, superiorities of certain laws (synchronic laws) appearing in the same period to each other are striking. Important modifications have been experienced in written rules of various laws. In recent years, the Planning Law has lost its reputation. Talked about for years, as the basic popular discourse, "the conflict of competencies" is examined in detail in this study

Here, we can describe the present situation as a condition of multilegalism (legal pluralism) and this multiplicity can be reduced into a track-based explanation .

There are diverse **tracks** in which new rules appear separated from the provisions of the Planning Law as illustrated in the Figure-1

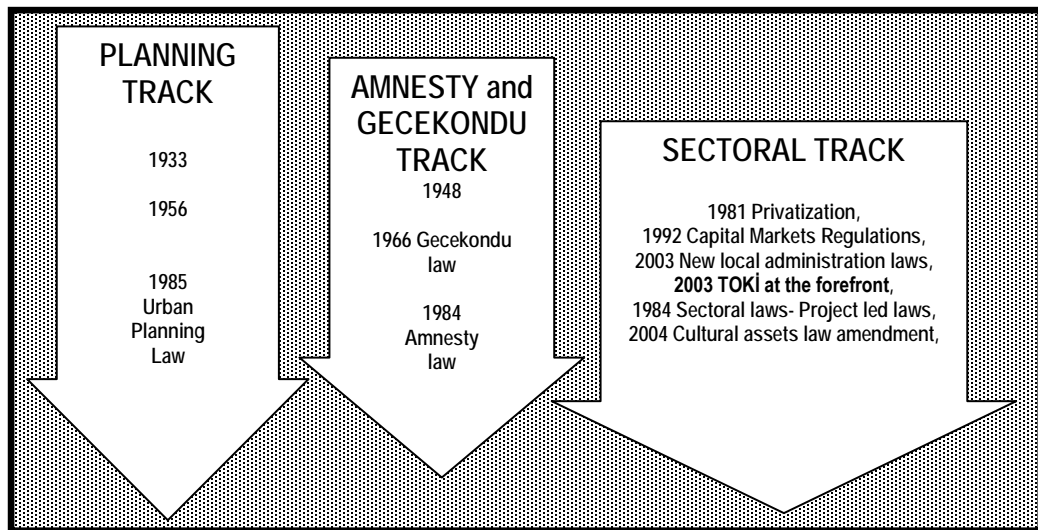


Figure 1: Algorithm of the tracks

“Planning Track” is the first modern attempt of the profession. In years 1933, 1956 and 1985, fundamental rules for urban development order were constituted by the planning laws; performing of construction and physical planning through this principal track was adopted in our country.

Alongside these laws, the “gecekondu” phenomenon has brought a different planning order and changed the course of construction and planning. This new course can be specified as the “Amnesty and Gecekondu Track” where various laws of amnesty beginning from 1948 have been put into force. This track pushed the Planning Law into secondary importance via practices of improvement plans (islah planları) in major cities.

The third and the popular track is the “Sectoral Track” where the Planning Law is almost about to be abandoned and laws defending project-specific facilitations have gained weight .

Political preferences are on the side of facilitating (making exemptions, bringing special rules and etc.) the planning and administrative rules. When these laws were listed in chronological order and were grouped according to administrative responsibilities, fragmentation and differentiations can clearly be observed in institutional context. Planning processes are diversified. Uncommon planning tools, exclusive financial issues and special area notifications were basically used to speed up sectoral investment processes.

This sectoral fragmentation is studied in detail in this thesis. After defining the objective and the scope in the introduction chapter, theoretical research, in the second chapter, is presented by indicative references defining the basis of fragmentation. In the next coming chapters, political tendencies for planning activities and the changing institutional environment are explicated. In the fifth chapter the legal analysis is extended to the planning medium and certain prominent conditions are evaluated with references to the sectoral applications.

While translating legislative terminologies, especially for the names of the laws studied in this dissertation, it was given importance for an adaptive matching. For example, in writings about Turkish legislation written in English, “İmar Kanunu” is converted to a lot of various and sometimes incompatible English wording. Examples are: Development Law, Urbanization Law, Settlement Law, Construction Law, Reconstruction Law, Zoning Law, Land Development Law, City planning Law, Urban Planning Law, Town Planning Code and etc. Here I chose to use “Planning Law” and also gave the code of the law, as “Planning Law No 3194” or “Planning Law 3194”.

In order to be clear, in the text, for certain English terminologies, I gave the Turkish phrases in paranthesis. At the end of text, there is given a list of legal documents in English and in Turkish (Apendix A), and also an English-Turkish glossary (Appendix B) is added.

## CHAPTER 2

### THEORETICAL BACKGROUND

For documenting the theoretical issues by their sequential order, the algorithmic brief in the Figure-2, a kind map of argumentations is prepared. It is the concept map showing the relations of theoretical discussions taken into account.

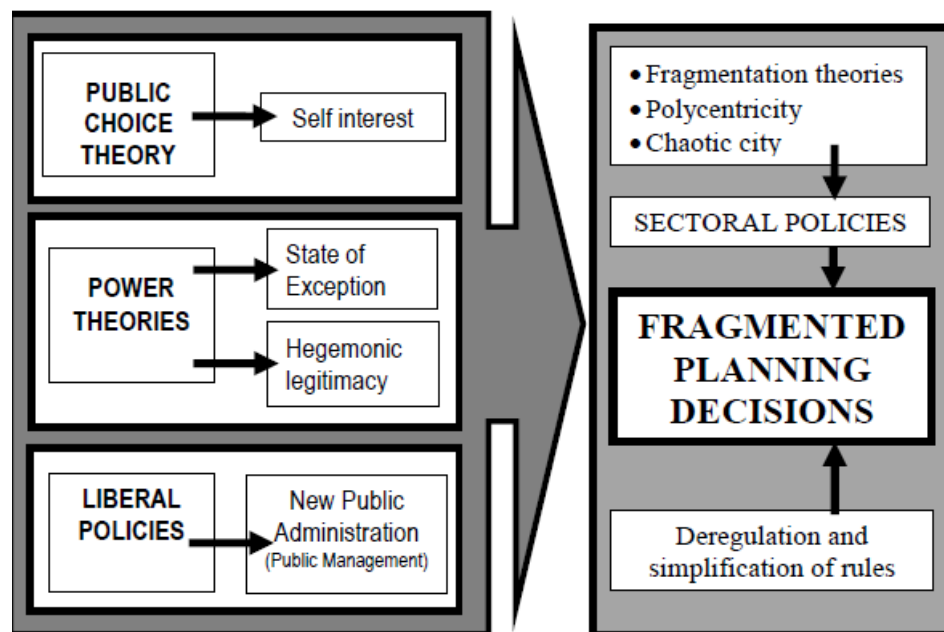


Figure 2 : Algorithm of the theoretical discussions

In the late 1970s, there was an increasing criticism by new right/neoliberals on the role of government, and doubts about the capacity of governments to rectify economic problems. The Keynesian welfare state was seen as a monopoly provider of services and as fundamentally inefficient. According to the neoliberal view it is only through market competition that economic

efficiency can be achieved and the public offered free market choice. The market is an effective allocator of resources, an efficient co-ordinating mechanism, a rational decision-making process and, in addition, encourages resourcefulness and enterprise.

While market mechanisms are being favored, the “public administrative” understanding leaves its place to the new “public management” discourse.

New public management has two main sources. One partner is the “new institutional economics” built on **public choice theory**, principal agent theory and transactions cost theory which views politics as a market phenomenon. The other partner is “**managerialism**” whose ideas concerning public sector reforms emanate from private sector or business administration (Yamamoto, 2003).

In a discussion paper of the United Nations Research Institute For Social Development, it is emphasized that public choice theory is one of the new rights most effective weapons. The central criticism of public choice is that the reward system in the public sector does not promote effective performance and that politicians and bureaucrats have no incentives to control costs. This often leads to waste of resources and an in-built tendency for expenditure to grow and for delivery to take precedence over productivity (Larbi, 1999)

The public choice school applies the rules of microeconomics to analyse the efficiency of alternative property rights, constitutions, policies and institutions, and offers a rich language for articulating planning issues including the deregulation issues (Webster, 1998).

Gruening, in his article “Origin and Theoretical Basis of New Public Management”, indicated that public-choice theory scholars employed **methodological individualism** as their basic theoretical approach. They

sought to explain social phenomena by aggregating the behavior of individuals. They also demonstrated that bureaucratic organizations (defined as organizations that are partly or wholly not evaluated on markets) have a number of serious deficiencies. From a public-choice perspective, these deficiencies include a strong tendency toward the accumulation of tasks and resources, toward excessive conservatism, and toward a law-like inability to accomplish certain tasks. The size of production units and public consumption units are not necessarily identical. Such a system would function best if it was highly decentralized (Gruening, 2001). Decentralization leads to a space that will be defined according to “polycentric system” structures.

In a polycentric system a lot of individuals would make decisions according to their personal preferences and knowledge; there would not be a single (and usually distant) decision center, but many of them. Every component of public-choice theory—the methodology, the ethical benchmarks, and the recommendations—directly conflicts with classical and neoclassical public administration. Vincent and Elinor Ostrom presented this as a new approach to public administration and found some supporters (Gruening, 2001)

Having made a particular study of **fragmentation theory** and getting a support from “public choice theory” , Ostrom expressed that, a democratic administration has a more heterogeneous, "bottom, up" character in contrast with ordered, trickle-down hierarchies. Ostrom considers the hierarchical order, accountable to a single center of power, less capable of serving the diverse needs among citizens and coping with diverse conditions, and less cost efficient than a polycentric administration(Wikipedia 2012 - 1.)

Ostrom defends the idea of “multiple agencies” where optimality can be attained only by reference to them with overlapping jurisdictions. He continues his argument expressing, “A democratic theory of administration will not be preoccupied with simplicity, neatness and symmetry but with

diversity, variety and responsiveness to the preferences of constituents. A system of democratic administration depends upon an ordered complexity in social relationships. In such a system, it is the task of scholars to formulate a science of association which will enable communities of people to fashion organizational arrangements which will put individual self-interest to proper use as a rule acting in advancing human welfare” (Ostrom, 1973)

Thus, fragmentation of authority among diverse decision centers within a jurisdiction and the overlapping of jurisdictional authority are key to advancing human welfare and a stable political order. (Wikipedia 2012-1) (Ostrom, 1973)

As originally argued by Ostrom, the model of the governance structure that best fits a fragmented metropolitan area is “polycentric”. Polycentricity describes a process of decision making where multiple independent actors interact to produce an outcome that is commonly valued. It contrasts to monocentricity, a model in which a single actor (or cohesive set of actors) provides direction to others. Polycentricity describes a pattern of governance that emerges from the interactions of multiple independent centers of authority, while monocentricity describes a pattern of governance by a single center of authority (Oakerson, Ronald & Parks 2011).

On the other hand, for the control and organization of space within the fragmentation argument, Harvey introduces us the concept of “pulverization”, referenced from Lefebvre’s writings. “The homogeneity of space can be achieved is through its total 'pulverization' and fragmentation into freely alienable parcels of private property, to be bought and traded at will upon the market. (HARVEY, 1989)

Also Günay reminds us not to argue only the fragmented case but rather the relationship between the fragmented and the whole. “ Comprehensive planning has got a serious blow. While there were problems in



comprehensive planning, structural planning or strategic planning had no adaptive changes either. Instead, an independent fragmented planning was progressed. I have no objection for the fragmented planning, if it complies with the whole structure. But on the contrary, there came out a fragmented planning detached from the whole and the goal of planning was reduced to mapping ground and opening it to building operations".(Günay, 2005)

Of course these kind of explanations in the fragmentation debate, have brought the arguments of governmental issues. For the governmental differentiations, Alexander emphasized that institutional transformation must be a critical aspect of planning. When plan or policy implementation demands new organizations or the reorganization of existing ones, planners again confront a task of institutional design. This is also the case for most complex undertakings that require the creation of new interorganizational linkages or transformation of existing networks, to concert the necessary decisions and actions among the involved organizations. Agency theory offers an important conceptual tool. In Agency theory, the individual is the unit of analysis, and agency addresses interactions in principal-agent roles (Alexander, 2005)

Although in its initial stages agency theory was applied exclusively to the firm, it was soon used more widely once its explanatory powers were recognized. The generality of agency theory was widely accepted. The problem of inducing an agent to behave as if he [or she] were maximizing the 'principal's welfare is quite general. It exists in all organizations and in all cooperative efforts at every level of management in firms, in universities, in mutual companies, in cooperatives, in governmental authorities and bureaus (Dollery and Wallis, 2001).

Conflicts among public bodies arise mainly from individualistic "institutional egoism". Each sectoral body strives to increase and expand its own power base (authority base), using laws and regulation. Conflict can also result

from different views (held by the bodies) about how a shared area (region) can be used sectorally. (Paddison, 1983)

In local governmental aspect, agency theory was one of the efforts to understand and analyze decentralization. Hiskey argued that, whether in the form of enhancing citizens' powers to select their agents (e.g. introduction of elections for local officials) or granting local officials more policymaking autonomy from center officials, decentralization reforms share the common characteristic of attempting to alter the network of principal-agent relationships that exist between citizen and state. The goals of such reforms are twofold – to improve government's performance and to give citizens a greater stake in their political systems and, as a consequence, produce a stronger, more vibrant democracy (Hiskey, 2006).

Thus by decentralization agendas, in reference to municipalities, self-governing units with local development policy models have started to be discussed.

Economic relations complementary to each other within the spatial scale of the whole country, began to unravel while the state, which was the fundamental factor providing these relationships, was pushed into a passive mode and the local governmental units, formerly the elements of the whole, have had to take care of themselves. (Ersoy, Şengül, Yoloğlu & Tunç 2011)

Healey points that policy becomes fragmented both vertically and horizontally, and this fragmentation is exacerbated by the continual 'spatial shuffling' of policy (Hincks, 2010). The Planning system is positioned between the logic of legal authority and the logic of function identity that motivate sub-regional mobilizations; struggle between administrative jurisdictions (Healey, 2006).

A fragmentation of governance tasks and activities, Walsh says, across a wide range of public and private sector agencies is recognised as a characteristic feature of recent shifts in the practice of governance (Walsh, 2010).

In an educative book (Edwards , Wattenberg & Lineberry, 2011), about government structure of the USA, it is emphasized that the responsibility for a policy is dispersed among several units within the bureaucracy. Agencies themselves do not want to be submerged within a broader bureaucratic unit. Fragmentation has resulted in the responsibility for a policy being dispersed among several units within the bureaucracy. Fragmentation not only disperses responsibility but also allows agencies to work at cross-purposes.

Walsh continues referring to Rhodes (RHODES, 1997) who has conceptualised the implications of recent shifts in governance practice in terms of the emergence of a **differentiated polity**. The concept of a differentiated polity serves to challenge traditional perspectives on state-society relations, where the state is viewed as unitary actor. By contrast, in the context of a differentiated polity, **governance occurs in multiple institutional arenas**, differentiated from each other in terms of their strategies, discourses and practices. (Walsh, 2010)

Pursuant to this market-led differentiated strategies, the state transforms from “social state” into an “economic state” ; public administration rules evokes deregulation process as well. The early 1980s was a turning point in the debate of regulation. Re-regulation of many sectors has taken place and led to an explosive of the use of procedural authoritative implementation tools has also accrued (Howlett, 2011)

Focusing only on investment environment for the benefit of enterprises to speed up their project applications and also for governing bodies to increase employment for revitalizing market economy, especially after 1980s, various

structuring was carried out in many countries towards simplification **or removal of written rules** that investments are based on.

Deregulation is a **rule simplification** lifting bureaucratic barriers and being able to be result-oriented. Administrative cadres in many countries adopted various law amendments in line with these views under the name of “restructuring” as well. The subject of deregulation became the main steering factor in structuring in countries of Eastern Europe called as “post-Soviet” countries and some African countries in particular. Supervision of public administration on market and investments decreased. Privatization gained importance. Numerous institutional adjustments were made by stating that competition factor will be based on.

In the meantime, for policy making, privatisation is used to be an integral part of sectoral policies. It is an instrument used to reduce financial and administrative burdens on governments (Moushibahou, 2010).

Within this scope of reduction of burdens, legal provisions for privatization implementations in Turkey has brought the most systematic attack towards planning legislation. Being contrary to the principle of public interest, the Planning Law 3194 was tried to be invalidated (Keskinok, 2006).

The rise of neo-liberalism in the 1980s and 1990s with its antagonism toward the welfare state and its adherence to individualism and choice presented a fundamental challenge for planning. Planning has changed from a “welfare profession” serving the public interest to a skills-based profession selling a service. The ambitions of pre- and post-war grand designs and social and economic goals largely disappeared as planning instead adopted a **procedural role** in managing the statutory planning – described as little more than “bureaucratic proceduralism” (Nadin and Stead, 2008)

Different approaches to spatial planning have been sought to foster **simplicity in planning practices**. Criticisms of the post-1971 approach to planning, for example, included the cumbersome procedures for plan adoption and modification from land-owners and businesses and the need for a **more flexible approach** which provided greater certainty for development to occur. This was critical in an era where 'positive' (i.e. publicly-led) planning was giving way to a more facilitative role in shaping private sector-led development (Allmendinger and Haughton, 2007).

The failure of comprehensive planning has led to a number of alternative models of decision-making processes. Many of these revolve around the problem of making planning effective in a world where values, attitudes, and aspirations differ, where market and political forces predominate, and where uncertainty prevails (Cullingworth, 2005). For example again after many years, in this liberal era, incremental planning is downloaded from the dusty shelves and updated in our today's market environment. The high uncertainty conjuncture, of those in democratic countries who have diversified interests within a fragmented and non-articulated social structure, makes comprehensive planning to be non applicable (Ersoy, 2007).

Incremental decision-making is the form of planning logically implied by liberal political theory. Lindblom's model is nothing more than the particular application of the general premises of liberal thought. What the regressive side of postmodern and neo-liberal approaches which did not accept any kind of comprehensiveness and totalism advocated as an alternative was incremental decision making and partial and fragmented interventions in the cities (Ceylan, 2003).

Comprehensive planning in theory may be contrasted with the narrowly focused planning which takes place in practice. Each administrative agency takes its decisions within its particular sphere of interest, understanding, resources, and competence. How can it be otherwise? The task of any

agency is to undertake the task for which it is established, not to take on the complicating and possibly conflicting responsibilities of others (which in any case would be resistant to a take-over). Thus, a conservation agency will take decisions of a very different character from an economic development agency: they have separate and potentially conflicting goals (Cullingworth, 2005).

So in a divided decision making arena, then what does planning come up to mean? Ersoy interprets this situation very radically referring to the approach accepting planning as a tool for the proper functioning of the market, pronounces that there is no any need for a planning institution (ERSOY 2007) .

The idea that there is some level of planning which can rise above the narrow sectionalism of individual agencies is not only inconceivable in terms of implementation: it also assumes that an overriding objective can be identified and articulated. This is typically expressed in terms of the public interest; yet there are very many 'publics'. They have conflicting interests which are represented or reflected in different agencies of government. This simple point is worth emphasising at a time when planning is promoted as a means of sectoral policy integration and achieving "joined'-up government. (Cullingworth, 2005).

But, this sectoral policy integration proposal, for example in Africa, will give insufficiencies because, according to the "Draft Green Paper On Development And Planning" of National Development And Planning Commission Document, South Africa, (Draft Green Paper, 1999), the planning system is complexly fragmented along a number of lines:

- across scales:** national, provincial and local planning systems interpenetrate in different ways;
- across race groups:** different race groups have operated under different planning systems.

- across ethnic lines:** different ethnic homelands led to different systems operating in these different areas;
- across geographic areas:** urban and rural areas have historically operated under entirely different systems;
- across provinces:** significant differences existed between provinces;
- across jurisdictional boundaries:** entirely different land planning and allocation systems operate in areas under tribal leadership;
- across sectoral uses:** for example, various line function departments undertook planning independently of one another and different norms and standards prevailed;
- in terms of jurisdictional instruments:** for example, an important historical planning instrument was title deed restrictions on individual erven. (Authors note: 'erven', in Afrikaans is a plot of land, usually urban, marked off for building purposes)

While urban space reshaped by forces of individual desires gets fragmented, people living in the same city move away from each other. (Karakurt, 2006). Ofcourse here the question of power is raised. What kind of power reality supports the fragmented stance?.

The relationship between rationality and power is a continuing theme in the planning theory debate. Models of decision-making rationality have been criticised by proponents of critical, communicative rationality for underestimating the difficulties of developing relevant decision alternatives and the possibilities of distorting information and manipulating the decision process. Critical, communicative theories have in turn been criticised for over-emphasising consensus, lacking prescriptive potential and contact with everyday planning practice. (Anders, 2003)

Planning is perceived here as a mediator between power and space, an arena in which regime principles are translated into plans, institutions, discourse and spatial change. However, the planning process is not

unidirectional, and it becomes an arena of mutual translation, in which regime principles are translated into planning principles and spatial development patterns, and these, in turn, are translated "back" into institutional and regime settings. The thick web of planning documents, discourses, laws and practices therefore acts as a site in which systems of power are institutionalized, normalized and legitimized (Yiftachel, 2010).

Legitimation (or legitimization) can be grounded on different theories. Especially the theory of hegemony is taken forefront, where Gramsci defines hegemony as the process of persuasion of society by political power (Camri, 2012; İşeri, 2007). and also he introduces the concept of "cultural hegemony"

Cultural hegemony is the sociological theory, by Antonio Gramsci, that a culturally diverse society can be dominated by one social class, by manipulating the societal culture (beliefs, explanations, perceptions, values) so that its ruling-class worldview is imposed as the societal norm, which then is perceived as a universally valid ideology and status quo beneficial to all of society, whilst benefiting only the ruling class( Wikipedia, 2012 - 2).

Hegemony implies the ability of some groups to lead others: to win their consent, organize them, and direct them. All leadership depends on the "spontaneous' consent" of the led. Hegemony is an achievement separable from the simple exercise of force. Gramsci's hegemony is what the ruling class achieves when it can secure popular consent for the state's use of coercion. (Steedman, 2004) . Gramsci conceptualised the concept of hegemony which projected power through 'consent'(Wikipedia, 2012 - 3).

The political power producing the space consists of the articulation of the hegemony of convincing different social-class groups and the state based coercive power of legal interventions and law enforcement mechanisms (Penpecioglu, 2010).



It is observed that in recent years, a powerful hegemonic coalition and a remarkable concentration of power have emerged coupled with similar discourses shared by all of the actors which constitute this coalition. The most important means of enhancing the power of this coalition and clearing the obstacles in the way of new urban policies in Turkey have been the changes in existing laws and the enactment of new laws, together with the increasing legal powers and financial resources given to major state institutions. As a result, most of the laws concerning urban areas in recent years have been intended to clear away various obstacles in the way of neoliberal urban policies (Türkün, 2011).

Urban social movements are held also in discussions of hegemony, in the framework of political, moral, intellectual leadership of a class and the space. The establishment of hegemony is determined with a process of conflict including negotiation and struggle between several social forces. Practice of planning becomes a tool for persuasion (Ergin, 2006).

The political power over others is also acquired through the **state of exception**. Giorgio Agamben's text, *State of Exception*, defines the increase of power structures governments employ in supposed times of crisis. Within these times of crisis, Agamben refers to increased extension of power as states of exception, where questions of citizenship and individual rights can be diminished, superseded and rejected in the process of claiming this extension of power by a government. The state of exception places one government - or one form or branch of government - as all powerful, operating outside of the laws. During such times of extension of power, certain forms of knowledge shall be privileged and accepted as true and certain voices shall be heard as valued, while ofcourse, many others are not. (Wikipedia, 2012 - 4).

“State of exception” is a junction between the public law and political environment. If law stipulates exception by suspending itself, then a “theory of state of exception” is a prerequisite for defining relationship that both ties the living to law and abandon it. Tendency for state of exception to turn into dominant government paradigm in contemporary politics has been increasing day by day (Agamben, 2005).

The rule and the exception to it became confused, indistinct: the exception now becomes the rule. The state of exception tends increasingly to appear as the dominant paradigm of government in contemporary politics. (Not Bored, 2006). Agamben makes a generalization that the democratic principle of the separation of powers has today collapsed and that the executive power has in fact absorbed the legislative power. Parliament is no longer the sovereign legislative body that holds the exclusive power to bind the citizens by means of the law: it is limited to ratifying the decrees issued by the executive power. This transformation of the constitutional order which is today underway to varying degrees in all the Western democracies is perfectly well known to jurists and politicians, but it has remained entirely unnoticed by the citizens (Agamben, 2005).

Baptista brings the concept of ‘regime of exception’ to theorize about governance innovations. A ‘regime of exception’ is broadly defined as a system of governance established by extraordinary measures that enforce an alternative set of procedural rules and structures to deliver a policy, program or project. He advances the hypothesis that every novel governing practice that seeks to improve governance capacity operates as an exception to existing patterns of governance. Governing capacity that specific novel governance arrangements achieve the cases, particularly in efforts to improve the quality of city spaces through large-scale urban projects, Large-scale urban projects are often delivered by resorting to “exceptional’ procedures and institutional arrangements.” These exceptional measures are problematic, because the alternative arrangements thus created

possessed “considerable decision-making and developmental powers in a shady political arena with little accountability and only limited forms of democratic control” (Baptista, 2010).

The traditional hierarchical planning procedures were pushed aside or decoupled by a new form of project planning. All sorts of ad hoc projects were initiated by citizens, interest organizations, or private firms and carried out in close collaboration with public authorities. As these projects did not take their departure from any overall pre-given plan; planning became a fragmented outcome of decoupled bottom-up processes. On the theoretical scene, pluralism took over. Over was the time where the research field was dominated by one planning paradigm. The research field developed into a cluttered landscape of theories, counting among others a neoliberal (New Right) antistate planning approach and a poststructuralist approach that viewed planning processes as a battleground between different competing contingent rationalities and discourses (Pedersen, Sehested and Sorensen, 2011)

The new recommended approach was defined by local politicians themselves as a policy of “planning by projects,” (Balducci, 2003). The planning system became a critical site where the tensions between economic interests and environmental values played out. The urban policy has evolved into an area-focused urban regeneration agenda (Healey, 2006). Planning gets more fragmented by “spot planning works” (Kahraman, 2011).

Harvey for example, argues that this 'produced fragmentation' exists in a context of transport and communications technologies that have the capacity to handle social interaction across space in a highly differentiated manner. The passage from modernity to postmodernity diversify spatial form than was the case in the immediate postwar period (Harvey, 1989).

Keskinok, in short, points to the current stance of the city: The city is broken. Public space has disappeared. Common grounds were weakened. Common spaces gathering the city were weakened. Publicness has run out and fragmented, both in spatial and in social terms (Keskinok, 2012).

In the postmodern era, the city is perceived by pieces. Post modernism has been adherent to fragmented approach and post modernizm has created the greatest threat ever since directed to planning profession (Işık, 1993).

In their article Pedersen, Sehested and Sorensen point that in the postmodern planning perspective, a practical approach to planning has focused on practises more than on plans. Referring to Healey, they say that, getting things done in a way that works best in a concrete situation became the issue of planning . (Pedersen, Sehested and Sorensen, 2011).

Several theorists in the fields of public policy and public administration have discussed the problems of achieving coordination, coherence and integration of public policy (Persson 2004). There is a need to avoid a logic which is too sector-specific(Rivolin & Faludi, 2005). In the context of diversified projects and multiplicity of institutional arenas of governance, spatial planning strategies may perform a significant policy coordination function, with a focus on the spatial impact of sectoral policies (Walsh, 2010)

Planning theory literature tends to differentiate between “planning for governance” and “planning for development”. Each of these theories has its own set of methods, tools and approaches for planning activities. Planning for governance often requires a more instrumental approach, while planning for development necessitates a communicative approach. (Moltumyr, 2003).

## **CHAPTER 3**

### **POLITICAL PREFERENCES**

#### **3.1. Planning within the realm of politics**

It is always possible to find togetherness between planning and political issues. At least, political preferences in selection of Ankara as the capital city and its planning attempts, significantly emphasize the said coalescence as from the beginning of the Republican Era. In the subsequent years, in 1950s, “free enterprise” initiatives leading great construction operations; post-1960 holistic planning experiences; and “diversified planning” activities in line with privatization programs developed since 1980 were due to the impact of politics on planning. Legalization amnesty laws for informal constructions, before the general elections, are also an implication of this effect.

Same dependent processes have also been experienced in other countries by governmental changes of power. For instance, in the United Kingdom, beginning from 1979, the Conservative Party enabled the change of planning system and as well introduced the deregulation policies in planning controls. Arrangements were carried out to build certain buildings without planning permits and to remove the governmental supervisions on local authorities, especially on municipalities (Booth, 2003).

Exactly, as in the beginning of the Thatcher era, one of the innovations carried out by the Özal Government was the elimination of the necessity for obtaining building permits. With the Planning Law No 3194, for buildings with two floors and smaller than a thousand metersquare of construction area, there was provided a clause which stated that an application to a

municipality with related documents is sufficient enough where no permit formalities are needed. But this provision did not last long because of the decision of the Constitutional Court. The Court abolished the status of unauthorization with its verdict in 1987 by reasoning the principle of equality (Anayasa Mahkemesi, 1987). Here we see that a sanction against building-permit was not justified in legal grounds but in political sense, this kind of deregulation had brought a governance behavior to be carried to coming years as an sample of simplification in spatial planning implementations.

Also, the Planning Law No. 3194 put into effect in 1985 brought decentralization (localization), but as uncontrolled... Municipalities supervised by the Ministry of Reconstruction and Resettlement previously, remained out of supervision because supervision provisions were cancelled in the mentioned code.

Free market reforms and privatization programs developed by “neo-liberal policies”, which are predominantly located in government programs, considerably affected planning and city development subjects as expected.

While the State's ability to control was diminishing with privatization of public services, programs for encouragement and support of private entrepreneur launched with the aim of creating employment gave birth to preference of reducing the effectiveness of planning institutions as well in the context of political causality. Phenomena of diversity and uncertainty (ambiguity )began to draw attention in planning institutions, planning policies and planning activities.

### **3.2. Planning policy discourses in government programs**

When a total of 60 government programs of the Republic of Turkey beginning from 1923 examined (TBMM, 2012 - 1) policies firstly, in the early years, constituted pertaining to country's physical development were for the subjects of public works, infrastructure, transportation, housing, and in later

years, it is seen that the subjects of municipalities, villages, regional planning, regional development, urbanization and environment were included. There are quite various policy definitions. However an evaluation can be carried out with the aspect of internal consistencies of programs, on the other hand, an opposing evaluation can be made by indicating practices without considering the spatial policies had no positive results in terms of urban development (Duyguluer, 2008 -1).

When we examine programs one by one, some innovations as “being able to construct a political discourse” are striking. The first government program referring to the concept of “urban development” (imar) belongs to the seventh government in 1931. Statements related to “development plan works” (imar planı işleri) and “planning of cities” appeared in government programs in 1937 for the first time. While “regional planning” terminology was first given place in 1961; the first urbanization policy referring to the “network of hierarchical settlements” (kademeli yerleşmeler ağı) was a product of the Government in 1969.

Table-1 presents a very brief list pertaining to the dates the first original policy discourses or first original “professional jargons” for city development issues appeared in government programs. The terminologies and the phrases written in the table are not in the position of being the main determinants of government programs. While these draw attention as significant statements pertaining to official policy discourses, very few of them are policies that were able to be transferred into government practices.

**Table-1 : Appearance of first original professional concepts and discourses in Government Programs**

(For the table to be short, other subjects related to urbanization such as administration, environment, public works and disasters are not included.)

<b>Urban development concepts appearing in government programs for the first time (Hükümet programlarında ilk kez yer alan imar kavramları)</b>		
<b>Year and Government</b>	<b>Concepts</b>	<b>Kavramlar</b>
1931- 7 <sup>th</sup> Government (Inonu)	-Progress of <b>urban development practices</b>	-imar faaliyetinin inkişafı
1937- 9 <sup>th</sup> Government (Bayar)	- <b>Urban planning works</b> ; - <b>Planning</b> of works that concern welfare and <b>beauty of cities</b>	- <b>İmar planı işleri</b> ; -Şehirlerin sıhhat ve güzelliğini alakadar eden işlerin <b>planlaştırılması</b>
1957-23 <sup>rd</sup> Government (Menderes)	-Planning compatible with <b>city planning principles</b>	- <b>Şehircilik esaslarına</b> uygun planlama
1961- 26 <sup>th</sup> Government (Inonu)	- <b>Regional planning</b>	- <b>Bölge planlaması</b>
1965-30 <sup>th</sup> Government (Demirel)	- <b>Legalization</b> of the gecekondu areas	-Mevcut gecekonduların <b>hukukileştirilmesi</b>
1969-31 <sup>st</sup> Government (Demirel)	-Network of <b>hierarchical settlements</b>	- <b>Kademeli yerleşmeler ağı</b>
1974- 37 <sup>th</sup> Government (Ecevit)	- <b>Urban villages</b>	- <b>Köykentler</b>
1978- 42 <sup>nd</sup> Government (Ecevit)	-Appropriation of <b>land value increases</b> generated by planning decisions to public	-imar planı kararlarıyla arsalarda yaratılan <b>değer artışlarının kamuya maledilmesi</b>
1983- 45 <sup>th</sup> Government (Ozal)	- <b>Finalization</b> of urban plans in a short time	-imar planlarının <b>kısa sürede tamamlanması</b>
1996-53 <sup>rd</sup> Government (Yılmaz)	-Preparing urban plans <b>compatible</b> with environmental physical plans	-Kent planlarının, <b>çevre düzeni planlarına uygun</b> olarak hazırlanması
1996-56 <sup>th</sup> Government (Erbakan)	- <b>Urban renewal</b> projects	- <b>Kentsel yenileme</b> projeleri
1999- 57 <sup>th</sup> Government (Ecevit)	-Conducting planning practices at <b>provincial level</b>	- <b>il düzeyinde</b> imar uygulaması yapılması
2002- 58 <sup>th</sup> Government (Gül)	- <b>Urban rights</b> and crimes against cities	- <b>Kentli hakları</b> ve kente karşı suçlar
2003- 59 <sup>th</sup> Government (Erdogan)	-Turning cities into <b>habitable places</b>	-Şehirlerin <b>yaşanabilir mekanlar</b> haline getirilmesi
2007- 60 <sup>th</sup> Government (Erdogan)	-Safe living spaces in preparation for natural disasters	-Doğal afetlere hazırlıkta <b>güvenli yaşam</b> mekânları
2011- 61 <sup>th</sup> Government (Erdogan)	- <b>Brand cities</b> (Branding of cities) - <b>Non-handicapped city projects</b>	- <b>Marka</b> şehirler - <b>Engelsiz Kent</b> Projesini



Looking as historical development, an evolution can be observed in the policy concepts related to planning. Evolution expressed here is not related with the practical implementation in the area of planning. It is only associated with the progress of program discourses in which with a rough assessment, it can be considered a positive attempt among colleagues (Duyguluer, 2008 -1).

While one recalls “policy discourses” for terminologies in laws, one should also consider university environment, which had the most important contribution to the birth and development of science of city planning in our country. The first steps in developing urban planning concepts were taken within “academic discourse” of planning departments in universities. For instance, concepts related to regional science, planning hierarchy, holistic approach and participation were the fruits of academic platforms in 1960ies. Later, after 1980s, these kind of terminologies were transferred to legal documents.

### **3.3. Legislative simplifications**

The main problem related to pre-1980 urban planning was the guardianship of the central government on physical plans.

As significantly emphasized in the post-1980 government programs, this administrative tutelage (idari vesayet) system was terminated giving municipalities the authority to carry out and approve their urban plans. In those days, this kind of devolution was considered as a positive progress by academicians and also appeared in the programs of political parties. There were some dissident discourses stemming from central government bureaucracy but generally it was an advancement supported by the public opinion as well.

Intellectual political approach related to the withdrawal of tutelage authority of the Ministry of Reconstruction and Resettlement over municipalities, was thought and associated with the strengthening of “local democracy”. But, the

actual political reasons were different. Creating new opportunities in municipalities for construction sector, which became stagnant within market conditions, and facilitating construction process from the aspect of administrative rules were intended.

In the 45<sup>th</sup> Government's program (TBMM, 2012 -1) of 1983, the expression appearing in the form "... Apart from prevention of unpermitted constructions, normal house construction also faces great difficulties in the current order in which both the completion of development plans and necessary licenses from construction permit to housing take a very long time. Formalities related to housing construction will be simplified, urban plans will be rapidly completed, competencies of local bodies will be increased.." gave the initiative to authorization of municipalities but also brought an end for the Ministry of Reconstruction and Resettlement.

Progress related to "simplification of formalities" was also the case for informal settlement amnesty. The Law of Amnesty For Informal Buildings No. 2805 (1983) entered into force in the Government of 12 September Era (44<sup>th</sup> government) was prepared by noteworthy participations of different public institutions and academicians, but "some realization difficulties" arose in its application. From administrative and technical aspects, it was stated that procedures of the amnesty of 2005 took a very long time; even according to some experts, at least a 15-year period was required to finish the formalities. Therefore, the point that "... a rapid operation of development amnesty will be ensured..." written in the program of the next government (45<sup>th</sup> government) led to the annulment of the law no. 2805 and a new law of amnesty no. 2981(1984) was born. The process of amnesty formalities was simplified as desired (Duyguluer, 2008 -1).

The same alteration was also experienced regarding mass housing. In the period of the 44<sup>th</sup> government, a new organizational unit and formation of a specific budget associated with mass housing created within the Ministry of

Reconstruction and Resettlement, in 1982.. But in the next government period, the Özal Government constituted a separate institution , TOKİ, outside the Ministry and a special financial fund was established, in 1984. This was for the further adaptation of the public bodies to market conditions; housing crediting was extended to commercial banks and formalities were reduced, just as it was written in the Government Program (TBMM, 2012 -1).

The basic point that the justification of decentralization (localization) was not aiming “local democracies” after all, this was understood from nullification of municipalities by authorizing the ministries again (the central government organizations) piece by piece and year by year in urban planning projects. From 1985 and on, with the basis of exemptions of some specific laws from the Urban Planning Law, the period of “sectoral privileges” was entered into scene. Facilitations and simplifications, in the central government implementations brought by new laws, increased each passing year to realize sectoral projects.

### **3.4. Sectoral fragmentation**

For planning competencies, besides the municipalities and the Ministry of Public Works, there appeared new authorizations for ministries of industry, environment, culture, privatization and agriculture etc.

When we look for an analytical evaluation describing the sectoral diversification, the tables given in the Appendix-A help us to bring a list to show the sectors and sectorally (individually) acting divisions in spatial planning practices, in the Table-2. These listed divisions ofcourse come out under the responsibilities of sectoral ministeries and also certain public administrations affiliated to ministers.

**Table-2 :Sectors and divisions where spatial policies are carried on**

Agricultural sector
Coastal issues
Natural and historical Conservation issues
Economic Development issues
Disaster affairs
Energy sector
Environmental issues
Forestry
Gecekondur issues (amnesties)
Housing sector
Industry sector
Livestock
Marine affairs
Metropolitan issues
Municipal issues
National defense issues
Natural parks
Privatization issues
Provincial issues
Public Works
River basins
Rural affairs
Special environmental issues
Technological development issues
Tourism sector
Transportation sector
Urbanism

Unfortunately, this sectoral diversity affected the profession such that knowledge of urban planning has come to a point of losing its academic beliefs and technical principles leading to independent planning experiences. Professionally, in a sense of professional specialization, sector based planner groups have evolved , which offered sectoral services such as tourism planner, conservation planner, transportation planner and etc., expressing themselves as “specialists”, which also made a negative contribution to loosen the integrity in planning.

### **3.5. Upper scale plans contracted : Bidding procedure**

As from 1960'ies when planned development period started, upper-scale planning (or macro-planning) practices were conducted and prepared directly by the public bodies; "Procurement of macro plans" did not exist among their duties. It did not exist in the initial years of privatization but in the last ten years, "upper-scale plans" were started to be contracted to private bidders. The reason is the belief of public institutions of providing economy of time with the contract (bidding) system.

- "Basin improvement projects" contracted by the State Planning Organization,
- "1/100000 scale environmental plans" contracted by the Ministry of Environment,
- "Metropolitan structural plans" contracted by metropolitan municipalities and
- "Sectoral master plans" by the related ministries

can be stated as examples .

Here, a positive subject should be reminded. The necessity of preparing "strategic plans", which public institutions should carry out as per the Law No. 5018 (Public Financial Management and Control Law) entered into force in 2004, directly by public administrations and by their own employees was brought with provision of the respective regulation. In other words, it was ensured that strategic plan making cannot be contracted (delegated). Formation of strategic plan preparation teams in institutions and setting up of plans with a ranking of responsibility beginning from the top administrator to the bottom would be enabled.

Upper-scale plans are plans receiving support from value judgements embraced by public institutions in line with public administration policies. Arguments of benefit of society and public interest come to the forefront in value judgements of the public bodies. Even without a written rule, decision

makers attach importance to the principle of “being economic”. For instance, it is paid attention in the synthesis stage of a city planning work that, lands outside of projections should not be opened to settlement. It is attempted not to disrupt the principle of equality among the citizens involved in planning projects. Reliability of information (data) collected for planning practices is taken as a serious involvement. Official participation of various institutions is accepted in planning process. As upper-scale plans contain significant strategic and structural decisions, both lower employees and upper administrators are institutionally aware of the mentioned macro decisions due to horizontal and vertical signing (or paraph procedures) within institution and the ability to “be able to take stance in institutional topics” required by administrator behavior modeling develops. Intra-institutional accumulation of knowledge increases. Due to commanding and owning of planning activities, stability is provided in planning as the preservation of plan decisions (showing resistance and defending against demands to alter decisions) is also meaningful. But, features I have sorted above increasingly disappear with procurement (bidding) of upper-scale plans.

The fundamental criticism for plan formation via public bodies was the spreading of planning process into a long period. Ofcourse, the one that is responsible for this elongation is heavy-footed bureaucracy, but we need to be aware that the above mentioned issues have been lost while getting rid of the said “heavy-footed” mechanism.

In general, there are some negative situations of bidding of plans. Information and documents formed by contractor for planning may not be sometimes reliable or adequate. Performing public control over the analytical information is not cared much by administrations as well. Sufficiency and accuracy of information (data) and documents are rated according to professional ethics of the plan contractor. Public administration is required to supervise constantly in the course of formation of plan decisions. Interim investigations and interim meetings only generated for progress payments are not

sufficient. Public institution is under pressure of “the necessity for finalization” in the phase of confirmation (or acceptance) as completion duration of contract constitutes certain legal statuses. Because, contractor should also not be put in a tight spot due to delays stemming from administration (due to delays of payment) from the aspect of contract ethics. When the requirement to finalize the job becomes the main goal, giving up concessions on plan quality becomes inevitable.

The things sorted here are “general negativities” in plan biddings. In addition to them, besides, if we attempt to express negativities emerging only with bidding of upper-scale plans, we can define the following items.

Responsibility in construction of upper-scale plans is quite different. As an upper-scale plan directs numerous lower plans, it bears the strategic public importance of decision forming in regional or national scale. It is possible that this importance may be neglected within the “bidding order”.

In addition, negativities such as the decrease of public value judgements of private firm (contractor) parallel to his/her own value judgements; decrement of institutional macro accumulation of knowledge; disappearance of institutional embracing pertaining to macro decisions are also the case in the process of plan formation. As embracement decreases, ensuring stability in decisions gets difficult.

In fact, in the respective by-law (Resmi Gazete, 2006 – 26179), “the necessity of preparing strategic plan directly by public administrations and their own employees” is also due to causes that we have sorted above. Due to strategic plan being assessed as a policy plan, its bidding was not deemed appropriate.

### **3.6. Condition of exceptions**

As it is emphasized in the theoretical explanations in the 2<sup>nd</sup> Chapter, the exceptional rules in legislations are mentioned as “the state of exception” and this condition has appeared as the dominant paradigm of governments in contemporary politics (Agamben, 2005). This is also the case in Turkish politics. Here below, it is going to be given an example, the similar situation experienced in the process of preparing the bill of Public Procurement Law.

From the rationale of the Law, the following three sentences appeared in the “Proposal of Public Procurement Law” sent to GNAT (TBMM (2012 -2)).

-“...Preparing a new comprehensive law related to public procurements, which the Public Procurement Law No. 2886 does not incorporate all public institutions, was deemed necessary....”

-“...Purchase of goods or services and construction works, which entail public spending, were included into the scope of this law to be able to render procurement legislation of the state regarding these operations parallel with procurement legislation of the European Union....”

-“....Public institutions and organizations being subject to a separate legislation in procurement operations cause implementation of different method and principles in public...With the aim of subjecting public institutions and organizations to a single legal adjustment in procurements and with the aim of ensuring unity of implementation...”:

were expressed as the main reasoning factors of the law.

In a nutshell, the draft law had two principle goals; the first one was to be inclusive in administrative totality such that all public institutions would be incorporated in the scope of the law, without provisions of exceptions and the second one was to follow the road map to the EU, adjusting to the European Union legislation.



But, these goals, with regret, could not be achieved because of bringing extra exceptional rules.

The point of generating exceptional case was already provisioned with the article 3 of Public Procurement Law. It says in the rational of the mentioned article that agriculture and animal husbandry related-products, external financing procurements and procurements related to defense and security were regulated (TBMM, 2001-2).

However, exceptions in the article 3 were not deemed sufficient. New exceptions began contrary to the first objective above as from 22.01.2002, the year the Law put into effect; many public institutions carried themselves outside of the system and this exclusionary process is still going on.

As of November 2007, in which exceptional cases concerning Public Procurement Law No. 4734 and laws entered into force accordingly were examined, due to special or sectoral laws concerning wide range of public institutions. there are exceptions concerning finance, justice, agriculture, education, culture, health, energy, transportation, security, social sectors, privatization, telecommunication, banking, statistics, insurance, city planning, housing, disasters, sport and media activities. 40 new laws entered into force as from the issuance of 4734 (within a period between the years 2002 and 2008). 32 of these laws are related to making exceptions and other 8 laws are related to facilitation and simplifications. While 12 amendments were made within the scope of the Law No. 4734 as per the provision that "...Amendments regarding this law provisions are regulated only by means of adding provision to this law or making amendments in this law..." in the article 66 of the Law No. 4734, 28 amendments were also made outside of the 4734, despite the mentioned article 66 (Duyguler, 2008-2).

Ofcourse, exceptional provisions can be necessary for some special cases. For instance, certain exceptional rules were constituted in our laws with

reasons such as natural disasters, national defense, and security. But, exceptions regarding the Public Procurement Law have increased so much that there are important caveats in both our country's reports (DPT, 2007), (Avrupa.info, 2007).

## **CHAPTER 4**

### **CHANGE IN PUBLIC ADMINISTRATION**

From 2000 and on, we saw the structuring attempts of governments in terms of public administration processes for facilitating the economic condition of the country in conformity to the global neo-liberal applications.

#### **4.1.Initial steps toward restructuring: Circular of 2001**

The Prime Ministry's Circular No. 3949 dated 12.03.2001(Başbakanlık, 2001) explains and instructs OECD rules. OECD decided for carrying out reform practices in member states by adopting "Reform in Regulations" in 1997; In this respect, "Voluntary Country Investigations of Reform Program in Regulations were initiated in 1997. In the program, by assisting governments,

- reducing of legislation,
- elimination of unnecessary legal adjustments and
- decrease of administrative formalities,

which appeared within goals in the framework of institutionalization of competition policy and deregulation, were targeted. For being able to be included into these investigations, necessary initiatives were undertaken by the the governments; Turkey as well as United Kingdom, Canada and Poland were included in OECD country investigations in 2001(Duyguluer, 2007).

On the other hand, in 2000, the report "Diagnostic Review of Direct Foreign Investment Environment" and in 2001, the report titled "Administrative Barriers In Front Of Investment" were published by experts of the World Bank FIAS (Foreign Investment Advisory Service) as part of a project named "Removal of Administrative Barriers for Turkey". Due to the fact that "investor

advocacy” was in the forefront in the aforementioned reports, administrative processes were being criticized, which was very natural. There was also a sentence with the form that “Investors in Turkey seriously complain of planning processes” in evaluations of bank experts. Besides, while companies’ processes of site selection, physical planning, license and launching were being investigated in detail, difficulties caused by judicial order (laws) in our country were voiced by making comparisons with foreign countries, decreasing or abolishing the procedures was recommended by reference to international discourses of diminishing of “administrative barriers” (Duyguluer, 2007).

#### **4.2. Concepts changed**

Within the last 20 years of process, two important changes (differentiations) in the context of public administration came to the prominence very evidently with sectoral applications experienced. The one is the change in the conceptual comprehension of “public service” and the other is the emptying (discharging) the content of “public interest”

“The concept of public service” illustrated as “activities offered by the state or other public legal entities” due to the increase in weight of “private sphere” and legal changes now lost its validity. The second one is that the concept of public interest, which in fact does not have a clear-cut (unambiguous) definition, but manifests its existence in practice with applications performed by public administrations by situating in laws, was diversified, became unimportant and emptied by various procedures and decisions experienced in legislative, executive and judicial institutions. Individually or institutionally beneficial administrative actions have been performed for “the purpose of public interest” but without the option of public interest. In some cases, civil society organizations became to defend public interest against public administrations. Adoption of different approaches have been experienced with the use of concepts such as “intersubjective consensus” and “communicative action” in socio-political environment. The privatizers reduced the effectiveness of public interest in social and economic

conditions. Making distinctions such as “private public interest” and “general public interest” by lawmen have created a fuzzy platform.

The concept of “competition” is the one replacing those concepts. Being able to compete every time and in every situation; “competition” became the main factor in production, consumption and delivery of services. Liberalization and marketization enabled public services extend into market within a competitive understanding. From now on, even among public administrations, competitive factor has become significant in administrative processes performed for the public interest. The judiciary cases decided the form of “overriding public interest” in disputes among public bodies.

Laws put into effect in order to find a solution to problems encountered in the course of carrying out of public services and “administrative reform” intended initiatives, which constantly remain on the agenda, with the aim of adjusting to internal and external relations entailed the differentiation in administrative structure as well. While on the one hand, the subjects of devolution, subsidiarity, decentralization and localization were predominantly discussed, in the last 20 years, the point that what kind of differentiations was to be made in the central government organization was introduced in various public programs. In legislations prepared, the subject of public administration gained a distinct content with external supra national linked programs and international agreements as well (Altaban & Duyguluer, 2004-1). At the proposal stage of administration laws, Ersoy pointed out that the draft laws on the restructuring of central and local administrations presented a model of facilitating local bodies getting integrated with global capital (ERSOY, 2003).

#### **4.3.New Understanding of Public Administration**

The Public Administration Reform, initiated in 2003, gave a new impetus to efforts to restructure public administration. It considered decentralised service provision as the central principle, and proposed the transfer of those

services which do not need to be performed by the State to local governments, together with their resources.(İçişleri Bakanlığı, 2012)

It is stated in the rationale of the Draft of the Fundamental Law of Public Administration that four principal deficits have come into being, which entails restructuring in public administration (Başbakanlık, 2003). These are 1.Strategic deficit, 2. Performance deficit, 3. Budget deficit, 4. Confidence deficit.

These four deficits present an extensive framework to problems, which at the same time underlie the endeavors for change in administration, in the draft rationale. It is explained as that “Public administration, which was centralized and overgrew in a framework devoid of a strategic outlook and long-run planning, inclines towards expenses exceeding its revenues and generates budget deficit by failing to be able to use resources efficiently; gives performance deficit by failing to satisfy people’s expectations; this unproductive administrative process melts people’s trust in administration when combining with various corruption and malpractice incidents” (TBMM, 2003).

In the rationale, while explanations such as closing of deficits will be done by privatization, solidifying civil society and localization take place, new administration understanding, which was defined as good governance, was attempted with an approach and adoption, which is respectful to market and employs market instruments to a possible extent and also is in favor of conciseness and simplicity in regulation;

The mentioned draft became the object of criticisms such as unconstitutionality; criticisms resulting from political approach differentiations; criticisms grounding on theories of state and administration; criticisms against new public administration; opinions emphasizing internal consistency

deficiency; approaches expressing that participation is not enough; were those which we can cite shortly. (Altaban & Duyguluer, 2004- 1)

Depending on these critical issues, the draft of the Fundamental Law of Public Administration was returned back (Altaban & Duyguluer. 2004- 2) to the Turkish Grand National Assembly by the President (Cumhurbaşkanlığı, 2004) in order to be restudied. But the Draft had not been taken into account by the Government for its realization as a law and it was abandoned. The Government then tried to prepare several bills (law proposals) without considering the Draft and several partial administrative laws were enacted beginning from 2004.

#### **4.4. Plan Regions**

The subject of regional planning was predominantly dealt with via central administration operation method in the end of 1960s and the beginning of 1970s in the old Ministry (the Ministry of Public Works and Housing) period but, no applicability could be enabled as these projects could not be supported by a local management model.

In addition with the Planning Law No. 3194 of the year 1985, even there had been provided a clause of definition for regional planning and authorization of the State Planning Organization for regional planning, there could not be effective implementations as well.

Afterwards, in 1989, this shortcoming was attempted to be fulfilled with Southern Anatolia Project and the SAP administration was formed. Besides, the State Planning Organization conducted regional planning studies at national level but a special administrative model could not be developed until 2002.

In 2002, regional studies were re-accelerated with the decision pertaining to the "Classification of Statistical Regional Units", (NUTS: Nomenclature of territorial units for statistics) which was situated in National Program in line

with the European Union harmonization studies and specified by the Council of Ministers and was issued on 22.09.2002 in Official Gazette. 12 LEVEL1 regions, 26 LEVEL2 regions and 81 LEVEL3 regions were determined with appearing of the subjects of regional planning and organization in governmental policies (Resmi Gazete, 2002- 24888)

As announced in press release performed on 02.07.2003 by the State Planning Organization: It was said that "...Province groups determined as LEVEL2 are to be considered as a **plan region**.....". In also 2006, the issue of "Development Agencies" was determined as responsible for management of these regional units by bringing an administrative adjustment via a new law, The Law on the Establishment of Development Agencies" No. 5449. There are 26 development agencies today.

Being a very new administerial body, these development agencies would be responsible for creating mechanisms for the distribution of EU funds to municipalities and for associating local constituencies with regional development initiatives. (Maliye Bakanlığı, 2006).

Points related to "accelerating regional development" and "decreasing regional differences" are presented as fundamental goals in the Law No. 5449. However, there is no special provision related to "making a regional plan" (Resmi Gazete, 2006 – 26074).

Clauses giving emphasis to the subject of regional planning are as follows:

- Supporting activities that provide implementation of regional plans
- Contributing to capacity improvement compatible with regional plans
- Monitoring projects deemed significant in terms of regional plans
- Using\_resources, which were allocated to agency, in compliance with regional plan



As well, there is no provision in the establishment decree of the SPO (Statutory Decree 540) regarding making of a regional plan.

The competency derives from the Law No. 3194. As appeared in the Planning Law No. 3194, the SPO has the duty “to **make** regional plan or **have it made**”. Either it makes it itself or has another institution/person to make it.

On the other hand, the Law No. 5449 related to Development Agencies also specified the SPO’s important centralist and enforcer role on agencies by means of giving duties such as monitoring and assessing coordination, plan and programs and approving annual work schedules of agencies to the SPO. As of 2008-year situation, the SPO seemed to use the option “**have it made**” for regional planning. And agencies accomplished these works. Many agencies generated agendas of making region plan. The authority to make regional plan was transferred to agencies by a regulation and a guideline was prepared by grounding on the Law No. 5449.

“All kinds of plan studies to be supported” appears in the By-law for Supporting Project and Activity of Development Agencies (Article 9/c), which was put into effect (Resmi Gazete: 08.11.2008) according to the Law 5449 (Resmi Gazete, 2008 – 27048). Besides, Planning Programming and Coordination Units locating in agencies was assigned to “**make plans** on **regional** and sectoral basis” according to “The Guideline of Management Support for Development Agencies” (Article 1.3.2.1) as well of the SPO (DPT, 2009).

Although this new regional planning movement in Turkey had certain legal and technical inconsistencies, in general, it was also attracting positive arguments in terms of regional planning profession. Maybe, these regional plans would bring to an end for dispersed planning processes by their macro-scale directives and the fragmented structure would somewhat be resolved.

But it did not happen that way. Because, in year 2011, a new decree having the force of law has brought a new administration typology for regional scales, having the Code 642 (Resmi Gazete, 2011 - 27958), the Decree Having The Force Of Law Pertaining To Organization And Duties Of Regional Development Administrations (Eastern Anatolia Project (DAP), Eastern Blacksea Project( DKP) and Konya Plain Project (KOP) has created a new upper level platform for regional guidance. Besides the coordinative purpose of “regional development agencies”, these “regional development administrations” are also established for coordination. They are going to prepare action plans at regional scale. Ofcourse, here we see the fragmentation of regional scales creating a “fragmented coordination” by a new regional tier established.

#### **4.5. New Laws for Administration**

One of the most important features of the reform was the legislation issued with regard to local governments. Within this context, the basic legislation on local governments was renewed completely in an attempt to harmonise the local government system with international norms, and particularly with the European Charter of Local Self-Government (İçişleri Bakanlığı, 2012). In this framework, a number of laws were enacted between 2004 and 2010, including the Municipality Law No. 5393; Metropolitan Municipality Law No. 5216; Law No. 5302 on Special Provincial Administrations; Law No. 5355 on Unions of Local Governments; Law No. 5366 Pertaining To Renovation And Reuse Of Deteriorated Historical And Cultural Assets; and Law No. 5779 on Apportionments from General Budget Tax Revenues to Special Provincial Administrations and Municipalities.

Here the basic indicative difference is seen in the Law of Metropolitan Municipalities No: 5216. The metropolitan municipalities acquired significant competences related to planning such that a metropolitan municipality can approve plans covering on all scales of planning between 1:5,000 and 1:25,000. It can go through the urban implementation plans and land use plans of district and first-tier municipalities which fail to draw up those plans

within one year of the entry into force of the urban master plan. Also a metropolitan municipality can ensure the conservation of cultural and natural assets, of the historic urban fabric and of areas of historical significance. In accordance with provincial-level planning, a metropolitan municipality is able to make metropolitan-level plans and other preparations relating to natural disasters (NALAS, 2010).

Also the other important point is the expansion of metropolitan municipal boundries. Areas of metropolitan municipalities were expanded with the Mncipal Law Code 5216. Sizes of areas (based on radius) were determined according to populations that metropolitan municipalities have. For instance, Ankara Metropolitan Municipality re-detected its metropolitan area with “new border” determined by circle formed with 50 kilometers of radius by regarding the governorship building as center due to the fact that its population is more than 2.000.000. As an area, Ankara Metropolitan Municipality has expanded from 202.000 hectares to 780.000 hectares. In other words, its sphere of responsibility has grown approximately four times (ŞPO, 2004).

Besides positive formations, these new local laws could not overcome certain problems. In 2009, an academic research report of a project funded by the European Commission and implemented by the Council of Europe in co-operation with the Council of Ethics for the Public Service of the Republic of Turkey, had particularly pointed to ethical problems. The report suggests for measures to be taken for dealing with planning ethics. Further it has conclusions indicating the pressures on planning procedures and the potential for corruption. The results of this research express “the structure and profile of the councils” as an important ethical issue in local governments.(Council of Ethics for the Public Service of the Republic of Turkey, 2009).

## **CHAPTER 5**

### **PLANNING LEGISLATION : THE FRAGMENTED STRUCTURE**

#### **5.1. Sectoral Model**

Before 1984, Ankara was the only public body which had planning competencies; The Ministry of Reconstruction And Settlement was in charge of every physical planning issue. Afterwards, due to new public administration and decentralization policies in 1980s, municipalities and provincial governorates were authorized; but not in a way it should be.

Meanwhile, contrary to authorization of municipalities, a central governmental organization (the Ministry of Tourism) was assigned for planning subjects in tourism sector. The first sectoral departure, the first fragmentation, emerged with the Law for the Encouragement of Tourism. (TBMM, 1982)

When we read the rationale of the Law for the Encouragement of Tourism in GNAT Minutes of 1982 (TBMM, 1982), the most important factors indicating the slowspeed process of tourism investments are viewed as follows:

1. Land problem;
2. Financing problem;
3. Guarantee problem;
4. Problem of management and marketing suitable with the needs of the present day;
5. Bureaucratic barriers;
6. Political factors;
7. Petroleum crisis;

It says under the title of “bureaucratic barriers”, “Tourism investor has to apply to more public institutions than other sectors. For instance, the ones, which can come to mind first, are municipalities, the ministries of

Reconstruction and Settlement , Tourism and Promotion, Industry and Technology, and Tourism Bank Inc. of the Republic of Turkey. Establishments that must be contacted for infrastructural needs must be added to this list. The State Planning Organization is also added to the list of respective establishments having relation with foreign capital investments. Views of various public organizations towards the project from different aspects should be reduced, the opportunity for preparing the “tourism certificate” and the “certificate of encouragement” by the same organization should be created”. That is to say, there is a “planning problem” here and this problem should be eliminated. Besides, it is also emphasized that acting “sectorally” is necessary. “It is deemed useful to particularly indicate provisions that provide saving time and resources to a considerable extent, that will reduce entrepreneurs alternating between various public organizations by clearing tourism investments from bureaucratic barriers”(TBMM, 1982)

The following points related to plans were stated in the general rationale of the bill .

“It is emphasized that the text of the Article 12 titled “Plans” shall be required provided that it is limited to Tourism Regions and Tourism Centers in a way that will also limit the approval of map and coastal lines for a while and in cases, which do not entail detailed planning in Tourism Areas and Tourism Centers, in compliance with Master Plans approved by the Ministry of Public Works and Housing; and in a manner that will also enable directly transitioning from 1/25.000 scale to 1/1.000 scale Implementation Plans, and additionally in the way that will also contain provisions, which stipulate that amendments to development plans shall first be made in lands, which remain within the municipal borders – and their adjacent areas and were allocated to tourism by development plans, for the purpose of leaving the authority to amend and approve 1/1000 scale implementation plans to the Ministry of

Culture and Tourism and preserving these places and being able to coordinate infrastructural services”( TBMM, 1982).

Besides, in rationale of the Article 12 about plan approvals, it is stated that the article “was issued with the aim of bringing rapidness to plan approvals in general and assigning tourism centers and tourism Areas, which will be developed exclusively in terms of tourism, to the responsibility of the Ministry of Tourism and Promotion, which incorporates the sectoral authority for approval and control of provincial local development plans and personnel specialized in this subject, and ensuring taking into account the requirements of tourism sector in regulations in other areas important for tourism as well”.

By this new law, a different planning process was launched related to tourism areas. It was a planning model that we weren't accustomed to. Later, this approach was also adopted by other sectors. Authorizations were also made for industrial, environmental, preservation, housing, privatization and agricultural institutions while defining special regional boundaries. The central administration institutions transferred planning involvements back to Ankara with continuing law amendments made until today..

Perceiving the planning legislation holistically became impossible with institutions, which are located within the central administration in Ankara, putting forward their sectoral identities.

While simplifications and exemptions have been brought in written rules for sectoral practices, **features of “sectoral model”** that competence diversity in institutions has brought into existence are as follows:

-Sector-specific location: Special plannings were carried out for sectoral activities of institutions at national level. Tourism zones, industrial zones, special environmental protection zones, free zones, technology development zones and other various plans were formed.

-Sector-specific plan: Every institution started to make and approve physical plans in their own regional unit.

-Sector-specific administration: Institutions also started to carry out license and permit operations associated with investments and projects independent of municipalities. Besides, some local/sectoral organizations occurred as well.

Professionally, planner groups, which offer sectoral service such as tourism planner, conservation planner, transportation planner and etc. were also referred to be forming a kind of “professional specialization” in the sector, in sense. While they provide specialization in the subjects of preservation, tourism, municipalism, housing, transportation and environment, they also may gain the position of being sector biased. Ofcourse this kind of professional tendency have caused certain losses in the behavioural patterns of integrity in planning. Colleagues, who perform sectoral work, might move away from the holistic identity of city planning. They try to get certain privileges or competences within the framework of sector or institution that they are related. Such attempts lead to city planning coordination losing its importance. The habit of cooperating cannot be acquired.

Planning lost its feature of being holistic due to laws. While we were trying to **institutionalize** the planning phenomenon, we **multi-institutionalized** it.

As distinct from years when holistic planning was accepted, planning action and plan product has lost its technical weight from now on. A situation arose in local administrations as well such as failing to be able to plan their cities by their own “council decisions” due to sectoral model.

Instead of working in coordination, separation of institutions from general rules and fragmentist sectoral planning gained importance by means of

making exceptions. It can be clearly seen that this situation of multiple plans (or plan inflation) emerged is not a “city planning”. Only, spot (singular) investments or project-intended processes are cared.

When we group institutions with regard to planning competencies, we can make a classification as:

- The ones developing land use decision: In addition to the Council of Ministers, which produce regional decision, the Ministries of Finance, Agriculture and Rural Affairs, Energy and Natural Resources, National Defence and Health, and etc, which determine land allocation, investment, construction, restriction decisions or planning practices and land use.

- The ones, which have the authority to approve plans: Supreme Boards under the presidency of prime minister, the Ministries of Public Works and Settlement, Industry and Commerce, Culture and Tourism, Environment and Forestry, Governorships and municipalities and etc...

- The ones, which have license and permit authority: Sectoral and local permissions of some ministries, governorships, municipalities and villages, private legal persons authorized by some laws.

-

Due to distributed competences, there are over 60 plan variations (66 types) with different denominations in planning environment where 22 institutions (public legal personalities) are authorized. Albeit there is name resemblance among plan variations, plan preparation processes and approaches of institutions bring significant differences.

From the table of “Spatial Competencies of Institutions” in the appendix, if we want to extract certain brief illustrations, we can articulate the typology of



plans and the related institutions having planning competencies in the Table-3 and the Table-4 successively.

**Table-3 : Typology of Plans**

<b>P L A N S</b>	<b>Code of the law</b>
Adjacent Area Development Plan	6785, 7116
Adjacent Area Plan (The First Nomenclature Of Environmental Physical Plans	6785, 7116
Agricultural Land Use Plan	5403
Ankara Northern Entry Urban Renewal Plan	5104
Atatürk Cultural Center Area	2302
Basin Plan	2872
Coastal Structures Master Plan	3348
Coastal Tourism Development Plan	2634
Coastal Urban Development Plan	3621
Conservation Plan	2863
Contingency Plan	644KHK
Developmeny Plan Of Culture And Tourism Conservation And Development Region	2634
Disaster And Emergency Planning	5302
Emergency Planning	5393
Emergency Response Plan	644KHK
Environment Physical Plan Of Culture And Tourism Conservation And Development Region	2634
Environmental Physical Plan At Scale 1/100000 (Ministry Of Environment; Multi Provincial)	443KHK
Environmental Physical Plan At Scale 1/25000(Ministry Of Public Works And Settlement; Multi Municipal)	3194
Environmental Physical Plan At Scale 1/50000 (Kocaeli)	5216
Explosives Storage Site Development Plan	6551, Tüzük
Gecekondü Prevention Development Plan	775, 3194
Implementation Urban Plan	3194
Industrial Region Development Plan	4737
Integrated Coastal Area Plan	644KHK
Irrigation Area Agricultural Land Use Plan	3083
Irrigation Area Development Plan	3083

**Table-3 (continued) : Typology of Plans**

<b>P L A N S</b>	<b>Code of the law</b>
Istanbul Bosphorus Area (Coastal And Frontvista Region)	2960, 3194
Istanbul Bosphorus Area (Rearvista And Affected Region)	2960, 3194
Land Development Plan	5273
Land Use Plan	5403
Level 2 Statistical Regional Unit Plan (Regional Plan)	5449
Local Development Plan	3194
Mass Housing Settlement Area Plan	2985
Master Development Plan	3194
Metropolitan Development Plan	3194
National Park Development Plan	2873
National Park Long Term Development Plan	2873
National Plan	3194
Natural Gas Transmission System Plan	4646
Organized Industrial Region Deveoplemt Plan	4562
Physical Plan At National And Regional Scale	644KHK
Plan Amendment	3194
Planning Affiliated To Natural Disasters	5216
Plans Of Ex-Officio Approval (Ministry Of Public Works And Settlement)	3194
Privatization Area Coastal Development Plan	4046, 3194
Privatization Area Environmental Physical Plan	4046, 3194
Privatization Area Development Plan	4046, 3194
Provincial Environmental Physical Plan (1/50.000-1/100.000)	5302
Provincial Strategic Plan ( And Municipal Strategic Plan)	5018
Regional Plan	3194
Renewal Area Development Plan	5366
Revision Development Plan	3194
Rural Habitation Plan	442
Rural Settlement Area Plan	442
Spatial Strategic Plan	644KHK
Special Environmental Protection Region Coastal Deveoplemt Plan	383KHK
Special Environmental Protection Region Deveoplemnt Plan	383KHK
Special Environmental Protection Region Environmental Physical Plan	383KHK
Technology Development Zone Development Plan	4691
Tourism Center Development Plan	2634
Tourism Master Plan (Tourism Strategy Of Turkey)	2634, 4848
Transportation Master Plan	3348
Turkey Tourism Strategy Action Plan	2634
Urban Improvement Plan (Urban Reclamation Plan)	2981
Urban Renewal And Development Area Plan	5393
Village Development Plan	442

**Table-4: Institutions having planning competencies**

<b>Council of Ministers</b>	
<b>Supreme Councils</b>	<ul style="list-style-type: none"> <li>•Supreme Board of Planning Coordination for Bosphorus</li> <li>•Supreme Council of Privatization</li> <li>•Supreme Planning Council</li> <li>•Supreme Council Of Regional Development</li> </ul>
<b>Prime Ministry</b>	<ul style="list-style-type: none"> <li>•TOKI</li> <li>•Presidency Of Disaster and Emergency Management</li> </ul>
<b>Ministries</b>	<ul style="list-style-type: none"> <li>•Ministry Of Environment and Urbanism,</li> <li>•Ministry Of Development <ul style="list-style-type: none"> <li>•Development Agencies (Related : 23 agencies)</li> <li>•Development Administrations, (Affiliated: <ul style="list-style-type: none"> <li>▪DAP Development Administration,</li> <li>▪DKP Development Administration;</li> <li>▪KOP Development Administration;</li> <li>▪GAP Development Administration</li> </ul> </li> </ul> </li> <li>•Ministry Of Culture And Tourism <ul style="list-style-type: none"> <li>•Cultural Heritage Conservation Regional Board(Ministry Of Culture and Tourism )</li> </ul> </li> <li>•Ministry Of Forestry and Water Affairs</li> <li>•Ministry Of Science, Industry and Technology,</li> <li>•Ministry Of Agriculture, Forestry and Rural Affairs,</li> <li>•Ministry Of Transport, Maritimes and Communication</li> </ul>
<b>Governorates</b>	<ul style="list-style-type: none"> <li>•Provincial Administrative Board</li> <li>•Provincial Special Administration</li> <li>•Rural Settlement Identification Commission.</li> <li>•Governorate and DSI Regional Directorate</li> </ul>
<b>Municipalities</b>	<ul style="list-style-type: none"> <li>•Municipality</li> <li>•Provincial Municipality</li> <li>•Metropolitan Municipality <ul style="list-style-type: none"> <li>•The Metropolitan Municipality of Ankara</li> <li>•The Metropolitan Municipality of Istanbul</li> <li>•Metropolitan Subtier Municipality</li> </ul> </li> </ul>
<b>Other Legal Entities</b>	<ul style="list-style-type: none"> <li>•Licensee Company</li> </ul>
<b>Institutions abolished or whose competencies were repealed</b>	<ul style="list-style-type: none"> <li>•Presidency Of The Republic, National Committee</li> <li>•Prime Ministry- Project implementation unit PIU</li> <li>•State Planning Organization (Prime Ministry)</li> <li>•Special Environment Administration</li> <li>•Ministry Of Of Public Works And Settlement</li> <li>•Ministry of Agriculture And Rural Affairs</li> <li>•Ministry Of Agriculture And Forestry</li> <li>•Ministry Of Agriculture, Forestry And Rural Affairs</li> <li>•Ministry Of Environment</li> <li>•Ministry Of Environment And Forestry</li> <li>•Ministry Of Forestry</li> <li>•Ministry Of Industry And Commerce</li> <li>•Ministry Of Public Works (Bayındırlık)</li> <li>•Ministry Of Public Works (Nafia)</li> <li>•Ministry Of Reconstruction And Settlement</li> <li>•Ministry Of Transportation</li> </ul>

## 5.2. Planning Tools

Laws, which led to sectoral fragmentation of planning establishments, also created “new tools of city development”. These instruments, which carry the purpose of facilitating (making simplifications and exceptions) operation processes and practice stages and have become really evident in regulations of the Mass Housing Administration of Turkey (TOKI), can be put together as follows (Table-5)

**Table-5 : New planning tools**

<b>Regionalization instruments:</b>
•Forming special sectoral zones
•Announcement of statistical regional units
•Regional financial incentives for the new regional divisions in 2012 (exemptions and loans)
<b>Planning instruments:</b>
•The authority to be able to make plans at every scale
•Ex-officio entry into force of non-ratified plan after 3 months
•Plan making without subjecting tourban legislation restrictions
•Sectoral facilitations (for instance: if no opinion given in due time in plan-making, it is accepted as having given the positive opinion)
<b>Implementation instruments:</b>
•Transfer of construction rights
•Construction permit convenience (according to preliminary project in 15 days)
•Bidding exemptions
•Expropriation by installments
•Urgent expropriation
•Authorization to execute all city development operations
•Revenue sharing in return for land sale
<b>Operating instruments:</b>
•Housing permit (residence permit) simplification (max 15 days)
<b>Governance instruments:</b>
•Partnerships
•Incorporations affiliated to municipalities
•Project-specific administration
•Notice-dependent special administrations
<b>Financial instruments:</b>
•Securitization
•Financial exemptions

### 5.3. New Forms Of Administration

Due to the fact that practices and sectoral laws related to restructuring of public administration contain administrative subjects as well, new institutions came into being along with usual institutions. If we make a summation as of post-1980, the following detections (Table -6) come up.

**Table-6 : New Forms Of Administrations**

<b>Project-focused administrations:</b>
•National Committee of Ataturk Cultural Center (ACC)
•Bosphorus Directorate (affiliated to Istanbul Metropolitan Municipality)
•GAP (SAP) Administration (Development Administrations)
•Directorate of Historical National Park of Gallipoli Peninsula,
•Istanbul 2010 European Cultural Capital Agency
•Northern Ankara Urban Transformation Project (All authorities within the structure of Ankara Metropolitan Municipality)
<b>Notice-dependent special administrations (Special zone notice):</b>
•Directorate of Organized Industrial Zone (Enterprising committee)
•Executive Company of Technology Development Zone (Inc.)
•Directorate of Free Zones
•Development Agency and Development Board (in the coordination of the State Planning Organization)
•Special Directorate of Environment Protection Establishment -Affiliate of the Ministry of Environment and Forestry (abolished)
•Area Management (Ministry of Culture and Tourism)
<b>New governing forms within the general administration:</b>
•Supreme Boards (Radio and Television Supreme Council (RTUK), Competition Authority, Energy Market Regulatory Authority (EPDK), Capital Markets Board (SPK), Banking Regulation and Supervision Agency (BDDK), Public Procurement Authority (KIK)...
•TOKI (Mass Housing Administration of Turkey) Directorate affiliated to the Prime Ministry
•Strong-mayor model metropolitan municipality
•Public Auditing - Ombudsmanship (Affiliated to the Presidency of the Grand National Assembly of Turkey)

### 5.4. Fragmented Planning

Deterioration has arisen in planning legislation. Perceiving planning legislation holistically has become impossible. Non-planning has started to appear on the agendas.

The Planning Law Proposal of the Ministry of Public Works and Settlement, prepared by participatory programs in 2006, could not find a political support in the government agendas. On the contrary, breaking and intractability of legislation has become evident.

Ofcourse, we have had a lot of criticisms regarding the urban planning legislation; but, as different from these criticisms, deterioration in the legislation systematic or exclusion of planning rules has brought into existence the necessity for us to see losses experienced in the name of legislation as a whole.

In the history of planning legislation of our country, various laws with positive and negative evaluations have been experienced in different technical, administrative, political and etc. subjects. There are plenty of written documents and information regarding them. Here, it is to be mentioned the losses in planning rules and as well the trivialization of rules regarding to planning. In its contemporary expression, assessing this new structuring called deregulation or liberalization dealing with the aspect of urban planning legislation will be beneficial.

#### **5.4.1. Abandoning the planning track**

Abandoning of planning track, first began with “development amnesties” and important crossroads were experienced after 1980 (Duyguluer, 2007).

We cannot say that our planning rules are in a very ripe condition; but, losing some norms, which we have gained in last 50 years, is upsetting in the name of urban development and planning. The first crucial negativities were experienced in the subjects below:

i.Rendering non-supervision (Abolishing of municipal supervision executed by the Ministry Of Reconstruction and Settlement:

Liberalization process experienced in post-1980 Turkey, also reflected to planning rules. The Planning Law No. 3194, which entered into force in 1985, brought decentralization but as unsupervised. Local administrations previously controlled by the Ministry of Reconstruction and Resettlement from technical aspect, remained out of supervision because of the fact that supervisory provisions were not situated in the law in question. This has also continued like that until today.

#### ii.Non-Licensing (Abolishing of building permit):

One of the innovations of the Law 3194, was the abolition of the obligation to get building permit. Applying to municipality with a petition and some documents was deemed sufficient for two-storey buildings, whose construction area was smaller than 1000 m<sup>2</sup>. But, the Constitutional Court annulled the state of not having license by reasoning the principle of equality before law and state's supervisory duties.

The state of not having a building permit was abolished by judicial decision, but, paved the way for constituting a precedent to facilitations and deregulations and unfortunately, took its place in the history of development legislation in a negative sense as well.

#### **5.4.2. Competency conflict in planning**

This topic has been talked about and written for years. Quantitatively, the number of authorized institutions increased. . Due to distributed competences, there is a planning medium where 66 sorts of plan types and 8 planning scales do exist at the moment with 22 institutions being authorized.

The conflict arises due to the overlapping jurisdictions of institutions. Different scales for environmental physical plans by different bodies for example, brings a mistrust over planning activities. Uncertainty increases. The hierarchical order gets collapsed.

For example by 2009, considering the competencies of the Presidency of Disaster and Emergency Management , which was established with the Law No. 5902 (Resmi Gazete, 2009 - 27261) regarding the subjects of urban development, planning and project, a new institutional fragmentation is to be mentioned. The broad competencies of this new presidency provided in the articles 3, 8, 10,12 and 18 of the Law, if we write as a brief note, are the following items of authorization,

- Preparation and approving of disaster and emergency plans
- Determining the basics of reconstruction, planning and projects of disaster prone areas;
- Coordination of plans, projects and urban development works;
- Supervising plans, projects and urban development work;
- Preparation and approving of reconstruction and restoration plans;
- Coordination of implementation of approved plans;
- Carrying out reconstruction, planning and project works of earthquake effected and earthquake prone areas

As it is seen, the subject was not only addressed at coordination level. The above mentioned Presidency has duties such as approving plans, making plans, executing urban development and project operations and carrying out inspections in these issues within the scope of engineering/ architecture/ planning. In other words, it is a slightly minimized model of the old (defunct) Ministry of Public Works and Settlement. Besides, statements such as “urban development operations”, “plan operations” and “project operations” are points that incorporate considerably broad topics and greatly overlap with duties of local administrations. For instance, it will be seen even in an evaluation to be conducted for only defining “urban development operations” that practices such as land parcellation, title deed, urban development plan, architectural project, engineering projects, license, inspection, occupancy permit and etc. are situated within this definition; these practices are carried



out under the responsibility of “directorate of urban development” or “section urban development works” in many municipalities.

#### **5.4.3. Exclusion of the Planning Law 3194**

Planning Laws 6758 and 3194 have have been put into inapplicable situations. “Not seeking provisions of the Planning Law” in operations related to legalization of unauthorized constructions since 1950s, appeared in development amnesty laws , especially for gecekondu areas and for informal buildings.

Between 1990 and 2000, some institutions carried out local practices, which excluded provisions of the Planning Law, as well without requiring physical plan standards and building permit procedures.

Most recently, the Planning Law was also added along with many laws in provisions that will not be practiced in laws of Municipality (No. 5393) and Special Provincial Administration (No. 5302). That is to say, in case of having a contradiction between the Planning Law and the mentioned laws, it was stated that laws no. 5393 and 5302 will be implemented (Resmi Gazete, 2005 – 25874; Resmi Gazete, 2005- 24745), Debates that this point has led to various exception-makings continue. For instance, there are disagreements among laws on the subjects of planning authority in adjacent areas, authorities of provincial administration boards, all sorts of regulation issues of municipalities, permit topics, planning hierarchies and etc.

With the new deregulation movement started in the year 2001 by the government of that time, there we saw certain important things happening.

Restructuring practices in public administration appeared in various programs in the beginning of 2000s (Altaban & Duyguluer, 2004- 1) and the “new public administration” understanding provided from international-connected agreements were adopted in those programs. “Public managerialism” started to replace “public administration”. In particular, programs in the context of

OECD were constituting extensive written rules for governments. As it is explained in part 4.1, by a regulatory reform, it was intended to decrease certain legislative provisions. In the government policy, investments were the basic issue to be prioritized and in the reports prepared by foreign advisory groups, “investor advocacy” was favored. In short, “removal of administrative barriers” was the popular discourse.

So, a draft law proposal regarding formation of industrial zones for the purpose of encouraging foreign capital investments was set up in line with those preparations in January 2001 (Duyguluer archive, 2001). While various facilitations were brought in favor of investors in the first adjustment of “Draft Law on Industrial Zones”, an article provision important in terms of our topic was drawing attention as well. In the draft, in investments that will be made in industrial zones, it was written that provisions of:

- The Planning Law No. 3194,
- The Law for Preservation of Cultural and Natural Assets No. 2863,
- The Environment Law No. 2872,
- The Organizational Law of the General Directorate of Rural Services No. 3202,
- The Mining Law No. 3213,
- The Municipal Law No. 580

will not be implemented. These laws were excluded.

Besides, for the purpose of facilitating operations, it was stated that

- industrial zone can be built in a place recommended by investor with the Council of Ministers decision
- urgent expropriation can be performed
- all kinds of permits and licenses will be given by the General Directorate of Foreign Investment.

Due to various reactions, the draft in question did not enter into practice in the form that I have mentioned above, ofcourse it had been changed. Here,

the point that I would like to state specifically is the way of thinking of a law-maker and the behaviour typology which he/she adopts, at the preparation process of a law.

#### **5.4.4.Extracting planning out of legislation (non-planning)**

While “plan” and “planning” processes appearing in legislation were broken by various authorizations on the one hand, they were started to be sorted out of the legislation entirely on the other. While some of our regulations incorporated provisions regarding development plan in dates when they entered into practice, in later years, they were cleansed from these provisions. Conditions for abiding by development plan were abolished by canceling articles related to planning. Four examples are as follows:

##### i.Annulling of the condition of “approved development plan” in tourism investment document applications:

According to 1993 by-law (TYİNY, 1993) , the ones, who requested tourism investment document, were asked to add “approved development plan layout” in application documents. This condition (the condition of development plan obligation to be asked during application) was annulled in a by-law amendment in 2000 (TTY, 2000) and it was stated with a separate by-law article that planning responsibility related to investment .

Here, it would be beneficial to remind an interesting situation as well.

The Ministry of Tourism, which ascribed planning-related responsibilities to entrepreneurs in 2000, had already been executing development plan (1/1000 scale plan) making and approval works; and also undertook the authority to “make and approve plans at every scale” in 2003 (Resmi Gazete, 2003 - 25186). And the following situation occurred. A ministerial body , which makes all kind of plans as an institution but gives the planning responsibility to entrepreneurs !!! ..It was confusing.

Probably, the interesting situation here was recognized and that provision (entrepreneur responsibility) regarding the mentioned development responsibility was annulled with a by-law amendment in 2005 (TTBNİY, 2005). Now, entrepreneurs do not have an obligation to present a reference or a document related to an urban development plan in the procedure of application for requesting investment licence, according to the Article 5.

ii. Sorting planning out of environmental impact assessment (EIA) process:

The Environmental Impact Assessment (EIA) By-law experienced significant changes between the form that it entered into force in 1993 (Resmi Gazete, 1993 – 21489) and of today. The amendments were made for the purpose of administrative simplifications; the number of procedures was reduced and durations of procedures were shortened but; the current situation of regulation became a regulation whose effectiveness and enforcement was decreased in addition to being a simplified by-law.

Related to our subject, a quite striking change became by sorting “development plan” out of the regulations. The EIA process was associated with “development plan” in the first and second by-law texts in 1993 and 1997, the condition to finish EIA investigations before development plan was brought. But the expression of “development plan” did not appear in the third by-law amendment dated 2002 (Resmi Gazete, 2002 – 24777 ). Besides, the “activity” expression was reduced to the “project” expression. That is to say, it was targeted for regulation to only incorporate procedures at project level. But, due to the separate provision stated that no any approval procedure can be carried out without taking EIA decision, an interpretation was made that the approval of development plans could not be made before EIA was finished. Afterwards, the by-law (Resmi Gazete, 2003 – 25318) article dated 2003 became the one, which reinforced this interpretation. The development plan expression did not appear in this regulation as well; but an article (Article 6) made a connection with “environmental physical plan”; We were thinking that planning was not excluded luckily because it was written that “unless EIA

decision is taken, no permit and approval (including modification approvals for environmental physical plans) can be given”.

However, as provision regarding environmental physical plan was annulled as well with amendment in 2004 (Resmi Gazete, 2004 – 25672 ), the EIA by-law became having nothing to do with urban planning from now on. It was reduced to a by-law appearing only for “project” processes.

iii.Removal of the condition of “development plan” in the process of getting the occupancy permit for private hospitals and giving the operating permit to hospitals having no occupancy permit :

In the Ministry of Health’s “By-law for Private Hospitals” (Resmi Gazete, 2002 – 24708 ), which entered into force in 2002, while the obligation that private hospitals:

- would be built in areas where decision of “private health area” was brought in development plans,
- shall be projected in compliance with planning legislation,
- shall get the occupancy permit by building according to planning legislation

had been brought, afterwards, “planning-related conditions sorted above” were removed with by-law amendments carried out in 2006. Besides, the provision was added that building activities of hospitals without the occupancy permit will continue provided that they submit written document towards that the occupancy permit will be given when their development plans are approved by municipality; “when their development plans approved, they shall submit their occupancy permits” ( Resmi Gazete, 2006 – 26326 ).

iv.Not including “plan” expression in a law related to preservation of protected areas:

In a law (Resmi Gazete, 2005- 25866) aiming at performing restoration operations regarding subjects of land use (housing, trade, social

reinforcement and etc.), construction and disaster in protected areas, a concept or process related to “plan” and “planning” did not appear. In the preamble of this law (The Law Pertaining To Renovation And Reuse Of Deteriorated Historical And Cultural Assets, No. 5366), which entered into force in 2005, “the need for stopping other plans to be able to prevent authority clash and to rapidly implement the prepared projects” was already stated. Both upper-scale plans and conservation plans approved before were rendered null and void. A kind of procedure which was only left to project phase was adopted.

#### **5.4.5. Hierarchy crisis**

Upper-lower scale planning relationship and hierarchy order, which was stated with the provision of “planning hierarchies” in the Planning Law No. 3194, was told as “hierarchical integrity” in academic platforms, is in a crucial crisis as well.

On the one hand, laws which allow for making various upper-scale plans, and on the other, laws which do not take hierarchy into consideration, and finally, another law which constitutes a new plan hierarchy above all plans, is the present controversial situation.

##### i.Upper-scale abundance (simultaneous plan making by different institutions at upper scale)

By equipping some institutions with the authority to make plans at every scale, assuming the understanding of hierarchical planning at upper scale and hoping for that they will steer plans at lower scale, special laws, which render possible that they make simultaneous but different plans for the same regions, entered into force. Albeit examples of plan chaos, which emerged with the authorization of institutions with special laws, are plenty related to upper scale, let's give studies only belonging to two regions:

- Two upper-scale plan in Muğla region: 1/100000 Scale Environmental Physical Plan of Aydın-Muğla-Denizli Planning Region, which was tendered (bidding) by the Ministry of Environment and Forestry, and 1/25000 scale Environmental Revision Plan of Bodrum Peninsula Development Region for Preservation of Culture and Tourism, whose planning studies were carried by the Ministry of Culture and Tourism,
- Two upper-scale plan in Samsun region: Yeşilirmak River Basin Development Project made by the State Planning Organization and 1/100000 scale Samsun - Çorum - Tokat Environmental Physical Plan, which was tendered by the Ministry of Environment and Forestry.

The studies continued as disconnected from each other. Besides, strategy plans at provincial level were made as well.

Besides the above examples which are “iso-regional” applications, there is also created an extraordinary situation by introducing the “master plan” typology in certain administrative sectors, such as done in tourism, transportation and coastal planning. Examples of master plans are:

- Ports Master Plan (8. Five Year Plan)
- Yacht Tourism Master Plan (Ministry of Tourism)
- Tourism Master Plan(Ministry of Tourism)
- Transportation Master Plan (Ministry of Transport)
- Coastal Structures Master Plan (Ministry of Transport)
- Tourism Master Plan for Coastal Structures (Ministry of Transport)

Here we see a kind of opposing duality that while institutions have reached a consciousness level of being holistic in planning, which was an integrity aimed only in their respective sectors, on the other hand at the national scale there appeared “various and differentiated integrities”. Master plans of sectoral spatial concerns at national level with no inter-sectoral coordination have introduced the national spatial fragmentation in planning.

## ii.Losing of hierarchy

The need for “stopping other plans” is mentioned in the general preamble of the Law Pertaining To Renovation And Reuse Of Deteriorated Historical And Cultural Assets, No. 5366 . The word “plan” appears in no way in the law articles as well. As it was put under provision that local administrations in the context of the mentioned law can only operate with “projects” in “restoration areas”, an obligation such as complying with upper-scale plan will not be considered as well.

The Law for Northern Ankara Entrance Urban Transformation Project, 5104, which entered into force in 2004, specified that real estates within project area will subject to the plan to be carried out according to the said 5104, even though they remain in the context of a development plan at any scale and type (Resmi Gazete, 2004- 25400). In other words, sanction power and provisions of upper-scale plans in Ankara and master plans of that region were annulled.

The Article 73 of the Municipal Law, Code 5393, which entered into force in 2004, gave municipalities the authority to re-build the ageing city sections by means of announcing urban transformation and development areas (Resmi Gazete, 2005 – 25874), and Ankara Metropolitan Municipality approved a new plan by using that authority contrary to hierarchy, annulling the available master plans and implementation plans (Ankara BŞB, 2005).

## iii.A new upper scale in the hierarchy

The Soil Conservation and Land Use Law no. 5403 entered into force in 2005 to determine “principles that will enable planned land use” (Resmi Gazete, 2005 - 25880). In addition to aiming at agricultural lands, it brought a new legal definition named “land use plan” with a law structure, which also comprises all soil uses. Although we bring to mind with professional accumulation of knowledge that this new plan will be an inventory study, and



constitute the data for plans, idiomatic usages in the law carry a distinct meaning.

While a principle for underlying planning at every scale is determined in the definition of “land use planning”, a provision is brought in the respective article of the aforementioned Law, with an explanation that says “a land use plan”, “underlies” national and regional planning and “constitutes the data” for other physical planning. What does this mean then? Simply, “land use plan” which national and regional plans are based on, is legally included in the context of “planning hierarchies”. So what happens? The hierarchy according to the Law 5403 at macro scale became as follows:

- Land Use Plan
- National Plan
- Regional Plan

This hierarchy is constructed according to the language (wording) of the Law No. 5403. It is quite clear, in a sequence as shown above, there is no applicability of such a hierarchy in terms of planning. But whatever it is said, this is the legal reality in terms of written rules. It can be argued that, the law had not taken into account the diversity of the constructive use of these two concepts, “underlying” and “constituting”, ....probably.

Further, the respective Ministry until now, has not brought detailed clauses in a by-law or in a circular towards implementation of this strange provision. It is stated that the subject is being worked on.

#### **5.4.6. Exclusion of the whole legislation of planning**

It was usual that, in amnesty laws, provisions regarding the exclusion of the Planning Law 3194 were included. But in recent years, the mentioned approach, that is, the approach to exclude respective laws has extremely increased quantitatively and qualitatively. The habit not only to **exclude a**

**law**” but **“all legislation”** has begun to come into being. Besides, the requirement of planning knowledge was started to be ignored as well.

Provisions related to proceeding **“without subjecting to planning legislation restrictions”** appeared in new laws. It was determined in planning-related paragraphs of special laws that plans will be approved without subjecting to rules in planning legislation. While only the planning law was excluded previously, exclusion of all planning legislation with special laws from now on probably puts the concept of rule of law in a very controversial situation here.

There are two important points here: The first one is what will be understood from “legislation”, the second one is what meaning “restrictions” bear.

Legal documents such as law, regulation and circular constitute all together, is to be understood as a “legislation”. When saying “planning legislation”, not only the Planning Law and its regulations but also the body of all rules in which other functional, sectoral and administrative laws related to physical development of settlements and structures are included; administrative laws, in which planning subjects are situated, alongside coast, tourism, cultural properties, environment, industry, national parks and other sectoral/local laws all together constitute “planning legislation”.

Besides, the point what will be understood from “restrictions” locating within the clause is also questionable. Legally; rules, norms, standards are all a kind of “restriction”. Restriction is required for social order and public interest. As limitation and restrictions can only occur by law from legal aspect, every limitation is regarded as an adjustment. Or as said by some lawyers, every law is a restriction. “Planning order” is also ensured via restrictions in various laws.

If you think that this specific expression (without subjecting to legislation restrictions) is interpreted both as purpose and idiomatically by handling in line with the above explanations, an outcome such as not using any of adjustments and limitations, which are brought to norm area of settlements and structures, emerges. In other words, a sector or institution authorized by special law is able to do all kinds of procedure and action that it desires. As I have stated above, such a legal order damaging the rule of law will also harm many of our positive aspects regarding planning that we gained as a country in the past.

#### **5.4.7. Authority to make plans at every scale and every type**

An other strange subject is the point of excluding planning technique and professional knowledge. We did not gain plan-making knowledge easily in the last 80 years. There is an 80-year of accumulation of knowledge. Here, a second significant topic that excludes this planning knowledge is the equipment of sectoral institutions, which obtained planning competences with special laws, with the authority to “**make all types of plans at all scales**”. Albeit the Ministry of Public Works and Settlement had planning knowledge and qualified technical staff coming from the obsolete Ministry of Reconstruction and Resettlement, it did not want to become involved in lower-scale planning as a general principle. The Ministry left it to local administrations. But, this kind of administrative principle is not internalized in other institutions. There is no holistic planning knowledge, no personnel background, no archives and etc. in sectoral institutions and but however, they all of a sudden became able to make “any type of plan” and “any scale of plan”. Various expressions situating provisions in laws are as follows:

- making and approving **plans at all scales**
- making and approving **development plans at every scale**
- preparing and approving **development plans at every type and scale**
- making and preparing **all types of development and plot plans**
- making and preparing **master plans at every scale**
- providing a basis for **planning for all scales**.

It was never considered that “scale” differentiation will first bring a differentiation in planning language; and “type” differentiation will entail specialization as well; and all of these will be in a professional discipline...

With such provisioning, from planning aspect,

- creation of different and disconnected plans,
- damaging of planning hierarchies,
- simultaneous same scale plan-making chaos,
- creation of confusion on scale and type subjects,
- weakening of enforcement of forming a basis for lower-scale plans,
- design development difficulty or monotony,
- leaving executive administrations undecided,
- ignoring urban unity,
- disrupting of systematic spatial knowledge accumulation,
- creation of negativities in professional qualification,

become quite possible...

#### **5.4.8. Fragmented Urban Development Amnesties**

Informal construction amnesties were usual processes for our country. Albeit there was no supporter for these laws within our professional circle, these laws had a specific holistic approach. Holism was based on handling unauthorized housing with the same criteria with a single law text in the whole country. They were applied to all sectors and to all locations with the same degree of emphasis. It was anticipated that amnesty procedures (application, plan, license works and etc.) shall be finalized within a certain time period without making a differentiation among regions or sectors. Even though we had no applause for this kind of amnesties, there was an understanding of planning. That was the “improvement plan” (islah planı) to be prepared in order to put the procedure into effect.

Now, the situation is very different.

From the year 2000 and on, development amnesties have started to be put into effect with “fragmented laws”. “Fragmented development amnesties” were provisioned for implementations of different sectoral institutions.

Some special opportunities were provided for:

- Unauthorized organized industrial zones established on meadows,
- Natural gas facilities projected or to be projected without taking development plan into account,
- Unauthorized settlements on treasury lands,
- Buildings, which were not given certificate of occupancy,
- Unauthorized shipyards on treasury lands,
- Unauthorized implementation on tourism-allotted lands,
- Facilities for coastal situations in the context of privatization,
- Mining activities,
- Occupied meadows,
- Private industrial zones occupied by buildings and facilities
- Unlicensed buildings,
- Extra-agricultural practices on agricultural lands,
- Possessions on protected areas. (Duyguluer, 2007)

By means of:

- indicating informal constructions on the plan,
- making them appropriate for the plan,
- obtaining infrastructure connections (electricity, water, telephone),
- getting permits or licenses,
- exclusions from law,

special articles appearing in various laws enabled legalization of unauthorized structures or the continuity of their existing condition. A behaviouristic model, which assumed to serve only for sectoral aims adopting simplification measures and eliminating techno-administrative procedures for “materializing a project”, is generated within sectoral laws.

#### **5.4.9. Ambiguous concepts of the planning institution**

Looking at fragmented situation and sectoral subjectivities of planning-related legislation, we see that non-identifiability at the level of law has increased. There are significant concepts and expressions, which appear in laws but cannot be explained, and I wanted to characterize them as “ambiguous concepts of planning institution”.

Some of these concepts given place here are expressions used commonly as discourse in planning institution, they were able to appear at legal level as these forms of expression have been increasingly adopted by law-makers as well.

Concepts have very natural explanations and definitions academically and professionally but, as there is no legal determination, these concepts preserve their places as “ambiguous” statements. Maybe, they might be called “vague statements” as well. These are concepts not concretized legally. They also hold “uncertainty” attribute. However, if legal references are demanded, some explanations can be encountered in legal process and expert writing.

It is a legal doctrine that laws should be abstract and general. Looking from this perspective, it can be said that “ambiguous statements”, which I have mentioned, should not be found very strange; besides, abstract provisions brought by laws will acquire a concrete form in sub-rules (regulation and circulars). Judicial opinions contribute to concretization as well.

Due to the fact that all these concretization efforts are not very effective in general, there is such a body of “ambiguous concepts” out there. The basic argument is on the terminology “city planning principles” or “basics of planning”.

After the statement “city planning principles and basics of planning” have appeared in rationales of court verdicts, various discussions were experienced regarding that this statement is not provided in law texts and a legal definition of it does not exist.

#### i.City Planning Principles:

Using the term “city planning” occupationally and academically started in the first decades of the last century; the term “city planning” appeared in translation works, university books, the Şehremaneti (municipality) periodicals of Istanbul Municipality, publications of the Ministry of Internal Affairs and the Ministry of Public Works. There were new duties with “adjustment of development works with regard to city planning” in the article 5 of “the Law on Organization and Duties of the Ministry of Public Works” No. 3611 entered into force in 1939. Experts brought from foreign countries were called “city planning experts” (Resmi Gazete, 1993 – 21489).

Later on, developments in 1956 and afterwards was a period when the term “city planning” gained much reputation. After the Planning Law No. 6785 entered into force in 1956, the Ministry of Reconstruction and Settlement was established by the Law No. 7116 in 1958 as well. In this time period:

- The expression “city planning” appeared in the Planning Law No. 6785 in 1956 (Article 52);
- There was a sentence with a content of planning compatible with “city planning principles” in the Program of 23<sup>rd</sup> Government (5<sup>th</sup> Menderes Government 25.11.1957-27.05.1960) in 1957;
- A statement in the form of “development and city planning works” was given a place in the Law on Organization and Duties of the Ministry of Reconstruction and Settlement No. 7116 in 1958

A definition was not made for “city planning” but, organization of the Ministry of Reconstruction and Settlement (and previously, the Bank of Provinces) had a vital contribution to city planning science (and city planning principles).

As the ones, who worked in these institutions, did city planning job as work, unwritten rules (principles/basics) were developed. In fact, “city planning principles” were put forward with numerous technical publications and circulars; but legally, no definition for city planning was made and the body of principles was not given a written form as well. Attempt to document definitions in some publications was deemed sufficient. No need was felt for satisfying deficiency of defining concepts legally. Because, due to the fact that the Ministry of Reconstruction and Settlement performed planning duties as a “single institution”, institutional rules (written or unwritten rules) were deemed sufficient.

We began to feel the legal non-identifiability of the concept “city planning” by beginning to experience institutional fragmentation especially after 1980.

## ii.Basics of Planning

Separate heads of department were formed for regional, metropolitan and city planning works in the Ministry of Reconstruction and Settlement; working principles and planning activities of every department compatible with their own scales persisted. Internal and external circulars of the Ministry were declaring the “basics of planning” in a sense. The Bank of Provinces set up “Technical Specifications Concerning the Preparation of Development Plans” required for procurement process. Provisions, which the specification determined within an understanding of holistic approach, are maybe the first important document in which “basics of planning” are presented as written and enforcements that will produce legal effect are present.

Looking at law level, the statement of “basics of planning” appeared in provisions of Law Amendment No. 1605 of the Planning Law No. 6785 in 1972. In the Article 28 of 6785, the Ministry of Reconstruction and Settlement was authorized for separating cities into groups and determining basics of planning accordingly if needed.



Besides, with the heading of the Second Section of the Planning Law No. 3194 dated 1985, which was “Basics Related to Development Plans”:

- Planning Hierarchies: (Article 6)
- Survey Map and Development Plans: (Article 7)
- Preparing and Putting Maps into Force: (Article 8)
- Competency of the Ministry in Development Plans: (Article 9)
- Urban Development Programs : (Article 10)
- Real Estates Belonging to Public: (Article 11)
- Front Line: (Article 12)
- Places Assigned to Public Services in Development Plans: (Article 13)
- Easements: (Article 14),

determined some basic issues legally.

Afterwards, expressions as “basics of planning” appeared in the Law of Historical National Park of Gallipoli Peninsula No. 4533 entered into force in 2000 and the Law on Organization and Duties of the Presidency of Disaster and Emergency Management , No. 5902 came into effect in 2009.

iii.City planning principles and basics of planning: (tradition of using the concepts simultaneously):

The first place of use of the expression of “city planning principles and basics of planning”, both concepts together, is the Ministry of Reconstruction and Settlement. The Bank of Provinces also should not be forgotten.

As a result of technocratic form of thinking, the expression of “city planning principles and basics of planning”, was toward the end of 1960’ies. Plan proposals and plan amendments were examined in a meeting (sometimes colloquium) called “committee” (which was presided by deputy director general, formed by duputy head of department, chief expert and reporter), the decision was reached and decisions were written on a sealed notebook. While decisions were drawn up for subjects accepted or rejected, the decision’s rationale was attempted to be explained with “city planning principles and basics of planning”.

As this form of expression was given much place in apologies written to the State Council as well for lawsuits filed against the Ministry, the State Council adopted this as well. It is used frequently in the State Council's grounds and verdicts. Technical discourse of the Ministry of Reconstruction and Settlement was respected and as if a legal norm was constituted for the Sixth Department of the State Council. Later, some debates emerged regarding what this expression "was"; and its explanation was tried to be made in expert reports and colleague articles. Efforts of colleagues and academicians, who have written on these principles, were able to produce planning-based interpretations in legal processes and in court decisions.

#### iv. Historical development process of ambiguous concepts

If we try to search for the concepts, which have appeared at law level but have no legal explanations, we come across a notable amount of terminologies. These, further more, do not have any definitions described in sub-legislations such as, by-laws. They are "vague concepts" legally.

This non-identifiability gap also brings into existence a gap for application. You see a vital concept as performance criterion in a law, but it has no impact in practice. Concepts, especially purposeful (performance) concepts that I sort below have no enforcing effect. The one, who makes planning, is not regarded as an obligation. As there is deficiency of legal definition, you can see very different evaluations in judiciary according to the circumstances of cases. Besides, very superficial definitions can be made by miscognizant experts as well. The reputation of the concept also decreases gradually. Finally, the existence of the concept in a law is forgotten or the concept becomes blurred.

These concepts are in fact known and identifiable concepts for city planning. They have the obligation for being learned academically and professionally. The need for redefining them is generally not felt as "they are already being

known” but, in legal environment, this “already being known thing” is not satisfactory. The list for ambiguous concepts is down below (Table- 7).

**Table- 7 : Ambiguous concepts of the planning institution**

science and health (sanitary) conditions	fen ve sağlık şartları
local features	mahalli hususiyet
urbanism (urban sector)	Şehircilik (şehircilik sektörü)
regional conditions	bölge şartları
integrity (integrated), holism	bütünlük (bütüncül) (bütünleşik)
planning principles	planlama esasları
classify cities into groups	şehirleri gruplara ayırmak
requirement of public interest	kamu yararının gereği
environmental conditions (environmental values) (environmental sector)	çevre şartları (çevre değerleri)(çevre sektörü)
balanced environment (ecological balance)	dengeli çevre (ekolojik denge)
regular urbanization	düzenli kentleşme
planning framework (principles)	planlama çerçevesi (ilkeleri)
characteristics of cities	şehirlerin özellikleri
conservation and use (principles) (balance) (development)	koruma ve kullanma (esasları) (dengesi) (geliştirme)
adaptability to vicinity	çevreye uyum
environmental sensitivity	çevreye duyarlılık
harmony with environment	çevre ile uyum
sectoral targets	sektörel hedefler
development rights (construction right)	yapılanma hakkı
cross-sectoral integration	sektörler arası entegrasyon
making plans of all scales	her ölçekte plan yapımı
rational use (land use)	rasyonel kullanım (arazi kullanımı)
participation (participants)	katılım (katılımcı)
environmental development integrity	çevre imar bütünlüğü
making physical environment livable	fiziksel çevrenin yaşanabilir olması
directing urbanization	kentleşmeyi yönlendirme
Sustainable	sürdürülebilir
including into development plan	imar planına işleme
science and craft rules	fen ve sanat kuralları
restrictions of urban development legislation	İmar mevzuatı kısıtlamaları
city vision	kent vizyonu
constitute basis for planning	planlamaya temel oluşturmak
principles of urban development	İmar esasları

Due to speed of change and abundance of uncertainties, we know that planning experiences crucial troubles. In the meantime, professional jargon becoming loose legally trivialize planning works. Institutional fragmentation causing a medium of ambiguity, here, makes planning work to exhibit an attribute that is very easy, needs no skill, no knowledge and can be made by

everyone. A statement in the form of “making urban plans at every type and scale that will not disrupt environment-urban plan unity” would appear in laws and when one also adds “plan approval without subjecting to urban plan legislation restrictions” to this, it can be noticed how much city planning profession has been ostracized. For the sake of professional jargon, eliminating non-defineability of concepts and providing a legal base for certain professional principles are to be brought to the agendas.

#### **5.4.10.Change in the framework of the five year development plan : “Urbanization” title given up.**

In the stage of preparing 5 year-Development Plans in our country, “Specialized Commissions” (Özel İhtisas Komiyonları) were established; and “5 year-Development Plan” was formed according to reports set up by these commissions. Urbanization issues of Development Plans in the report format appeared in a special section under the heading “Urbanization”. Titles related to urbanization appeared as sorted below in the previous five year development plans (8 plans).

- 1<sup>st</sup> 5YDP (1963-1967) Regional planning
- 2<sup>nd</sup> 5YDP (1968-1972) Regional planning, Issue of Urbanization and Settlement;
- 3<sup>rd</sup> 5YDP (1973-1977) Settlement, Urbanization
- 4<sup>th</sup> 5YDP (1979-1983) Regional Development and Settlement; Urbanization
- 5<sup>th</sup> 5YDP (1985-1989) Regional Planning, Settlement-Urbanization
- 6<sup>th</sup> 5YDP (1990-1994) Settlement-Urbanization Regional Development
- 7<sup>th</sup> 5YDP (1996-2000) Regional Development and Physical Planning;
- 8<sup>th</sup> 5YDP (2001-2005) Regional Planning; Settlement, Urbanization

When the 9<sup>th</sup> Development Plan was started to be prepared, in Circular of the Prime Ministry (State Planning Organization) dated 05.07.2005 published in the Official Gazette, 54 Specialized Commissions was determined in the list attached to the circular

In this regard, in 2005, “Specialized Commission of Settlement and Urbanization” was established and indeed, wide range of representatives was summoned from quite diverse sectors as stated in Circular. As exactly written in Circular, a Commission was built with the understanding of “participatory planning”. And this commission prepared the “Report of Specialized Commission of Settlement and Urbanization” and presented it to the SPO (SPO Issue No: 2708 SC: 661, 2007).

However, “Urbanization” title did not appear in the 9<sup>th</sup> Development Plan (OG 01.07.2006).

#### **5.4.11. Dual Condition Of Legislation (New Regulations On Conservastion Of Cultural Properties)**

We also shall not go on without mentioning the Law No. 5226 (Resmi Gazete, 2004 – 25535), which we can site as positive within these new legislations, but created a dual condition of legislation for preservation. Interesting and at the same time negative situation emerged by legislations related to preservation of historical cities. A dual structure that offers “preference to select laws” or a kind of “choose the law which you like” situation to administrations so to say:

1- On one hand, the Law no. 5226, that amended the Law for Preservation of Cultural and Natural Properties No. 2863, brought provisions for execution of “preservation” action via various planning and implementation instruments. Innovations brought by this law are local offices for localization of conservation services, new financial resources (special account for municipalities; loan from TOKI and Provincial Bank of Provinces), enriching content of conservation development plan, supervision offices in municipalities, effective definition of planning process, transfer of property rights, area management, tax exemptions and definition of professional qualifications.

2- On the other hand, there stands three laws that ensure the administrations to be able to carry out “all kinds of interventions” in historical cities:

- The article 73 of the Municipal Law no. 5393 (Resmi Gazete, 2005 – 25874) states under the title of “Urban transformation and development area” that urban transformation and development projects can be implemented in order to preserve historical and cultural fabric of city;
- The Law Pertaining To Renovation And Reuse Of Deteriorated Historical And Cultural Assets No 5366, states that “... regions registered and declared as protected areas by **cultural** and natural properties preservation boards and nature reserves belonging to these regions shall be rebuilt and restored, and housing, commercial, cultural, touristic and social equipment areas shall be formed in these regions...”,
- The third legislation is the process of promulgation of Culture and Tourism Preservation and Development Regions by the Law for the Encouragement of Tourism No. 2634/4957 (Resmi Gazete, 2003 – 25186) with an article provision that says “...preserving and using of localities where historical and cultural values are situated intensively and/or where tourism potential is high in order to provide sectoral development and planned development...”

The point of “preservation of historical values” is present in those three laws as well but, due to the fact that strategic conservation provisionings are not defined as in the Law No 5226, then the loose condition of these laws creates an attraction for public bodies. There is the freedom of being able to develop “all kinds of projects for historical cities” in the aforementioned three laws. A thought comes into being as if, these three laws were prepared for

not implementing the Law no. 5226. As a matter of fact, administrations do not favor the law no. 5226 for historical settlements, rather, they prefer the article 73 of the Law no. 5393, “renovation area” practices of the Law no. 5366 and regional boundary announcement cases of the Law no. 2634/4957.

Here, as another example of sectoral model we see that, the subject matter of preservation of historical sites has been diversified according to the laws that two separate ministries prepared as disconnected from each other for their own sectoral purposes. Approaches constituted by the Ministry of Culture and Tourism and the Ministry of Internal Affairs ( the one that prepared the laws no. 5393 and 5366 is the Ministry of Internal Affairs) for preservation are really different.

### **5.5. Leading public bodies**

In the spatial planning agenda, at present, there are two leading public administrations, the one is TOKİ and the other is The Ministry Of Environment And Urbanism.

#### **5.5.1. Mass Housing Administration**

The Mass Housing Law entered into force in 1984 and a new public administration was established with its current name TOKİ. In the meantime, significant changes were experienced in planning legislation as well.

As public institutions started to adopt special rules regarding planning with the principle of facilitating administrative procedures sectorally, TOKİ experienced significant changes institutionally from many aspects as well.

In particular, lately, new regulations in TOKİ legislation have created a situation very different from TOKİ's first institutional set up of 1980s. Particularly exceptional planning rules are indicative.

The Mass Housing Administration, unlike the time it was first established, became a very distinct public institution. Why? First of all, it has a

management typology detached from financial audit administration. Here, for TOKİ, there is no supervision of the Court Of Accounts. Second, if it is ensured to be turned into a finance institution, what will happen to its relationship with legislation of Capital Markets Board and banking legislation? These are the subjects debated by supervisory finance circles. For instance, the Banking Law was issued abandoning the Law of Banks to provide support to these issues in 2005. The law turned from “actor based ” into “function based” understanding.. Why? Because, the Mass Housing also prefers support from the law. For instance, it says in banking sector that one can loan 25% of stockholders’ equity, but in the Banking Law, the Mass Housing was kept separated from this. That is to say, the Mass Housing procedures are not subject to loan restrictions according to the Article 55 of the Law No. 5411 (Resmi Gazete, 2005- 25983). Additionally, new regulations were brought concerning securitization, the subject that we call mortgaged asset. The law issued about mortgage says that “mortgage claims can be converted into securities”. Its exact expression is that “mortgage or non-mortgage claims of the Mass Housing can be taken over and assigned by mortgage financing organizations. Securitization process, was the main agenda that would support the equity and business model of TOKİ.

TOKİ has a budget of its own which no contribution from the general budget has been taken. It is a public institution but acts outside the rules of public administration. It amassed all kind of competences of public institutions, municipalities and banks in itself. It is neither completely a public institution, nor a company; a quasi public may be. The subjects of planning and architecture become secondary topics in such an authorized institution. The main topic is to be able to control the case with financial instruments.

In terms of planning activities, the Mass Housing reached a level of superior competency. All kinds of administrative and legislative simplifications, facilitations and exemptions were provided for this extraordinary body. The



table (Table- 5) presented in the section 5.2 demonstrates the tools generally TOKİ possessed for its projects and applications.

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#### **5.5.2. Ministry of Environment and Urbanizm: The New Institution**

“Lack of integrity” in the general rationale of the Decree Having the Force Of law No. 644, which was put into effect in 2011 for organizing the Ministry of Environment and Urban Planning as a new institution, was drawn attention with the following paragraphs (Resmi Gazete, 2011 – 27984).

“Construction activities have reached extents that entail institutionalization in unity of research, technology, production, planning, organization, coordination and inspection. Quality and efficiency have become the most evident element of construction sector in every service provided. Construction works necessitates services of survey, projects, tenders, practices, supervisions and inspections to be executed in a unity.”

“Besides, a new structuring is needed due to reasons that we can count under the main titles of emergence of the need for determining methods and principles regarding general principles, strategy and standards on physical planning nationwide by a single authority, determining methods and principles regarding regeneration projects and practices, taking precautions related to implementation, organizing professional services included in the field of environment and city planning, cooperation with respective institutions and establishments and certification of professional actors in terms of competency and proficiency.”

“The current planning system is currently facing great problems albeit about sixty years of experience. And due to these problems, our living environments are becoming increasingly unhealthy, robbed of identity, our natural and cultural assets suffer damage and settlements where millions of people have been living carry natural disaster and habitation risk. The need for altering spatial planning practice in our country is shared view of almost

all shareholders and this common ground was reached with accumulation through many years.”

“Numerous institutions produce physical plans at different levels, with very different processes and a two-dimensional planning language in the present planning system. As there isn’t coordination and information flow horizontally among institutions that produce these plans, harmony and supervision vertically among physical plans produced in different ranks could not be assured adequately. Whereas, macro-spatial strategies determined nationwide and spatial strategies developed locally and regionally should be in harmony, spatial strategies developed at every level should be developed with participation of all investor institutions and within coordination and also in practice, cooperation should be ensured.”

As clearly seen in the rationale of the Decree, the long argumentation of “spatial integrity (spatial holism)” is the stemming point of establishment of the new public body, the Ministry Of Environment and Urbanism. This similar reasoning was also the basic argument of the KENTGES (Yüksek Planlama Kurulu, 2010) document in 2010. Majority of colleagues had put no opposition for a new establishment ( a ministry) responsible for spatial planning activities. But the new present case is somewhat different.

While intended to overcome the competency conflict, the new ministry has been overloaded with great amount of various missions. At national scale, both environmental and urban duties introduced complex responsibilities for the Ministry. Alongside these massive responsibilities, there has been granted huge amount of competencies dealing with planning, implementation, construction, building control, protection of environment, professional qualifications, urban regeneration, and etc. At present, there continues the preparation of bylaws and circulars. The implementations, especially the urban regeneration projects of the ministry have not started

yet, but meanwhile the criticisms from various technical platforms and political institutions arise pointing the over-centralized aspect of the Ministry. For instance, just for planning typologies, the Decree No. 644 has put the following different kinds of plan nomenclatures.

**Table – 8 : Multiplicity of plans mentioned in the Establishment Decree 644 of The Ministry Of Environment And Urbanism**

<b>Integrated Coastal Area Planning</b> (Bütünleşik kıyı alanları planlaması)
<b>Environmental Physical Plans</b> (Çevre düzeni planları)
<b>Environmental Physical Plan at regional scale</b> (Bölge bazında çevre düzeni planı )
<b>Urban development plan</b> (İmar planı)
<b>Plans related to coastal and land refill areas</b> (Kıyı ve dolgu alanlarına ilişkin planlar)
<b>Spatial Strategy Plan</b> (Mekânsal strateji planı )
<b>Parcellation plan</b> (Parselasyon planı)
<b>Contingency Plan</b> (Sakınım planı )
<b>Sectoral Plan</b> (Sektörel plan)
<b>Physical Plans at national and regional scales</b> (Ulusal ve bölgesel nitelikteki fiziki planlar )
<b>Emergency Response Plan</b> (Acil müdahale planı)
<b>Plans related to national parks, nature preservation and special environment regions</b> ( Milli park, tabiat koruma, ve özelçevre koruma bölgesi ile ilgili planlar)
<b>Plans in reas where natural assetes and historical sites both coincide</b> (Tabiat varlıkları ile arkeolojik ve kentsel sitlerin çakıştığı yerlerde yapılacak planlar)
<b>Planning works related to permanent housing</b> ( Daimi iskân -5543 kanun- ile ilgili planlama işleri)
<b>Planning works at every scale</b> (Her ölçekte plan)

Besides all these highly centralized authorizations, the Ministry has also possessed new duties and competencies by a very new law, in May 2012, the Law on Transformation of Areas Under Disaster Risk, No 6306 (Resmi

Gazete, 2012 - 28309). All types of surveys, plans, projects and land readjustments could be executed by the Ministry. Making transfer of development rights, establishing public private partnerships, issuing housing certificates, securitization implementations, announcing special planning standards and risk management are some of those new provisions for the Ministry. Ofcourse the Law aims municipalities providing them with powerful tools for disaster mitigation but these are executable due to the confirmation of the Ministry.

From professional associations and academic platforms the law is criticized seriously. The Union of Chambers of Turkish Engineers and Architects issued a press release on the Law No: 6306 : “The legal blows to privatize every stage of city and building production processes are coming through at breakneck speed. The government is rendering our cities more vulnerable to disasters through laws and administrative regulations that amount to plundering nature and history” (BIANET. 2012). The Association of Experts of Conservation and Restoration stated that the law has brought serious limitations to property rights (KORDER, 2012). A real estate consulting firm in İstanbul says that, in essence this law provides new means of maximum use of land at centrally located urban land through higher floor area ratios (BeachheadTurkey JV 2012). Related to this density issue, architect Doğan Hasol denotes this newly released Law will lead to intensification and further increase the disorder in İstanbul (Hasol, 2012).

## **CHAPTER 6**

### **EVALUATION AND COCLUSION**

In planning medium, fragmentation has been recognised by the beginning of 1980s and it has accelerated dominantly in recent years. This fragmentation brought by the sectoral policies without reference to planning principles has initiated problematic issues.. The basic planning regulations have been excluded from the sectoral applications. Articles in laws brought certain provisions such as, “the authority to approve plans at all scales”, “planning without subjecting to planning legislation restrictions”, and “legalization facilities for unlicenced buildings” entered into force. Institutional conflict in planning competencies is the basic complication. In technical terms, hierarchy crisis in planning is going on. In short, we can perceive a trivialization process is conducted for planning profession.

As this thesis has tried to demonstrate the references of fragmentation issues in Turkey, there has come out an indicative outcome of the heavy role of the central government. In other words, against the political discourse of decentralization for municipalities in the government programs, the central administrative bodies in Ankara have gained more authoritative duties in comparison to past decades. This can be expressed as the new centralization phase of Turkish public administration. Not only the ministries have obtained certain planning competencies, but further more, the Council of Ministers and the Prime Ministry have undertaken notable responsibilities in spatial matters.

The centrality of the governmental power is not a novel phenomenon for Turkey, but this existing situation is somewhat different from the past. The fragmentation is not a way of decentralization such as devolution or delegation. It is, in urban planning activities, the sectorally fragmented aspect of the central government. Maybe we can connote the present situation as a “fragmented centralism” in spatial planning.

While, first of all, the fragmentation and centralization issues were the consequences of political tendencies, the justification of this situation could be reached by written rules, the legal ground that was constructed. Laws tore down planning activities and administrative power sectorally. As a result of these, “perceiving space holistically” and “holistic solution approaches” disappeared as well.

Probably, planning, in institutional terms, is experiencing its most fragmented era. An over-fragmentation is going on.

As of the end of modern period, as told by an English planner, “planning has been degraded so much that there is no way for it go but up.” (Hall, 1988).

Planning phenomenon, which had vital definitions and duties in modern period especially between 1960-1980, witnessed crucial criticisms when passing to post-modern period and the need involving revisions arose. To determine what these revisions are and to be able to make assessments, first of all, emphasizing the characteristics emerged for both periods is to be put.

Characteristically, modern period's shaping of planning came into being with the methodology of scientific knowledge. System theories, in which holistic planning understanding was dominant, were favored. Projections that anticipated growth were dealt with, Long-term plans started to be produced. Legal norms and standards were stressed significantly. Designs and structures, which moved away from human scale, were materialized.

Settlements, which accepted the dominance of motor vehicles, gained importance. Goals, which were aiming at “built structure” in urban design (aiming at space, which was full and constituted by building masses rather than empty space) were put. An era, when planners were in an elite position (or they argued that they were), was experienced.

Post modern period, generally manifested itself in form of “reactionism”. “Legitimization” discourse became popular. (Lyotard 1990), (Jameson, Lyotard & Habermas 1990), (Jencks, 1989). Postmodern thinkers point to an increasingly fragmented and dispersed world where the ‘old rules’ no longer apply and fragmentation as a belief, is both a threat and an opportunity (Allmendinger, 2002), Narrative knowledge has also been given importance, instead of “scientific knowledge”. Diversity came to the forefront. Flexibility is an important feature. Judgement was passed not according to a theory, but to possible results of events (moves). The most important claims of this era contain subjects such as durability, stability, transparency and resource management (Tibbalds, 1988).

How post-modern characteristics given above within a general framework affect planning phenomenon? In modern period, the goal in urban design was to “build”; the constructed structure was the focal point. . There was an understanding, which took “building” (structure) as a reference; and engaged with “distances between structures”. In post-modern period, “built structure” is no more important. “Inter-structural space” or “empty space between the buildings” is coming to the forefront. Empty spaces and open areas which do not accommodate any structure are gaining importance.

“Homogeneous region morphologies” are replaced by “multi-functional areas” and complex land uses in plan decisions. From now on, accessibility in city does not only come up on the agenda for house-work relationship, but also especially for access to social infrastructure, various activities and various opportunities in city.

Traditional life style is preferred and historical examples are attempted to be taken. When subjects such as traditional behaviours and taking examples from history have gained significance, in planning design, components such as preservation, identity, human scale, organic configurations and tendencies to freeze or minimize population contrary to growth come up on the view.

It is natural that inclinations towards history and traditional behaviours can bring along losing creativity in planning as well. Instead of finding historical universal values, “imitator” designs (designs that copy the past) arise as a problem.

While “human scale” gains importance, it is inevitable to address this issue with “technology” development. Being able to use the both “positively” and “efficiently” entails higher urban costs in the construction of new spaces, such as technopolis, information cities, technoports, teletopia, and motivational programs for new media societies.(Duyguluer, 1993).

There are paradigms that are based on communication. From now on, research forms and decision mechanisms using real-time information and realizing real-time operations are adopted in terms of institutional innovations.

“Chaos theories” are starting to find supporters in this period when system theories are attempted to be given up (Cartwright, 1991). There is a platform where “ambiguity” principles are developed. For instance, techniques, which from now on do not deal with urban population projection methods of modernist movement and an approach that constantly targets growth, but in the form of population that city can carry (capacity population) or anticipate to minimize city population, are beginning to be used such as logistic difference models.



Fragmentalist approaches are legitimized. Local (plot-based) plan designs, which are disconnected from urban totality (spatially), are presented under the name of “mega projects”. “Customers” are the ones, who dominate this fragmentation. Preferences are diversified. From now on, professional specialization motive of planning stems from the demand of customers. On the other hand, discourses which consider planning only a characteristic of modernist period and reject planning were encountered as well in post-modern period. Some environmentalists voice that planning ruins environment, others who say that planning is contrary to democracy, have begun to appear. Maybe, definitions like “post-planning” will be used.

However, we cannot come to accept such approaches in the name of our current accumulation of knowledge, skills, perception capacity and profession. Here, an important duty falling upon us, is that , it is a must for us to adjust planning according to new conditions in line with our acceptance for the existence of planning.

With the aim of bringing mobility to administrative procedures and streamlining formalities, studies have been carried out in many countries towards simplifying legal rules. As social and political environments gain complexity, a counter attempt to simplify rules is recognized. Governments are on the side of simplifying administrative rules in planning institutions. Consolidation of multiple disorganized rules and also certain basic framework laws are to be prepared. Information technologies and economy of time are the real concerns of the market. At the same time, generating exceptional rules for certain sectors referring to reasoning of national strategic importance is very popular in administrative activities.

Assessing exceptions formed by laws put into effect with sectoral aims or project-specific (institution-specific) legislative provisions , it can be determined that systematic unity desired to be established could not be ensured, and alongside, a legal complication was generated. It is known that

this complication caused by fragmentation among legislative and executive bodies was also carried to judicial processes from the aspect of abundance of laws and diversity of rules. Exceptional provisions should not be propagated and the widespread use of exceptions are not deemed appropriate.

We read that various studies have been performed for deregulation, eliminating administrative barriers and facilitations in other countries as well. Consolidation and rationalization methods they use may give some clues for our arguments. They are developing methodological and technological precautions against fragmentation. For example, in technical terms, the fundamental setup of the Planning Act 2004 in England, where preparations launched in 2000 and which entered into force in 2004 in the United Kingdom was based on the idea of “less hierarchy, more participation”. Planning tiers were decreased.

Legal rules of planning are in a phase of change and are rewritten. While planning law in modern movement was descriptive, instrumental, detailed by building processes and gave numerical standards, on the other hand, in post-modern environment, constituting a law basis with “performance approach” is initiated.

Performance determines the phenomenon for a product to possess some features, which enable it to perform its duty, under certain impacts, on the other hand, “performance approach” is above all to think with “goals” and functions rather than “instruments” and initiate action (Özen, 1982). In this approach, requirements expected from settlements or building products are the case. Usage requirements are touched upon. These are subjects such as safety, health, durability, environment conservation and etc (Duyguluer, 1993).

It can be officially brought into question by evaluating positive and negative circumstances we experience and also benefiting from foreign country experiences. Some of the proposals that can be put forward in making such preparations will be as follows.

In order to solve the problem, the basic step, at first hand, should be to accept the condition of fragmentation as a problem. Do we agree on the question of spatial chaos going on in our settlements, both urban and rural? Here in the definition of the problem, is loaded much more political arguments rather than technical issues. Do political agendas include priorities for spatial planning missions? How the linkage between politicians and technicians will be maintained?

The policy to be constructed for answering these kind of questions positively will be based on the institutional internalization of capacity building for coordinative and integrative actions.

First, there is need for initiatives that will consolidate fragmentation of planning and physical space. Authority chaos and authority diversity must be put to an end. To prevent authority disorder and spatial fragmentation, giving up sectoral practices are primarily proposed in committees of both the Council of Europe and the European Union.

“Plan” and “planning” should not always be regarded as an admirable instrument (Duygulu, 2003). Even plan has detrimental effects as well. Numerous poor urban practices and urban projects in our country are the result of planning operations, whose damages were not predicted, and those were formed with the understanding of “I did it; it’s done”. In the name of planning profession, in order not to weaken the strength, the reliability and the necessity of planning action, a “recovery” is necessary both in the public administration and the private sector, supported innovatively by academic associations.

Planning varies according to political environment. Its trivialization is connected to political preferences and this situation further increases the responsibility of technical staffs, in order to keep up the scientific background of the profession.

“Ankara Reform”, which will serve as a really good model to initiatives in planning and city planning subjects within historical development in our country must not be forgotten. The process of Ankara being a capital, its planning experiences, projects created, urbanization phases and institutionalization practices have richness that will give us important lessons with their all positive and negative outcomes.

Abandoning holistic planning notion does not seem easily digestible. While in settlements a physical unity would not be exhibited and still disconnected mega projects will be realized, there may be some opportunities of this new era constructing a new understanding of holism on the agendas. What are these opportunities or tendencies?

While this fragmentation manifests itself physically, other inputs, which tend towards catching holism, should not be overlooked. Technological development and information systems render possible to be able to handle physically disconnected spaces within a whole. Fragmented space may find the way to integrity by network facilities. A management system, which realizes production, processing and distribution of information via information technology, can provide this unity. Integration of such an “urban management knowledge system” with planning discipline in the name of defending planning is inevitable. For instance, our present reference of “physical integrity of space” is from now on being replaced by “network integrity”. Being disconnected and fragmented in physical space, but providing integrity in a network is the case. We should be able to materialize management of information with “network space” to be able to control the

whole, the planning integrity. There is need for institutional transformations, which will execute “information management” to be able to control the urban environment with “network space”, while reducing fragmentation in physical space. Thus, a profession of “network planner” or “space planner” will be pronounced.

Such determinations are natural that they become continuation of an acceptance, which does not deny the planning phenomenon. Such assessing of post-modern conditions is suitable, without leaving modernist form of thinking; the argument of wholes and parts.

Günay describes the opposition of wholes to parts as the designing process of an organization. He indicates the aim should be to conceive, perceive, organize and communicate as wholes opposed to fragmented information. “When one hears a melody, one hears the notes plus something in addition to them which binds them together into a tune therefore, you perceive the melody as a whole... What is experienced in each partition of the melody is itself determined by the character of the whole. What is expressed ‘by the melody does not arise ... as a secondary process from the sum of the pieces as such’. What takes place in each single part already depends upon what the whole is (Günay, 2007).

So, without doubt, there is still a need to comprehend what “the whole” is about and this reality makes the process of integrative approaches not to be undermined.

Starting from policies, for example, policy integration arguments take the floor.

Policy integration should be done to eliminate chaos in legislation. The approach of “I did it; it's done” is no right. Determining joint policies (inter-sectoral shared understanding) that institutions and sectors will decide

together has become inevitable. Legal preparations should be declared in later stages; after the coordinative attempts.

Among the various authors' writings (Briassoulis 2004, Nadin 2003, Stead and Geerlings 2005, Von Homeyer 2006, Persson 2004), policy integration (PI) issues in relation of arguments stemming from sectoral policies, seems suitable to address the institutional misfit.(Briassoulis, 2004)..

Related to policy integration, in recent years, by the Lisbon Strategy of the EU, there has come out a debate of "open method of coordination". The open method of coordination (OMC) is eminently a legitimising discourse. It provides a community of policymakers with a common vocabulary. (Radaelli, 2003), In contrast to binding legal norms, this procedure is based rather on cooperation, reciprocal learning and the voluntary participation of the members and not on binding legal norms, minimum standards and economic pressures. (Heidenreich, 2006). It is expressed that the Lisbon process should focus on those areas such as the policy mix and the environment. The open method of coordination has potential, but primarily in areas with low externalities, where national governments must undertake long term reforms. (Collignon, Dehousse, Gabolde, Jouen, Pochet, Salais, Sprenger, and Sousa 2004)

Within this understanding, in our country for spatial planning involvements, there can be constituted a "coordination law" which will be a kind of framework law for governance purposes. Legal regulations and implementations of sectors should be aimed to be incorporative due to the provisions of this law.

As a guiding document, despite all of its shortcomings, KENTGES resolutions can be taken as the initial coordinative tool.

The Urban Development Strategy (KENTGES) document, which was prepared with broad participation with the agenda of the Ministry of Public Works and Settlement, was issued in Official Gazette on November 4, 2010. With this document, urbanization and planning arguments are provided a really important “political commitment”. For putting this political support into practice, an institutional participatory process must be constituted that will provide political integration.

It is put forward (Allmendinger and Haughton, 2007) that the growing policy emphasis is on the issues of ‘integrated spatial strategies.’ Coordinating and integrating the processes, institutions, plans and strategies of various sub-national strategic bodies is now seen by most politicians and policy makers as an essential part of moving towards more effective policies.

We care about strategic planning but, we should also keep in mind that this approach entails costly operations and is more exposed to undesired political interventions and also not efficient for long-term studies. To be able to use strategic planning very consciously, there is need for institutionalization that attaches importance to professional expertise and pays attention to process based policies.

As a common point leading to a general evaluation is the conduct of insistence we must show for the generation of agendas such as “reform for settlements”, “reform in planning” or “reform in city building” to be supported. Agendas that will prevent disconnection among sectors, among institutions and among professionals ensure unity can yield beneficial results.

In technical terms, the redundancy of plan typologies should be reduced in order to bring a plain and definable hierarchical planning order. Basically, for spatial planning applications, two levels or two tiers should be constructed, the one is at regional scale and the other at urban scale, with an umbrella

national spatial guidance at the top, all comprising a three-tiered spatial decision system.

Legal preparations should be formed with prospective understanding of law and flexible rules by defining discretion as well. An institutional structure, which expresses responsibilities and cares about inspection, is needed. A guiding that takes local characteristics into account, groups and classifies local administrations should be accomplished. Alternative planning approaches should be able to be put into practice considering local needs.

Proposals for urban development in our country should not be under the separated ceilings of planning and politics; on the contrary, should aim at rationalizing the mentioned coordinative association. There should be a joint structuring. Legal documents and laws, in their preparation phase must be conducted by participatory references. Law drafting is very crucial in terms of whether taking into account the consequences of impact assessment of various policy options or not. As related to subjects of planning and politics, rationalization here will stem from both of their functioning for socio-spatial purposes. Besides, “programming” an urban coalescence and adopting a “participatory action plan” are of really great importance.

All these arguments and proposals ofcourse are related with the responsibilities to be taken for an effective participation by all actors. For political opportunity structures to allow participation, capacity improvement will also be inevitable both in planning and political institutions.



## BIBLIOGRAPHY

**AGAMBEN, Giorgio (2005).** *State of Exception*, Chicago University of Chicago Press. , Chicago

**ALEXANDER, E.R. (2005).** Institutional Transformation and Planning: From Institutionalization Theory to Institutional Design. *Planning theory*, 4(3), 209-223. Allmendinger P., Tewdwr-Jones M. (editors) , Routledge, London

**ALLMENDINGER, P. & HAUGHTON G. (2007),** The fluid scales and scope of UK spatial planning, *Environment and Planning A*, 39(6) 1478 – 1496

**ALLMENDINGER, Philip (2002),** The Post-Positivist Landscape of Planning Theory, *Planning Futures- New Directions For Planning Theory*.

**ALTABAN, Ö. & DUYGULUER, F. (2004- 2).** Kamu Yönetiminin Yeniden Yapılandırılması ile ilgili Kanunlarda Son Durum, *Mimarlık*,319

**ALTABAN, Ö. & DUYGULUER, F. (2004-1).** Kamu Yönetiminin Yeniden Yapılandırılması Tasarıları Üzerine Notlar, *Mimarlık*, 317

**Anayasa Mahkemesi (1987).** *Anayasa Mahkemesi Kararı (Resmi Gazete : 18.04.1987 / 19435), E:1985/11, K:1986/29 .*

**ANDERS, Törnqvist (2003).** “*Role of Institutions in the Management of Planning Conflicts – Aspects of Rationality and Power*” Blekinge Tekniska Högskola, HSS 03 Bulletinen, 2003 Blekinge Institute of Technology. SE-371 79 Karlskrona.

**Ankara BŞB, (2005).** *Ankara Büyükşehir Belediyesi Meclis kararı*, 14.01.2005 gün ve 210 sayılı kararı

**Avrupa.info, (2007).** *Avrupa Birliği Türkiye İlerleme Raporları*, <http://www.avrupa.info.tr / tr / ab-ve-tuerkiye / katilim-muezakereleri / ilerleme-raporlari.html> (Accessed in 2007)

**BALDUCCI, Alessandro, (2003).** *Policies, Plans and Projects- Governing the City-region of Milan*, NSL - Network City and Landscape 2003

**BAPTISTA, Idalina (2010).** *Questioning Regimes of Exception in Urban Governance*. Paper read at the First Berlin Forum Innovation in Governance, 20-21 May 2010, Technische Universität Berlin, Berlin, Germany. ([http://www.innovation-in-governance.org / fileadmin / user\\_upload / Forum\\_2010/07.\\_Baptista\\_Regimes Exception.pdf](http://www.innovation-in-governance.org / fileadmin / user_upload / Forum_2010/07._Baptista_Regimes Exception.pdf), (accessed in Jan. 2012)

**Başbakanlık (2001).** 12.03.2001 gün ve 2001/12 sayılı *Genelge*

**Başbakanlık (2003).** “*Değişimin Yönetimi İçin Yönetimde Değişim*”. Kamu Yönetiminde Yeniden Yapılanma çalışmaları çerçevesinde hazırlana rapor, Başbakanlık, Ankara

**BeachheadTurkey JV (2012),** [http: // www.beachheadturkey.net / news-announcements / lawonredevelopmentofareasunderdisasterrisk](http://www.beachheadturkey.net / news-announcements / lawonredevelopmentofareasunderdisasterrisk) May 17, 2012. - Naci Tekin, (accessed in June 2012)

**BİANET (2012).** Bağımsız İletişim Ağı, [http: // bianet.org /bianet /other/ 140346-draft-bill-to-abolish-all-laws-that-protect-cities-and-nature](http://bianet.org /bianet /other/ 140346-draft-bill-to-abolish-all-laws-that-protect-cities-and-nature) (accessed in May 2012)

**BİB (2009).** Mekânsal Planlama Sistemi Ve Kurumsal Yapılanma Komisyonu Raporu , *Kentleşme Şûrası*, BİB Bayındırlık ve İskân Bakanlığı, Ankara

**BOOTH, Philip (2003).** *Planning By Consent: the Origins and Nature of British Development Control* , Routhledge, London.

**BRIASSOULIS, Helen (2004).** Policy Integration For Complex Policy Problems: What, Why And How”, IDHP Berlin Conference on the Human Dimensions of Global Environmental Change ‘*Greening of Policies – Interlinkages and Policy Integration*’, Freie Universität Berlin,

**CAMRI (2012),** *Antonio Gramsci, Concept of Hegemony*, Communications and Media Research Institute (CAMRI), University of Westminster, <http://www.theory.org.uk/ctr-gram.htm#hege>, (accessed in Jan. 2012)

**CARTWRIGHT T.J. (1991).** Planning and Chaos Theory, *Journal of American Planning Association* V.57, 1991

**CEYLAN, Aybike (2003).** *Structural Tools In The Making Of Cities: Form As A Development Control Mechanism*. Thesis, METU, Ankara

**COLLIGNON S., DEHOUSSE R., GABOLDE J, JOUEN M, POCHET P, SALAIS R, SPRENGER R.U., and SOUSA H.Z., (2004).** *The Lisbon Strategy And The Open Method Of Co-Ordination, 12 Recommendations For An Effective Multi-Level Strategy*, Policy paper, Notre Europe Group 2004, published on web, ”<http://www.notre-europe.eu/en/>”, (accessed in Oct. 2011)

**Council of Ethics for the Public Service of the Republic of Turkey (2009).** *Ethics for the Prevention of Corruption in Turkey*, Academic Research Report, Planning Ethics At Local Level, funded by the European Commission and implemented by the Council of Europe in co-operation with the Council of Ethics for the Public Service of the Republic of Turkey. May 2009

**CULLINGWORTH, B. (2005).** *Town and Country Planning in the UK* (13th edition) Routledge, London

**Cumhurbaşkanlığı (2004).** *Letter of The Presidency* dated 03.08.2004 to the Turkish Grand National Assembly, pointing the Fundamental Law of Public Administration to be restudied <http://www.tbmm.gov.tr/d22/1/1-0874.pdf> (accessed in 2004)

**DOLLERY B. & WAALIS J.L. (2001).** *The Political Economy of Local Government* - Edward Elgar Publishing Ltd , Cheltenham Glos UK

**DPT (2007).** *Özel İhtisas Komisyon Raporları* , [www.plan9.dpt.gov.tr](http://www.plan9.dpt.gov.tr), DPT, 9. Kalkınma Planı,

**DPT (2009),** *Kalkınma Ajansları Destek Yönetimi Kılavuzu*, Başbakanlık, Devlet Planlama Teşkilatı Müsteşarlığı, Bölgesel Gelişme Ve Yapısal Uyum Genel Müdürlüğü, Ankara

**DRAFT GREEN PAPER ON DEVELOPMENT AND PLANNING (1999).** *National Development And Planning Commission Document DPC 4/99*, Pretoria. South Africa

**DUYGULUER archive (2001).** *Endüstri Bölgeleri Kanun Tasarısı taslağı*, (the first draft), Jan. 2001, (Archive of F. Duyguluer)

**DUYGULUER, F. (1993).** *Post-Modern Düşünce Ortamında Planlama, 2. Kentsel Tasarım ve Uygulamalar Sempozyumu, s:17-20, Mimar Sinan Üniversitesi, İstanbul*

**DUYGULUER, F. (2003).** *Yasalar Değişirken Şehir Planlama ve Kurumlar, Şehircilikte Reform, 27. Dünya Şehircilik Günü Kolokyum kitabı, Şehir Plancıları Odası, Ankara*

**DUYGULUER, F. (2007).** *İmar Mevzuatının Kayıpları, Planlama Dergisi, 2006/4, Şehir Plancıları Odası, Ankara.*

**DUYGULUER, F. (2008 -1).** *İmar ve Siyaset Beraberliğinde Planlama, Batı Akdeniz Mimarlık, 39, Mimarlar Odası Antalya Şubesi dergisi, Antalya*

**DUYGULUER, F. (2008 -2).** *Kamu İhale Kanunu Ve İstisnalar, Memleket Mevzuat, 35, YAYED Yerel Yönetim Araştırma Yardım ve Eğitim Derneği, Ankara*

**e.Mevzuat** , Başbakanlık , Mevzuat Bilgi Sistemi, [http:// www.mevzuat.gov.tr](http://www.mevzuat.gov.tr) (accessed between Sept. 2011 – June 2012)

**EDWARDS, G.C., WATTENBERG M.P. & LINEBERRY L.L. (2011).** *Government In America People Politics and Policy*, Longman Pearson Education, Illinois

**ERGİN, Başak N. (2006).** *Grassroots Resistance Against Urban Renewal: The Case Of Güzeltepe, Istanbul*, Thesis, METU Department Of Sociology ,

**ERSOY, M., ŞENGÜL T., YOLOĞLU A.C., TUNÇ G., (2011).** *Sermaye Biçimleri ve Yerel Ekonomik Kalkınma. Amasya Örneği*, ODTÜ UPL, İmge Kitabevi, Ankara

**ERSOY, Melih (2003).** Merkezi ve Yerel Yönetimlerin Yeniden Yapılanmasına İlişkin Taslakların Getirdikleri”, *Planlama*, TMMOB Şehir Plancıları Odası Yayını, 2003/4; 41-50, Ankara

**ERSOY, Melih (2007).** Kapsamlı Planlama Yaklaşımına Karşı Sağdan Bir Eleştiri: Adım Adım (Aşamalı) *Planlama, Kentsel Planlama Kuramları*, Derleyen Melih Ersoy, İmge Yayınevi, Ankara

**FIAS (2001).** *Turkey Administrative Barriers To Investment*, Foreign Investment Advisory Service; a joint service of the International Finance Corporation and The World Bank

**GRUENING Gernod, (2001).** “Origin and theoretical basis of New Public Management”, *International Public Management Journal* 4 (2001) 1–25, University of St. Gallen, Switzerland

**GÜNAY, Baykan (2005)** “Baykan Günay ile Söyleşi”, *Olgu Çalışkan. Planlama Dergisi*, 2005/3, Şehir Plancıları Odası, Ankara

**GÜNAY, Baykan (2007),** Gestalt Theory And City Planning Education, *Journal Of The Faculty Of Architecture METU JFA* 2007/1, (24:1) 93-113, Ankara

**HALL, Peter (1988).** The Corning Revival of Planning, *Town and Country Planning*, Şubat 1988.

**HARVEY, David (1989).** *The Condition of Postmodernity An Enquiry into the Origins of Cultural Change* Blackwell, Massachusetts

**HASOL, Doğan (2012), Yeşil, Planlama, İstanbul:** [http://www.doganhasol.net/ Articles/yesil-planlama-istanbul\\_11118.html](http://www.doganhasol.net/Articles/yesil-planlama-istanbul_11118.html) (accessed, June 2012).

**HEALEY, Patsy (2006).** Territory, Integration and Spatial Planning, *Territory Identity and Spatial Planning, Spatial Governance in a Fragmented Nation*, edited by Mark Tewdwr- Jones and Philip Allmendinger Routledge, Oxon, UK

**HEIDENREICH, M. (2006)** *The Renewal of Regional Capabilities in Poland and Germany And The Open Method of Co-ordination in Action. A Way To The Europeanization Of Social And Employment Policies*. Eurocap Project, University of Bamberg, 2006

**HINCKS, Stepen,(2010)** Planning For The Interraction of Housing and Labor Markets in the Englih Regions, *International Planning Studies*, V15, Nov. 2010

**HISKEY, J.T.,(2006).** *Principals, Agents, And Decentralized Democratic Development A Conceptual Framework For Democratic Local Governance* , The Urban Institute, Washington DC, USA

**HOWLETT, Michael (2011).** *Designing Public Policies, Principles and Instruments*, Routledge London, UK

**İŞİK, Oğuz (1993).** Modernizmin Kenti / Postmodernizmin Kenti, *Birikim dergisi*, 53, İstanbul

**İÇİŞLERİ BAKANLIĞI (2012).** *Local Governments In Turkey*; [http: // www.migm.gov.tr / en / PDF / Generall information.pdf](http://www.migm.gov.tr/en/PDF/Generall%20information.pdf) Mahalli İdareler Genel Müdürlüğü WEB page (accessed in May 2012)

**İŞERİ, Emre (2007).** *Neo-gramscian Analysis of US Hegemony Today*, In-Spire, Journal of Law, Politics and Societies, 2, <http://www.in-spire.org/archive.html>, Keele University's Research Institute, (accessed in Feb. 2012)

**JAMESON, F., LYOTARD J-F. & HABERMAS J.(1990).** *Postmodernism*, Kiyı Yayınları, 1990 İSTANBUL

**JENCKS, Charles, (1989)** *What is Post-Modernism* Acedemy Editions 1989, London

**KAHRAMAN, Tayfun (2011).** Planlamanın İmkansızlığı: Özelleştirmeler ve Kentsel Rant, *Ölçü Dergisi*, İstanbul

**KARAKURT, Elif (2006).** Kentsel Mekanı Düzenleme Önerileri: Modern Kent Planlama Anlayışı ve Postmodern Kent Planlama Anlayışı, *Erciyes Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi*, 26, Kayseri

**KESKİNOK, Çağatay (2006).** *Kentleşme Siyasetleri*, Kaynak yayınları, Ankara

**KESKİNOK, Çağatay (2012)** Planlama Ve Mimarlık Alanının Son On Yılı Sempozyumu, YTÜ, 9. Oturum – *Panel - Sempozyum Kitabı*, Mimarlar Odası

**KORDER (2012)**, *Afet Riski Altındaki Alanların Dönüştürülmesi Hakkında Kanun Tasarısı, Korder Görüşü*, Koruma Ve Restorasyon Uzmanları Derneği, Ankara, <http://www.korder.org> (accessed in March,. 2012).

**KURUÇ, Bilsay, (2010)**, Bir Planın Anatomi Polisi: Dördüncü Planın Hazırlanışı ve Sonu, *Türkiye’de Planlamanın Yükselişi ve Çöküşü 1960-1980*; Atilla Sönmez’e Armağan, Ergun TÜRKCAN (hazırlayan), İstanbul Bilgi Üniversitesi, İstanbul

**LARBI, George A. (1999)**. *The New Public Management Approach and Crisis States*, United Nations Research Institute For Social Development; UNRISD Discussion Paper No. 112, Geneva

**LYOTARD Jean-François, (1990)**. *Postmodern Durum*, Ara Yayınları 1990,İSTANBUL,

**Maliye Bakanlığı (2006)** *Turkey, Elements Of The Public Integrity System Assessment* August 2006; General Directorate of Budget and Fiscal Control , Ankara

**MOLTUMYR, Asle (2003)** Renewing The Planning And Building Act: Can We Create A Useful Instrument For “New” Sectoral Interests And Professional Groups?; Paper presented in the semposium *Local Planning In Change*, Lillehammer, *Translated from Norwegian by Carol B. Eckmann* , Nordic Symposium, Lillehammer

**MOUSHIBAHOU, A. AD. (2010)**. *An Empirical Study Of The Phenomenon Of Retroactive Participation Of Sub-National Investment Companies In Privatised Firms in Nigeria*, Thesis Doctor Of Philosophy St. Clements University, Turks & Caicos Islands

**NADIN, Vincent (2003)** Spatial Planning and Sustainable Development, *European Regional Sustainable Development Network*, Policy Seminar, Asturias

**NADİN, V. & STEAD, D. (2008)**. European Spatial Planning Systems, Social Models and Learning, *Disp The Planning Review*, 172

**NALAS, (2010)**. *Turkey Basic Facts Metropolitan Municipalities*, Network Of Associations Of Local Authorities In South Eastern Europe, <http://www.nalas.eu/fd/facts/turkey.html>, Skopje, Macedonia (accessed in June 2012)

**NOT BORED, (2006)**. “The Secret of George W. Bush's Power: the State of Exception”, irregularly published, photocopied journal *NOT BORED*.

Brooklyn, New York 11214 (<http://www.notbored.org/state-of-exception.html>), October 2006, Selected texts, no:38 (accessed in June 2012)

**Oakerson, Ronald J. & Parks Roger B. (2011).** The Study of Local Public Economies: Multi-organizational, Multi-level Institutional Analysis and Developmentpsj\_400 147..168, *Policy Studies Journal*, 39:1, Blackwell Publing, UK

**OSTROM, Vincent (1973).** *The Intellectual Crisis in American Public Administration*, University Of Alabama Press, Alabama

**ÖZEN, Özden Y., (1982).** *Konut ve çevresi Niteliklerinin Sınırlandırılması ve İlgili Mevzuat Düzeni Önerileri* Konut Kurultayı, TMMOB,1982

**PADDISON, Ronan (1983).** *The Fragmented State, The Political Geography of Power*. Oxford : Blackwell, 1983.

**PEDERSEN, A.R., SEHESTED, K. & SORENSEN, E.(2011).** Emerging Theoretical Understanding of Pluricentric Coordination in Public Governance, *American Review of Public Administration*. 41(4): 375-394. SAGE publication, USA

**PENPECİOĞLU, Mehmet (2010).** HES'ler, Kentsel Dönüşüm Projeleri ve AKP: Neo-Liberal Hegemonyanın Değişen Yüzü Mü?, *Memleket Mevzuat*, 66 , YAYED Yerel Yönetim Araştırma Yardım ve Eğitim Derneği, Ankara

**PERSSON, Asa, (2004),** Environmental Policy Integration: An Introduction, *PINTS – Policy Integration for Sustainability, Background Paper*, Stockholm Environment Institute

**RADAELLI, C.M. (2003),** *The Open Method of Coordination: A New Governance Architecture for the European Union*. – Preliminary report – SIEPS Swedish Institute for European Policy Studies, 2003

**Resmi Gazete, (1939 - 4219),** 3611 sayılı *Nafia Vekâleti Teşkilât Ve Vazifelerine Dair Kanun*, RG: 30.05.1939 / 4219, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (1993 - 21489).** *Çevresel Etki Değerlendirilmesi Yönetmeliği* (RG 07.02.1993 / 21489, 23.06.1997/ 23028 ) Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2002 - 24708).** *Sağlık Bakanlığı Özel Hastaneler Yönetmeliği*, RG27.03.2002/24708, 28.05.2004 / 25475 , Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2002 - 24777).** *Çevresel Etki Değerlendirilmesi Yönetmeliği* (RG 06.06.2002 / 24777) Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2002 - 24888).** *İstatistiki Bölge Birimleri Sınıflandırmasının Tanımlanmasına dair Karar*, Bakanlar Kurulu Kararı, Karar Sayısı : 2002/4720, RG 22.09.2002 / 24888, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2003 - 25186).** 4957 sayılı *Turizmi Teşvik Kanununda Değişiklik Yapılması Hakkında Kanun*, RG : 01.08.2003 / 25186, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2003 - 25318).** *Çevresel Etki Değerlendirilmesi Yönetmeliği* (RG 16.12.2003 / 25318) Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2004 - 25400),** 5104 sayılı *Kuzey Ankara Girişi Kentsel Dönüşüm Projesi Kanunu*, RG: 12.03.2004 / 25400 Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2004 - 25535).** 5226 sayılı *Kültür ve Tabiat Varlıklarını Koruma Kanunu ile Çeşitli Kanunlarda Değişiklik Yapılması Hakkında Kanun*, RG: 27.07.2004 – 25535, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2004 - 25672).** *Çevresel Etki Değerlendirilmesi Yönetmeliği* (RG 16.12.2004 / 25672 ) Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2005 - 24745).** 5302 sayılı *İl Özel İdaresi Kanunu* (RG: 04.03.2005/ 24745, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2005 - 25866).** 5366 sayılı *Yıpranan Tarihi ve Kültürel Taşınmaz Varlıkların Yenilenerek Korunması ve Yaşatılarak Kullanımı Hakkında Kanun*, RG: 05.07.2005/25866, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2005 - 25874).** 5393 sayılı *Belediye Kanunu*, RG 13.07.2005 / 25874, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2005 - 25880).** 5403 sayılı *Toprak Koruma ve Arazi Kullanım Kanunu*, RG: 19.7.2005/25880, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü



**Resmi Gazete, (2005 - 25983).** 5411 sayılı *Bankacılık Kanunu*, RG 01.11.2005 / 25983 (Mükerrer), Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2006 - 26074).** 5449 sayılı *Kalkınma Ajanslarının Kuruluşu, Koordinasyonu Ve Görevleri Hakkında Kanun*, RG : 08.02.2006 / 26074, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2006 - 26179)** *Kamu İdarelerinde Stratejik Planlamaya İlişkin Usul Ve Esaslar Hakkında Yönetmelik*, RG: 26.05.2006 / 26179, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2006 - 26326).** *Sağlık Bakanlığı Özel Hastaneler Yönetmeliği*, RG21.10.2006 / 26326, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2008 - 27048).** *Kalkınma Ajansları Proje Ve Faaliyet Destekleme Yönetmeliği*, RG: 08.11.2008 /27048

**Resmi Gazete, (2009 - 27261),** 5902 sayılı *Afet Ve Acil Durum Yönetimi Başkanlığının Teşkilat Ve Görevleri Hakkında Kanun*, RG: 17.06.2009 / 27261

**Resmi Gazete, (2011 - 27958).** 642 sayılı *Doğu Anadolu Projesi, Doğu Karadeniz Projesi Ve Konya Ovası Projesi Bölge Kalkınma İdaresi Başkanlıklarının Teşkilat Ve Görevleri Hakkında Kanun Hükmünde Kararname*, RG: 08.06.11 / 27958 (Mükerrer)

**Resmi Gazete, (2011 - 27984).** 644 sayılı *Çevre Ve Şehircilik Bakanlığının Teşkilat Ve Görevleri Hakkında Kanun Hükmünde Kararname* , RG: 04.07.2011 / 27984 (Mükerrer), Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete, (2012 - 28309).** 6306 sayılı *Afet Riski Altındaki Alanların Dönüştürülmesi Hakkında Kanun*, RG: 31.05.2012 / 28309, Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü

**Resmi Gazete;** Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü, [http:// www.resmigazete.gov.tr](http://www.resmigazete.gov.tr) (accessed between Sept 2011-June 2012)

**RHODES, R. A.W. (1997).** *Understanding Governance - Policy Networks, Governance, Reflexivity and Accountability*, Open University Press , Buckingham, Philadelphia

**RIVOLIN, U.J. & FALUDI A. (2005)** The Hidden Face of European Spatial Planning: Innovations in Governance *European Planning Studies* 13 (2)

**STEAD, D. And GEERLINGS, H. (2005)** *Integrating Transport, Land Use Planning and Environmental Policy in Denmark, Germany, and England: From Theory to Practice*, The Netherlands Agency For Energy and The Environment – NOVEM; printed in *Innovation in Social Sciences*. 18(4), pp 443-453.

**STEEDMAN, Marek D. (2004)**. State Power, Hegemony, and Memory: Lotman and Gramsci, *Poroi*: 3(1), <http://ir.uiowa.edu/poroi/vol3/iss1/5/>, Iowa, (accessed in Feb. 2012)

**ŞPO (2004)**. Yeni Büyükşehir Belediye Yasası İle Yerel Demokrasi Kısıtlanıyor, *Basın Açıklaması*, Çarşamba, 18 Ağustos, 2004, Şehir Plancıları Odası Ankara Şubesi,

**TBMM (1982)**. 12.03.1982 tarihli *Genel Kurul Görüşmeleri Tutanağı*; Milli Güvenlik Konseyi S. Sayısı : 261; Turizmi Teşvik Kanunu Tasarısı Ve İhtisas Komisyonu Raporu 1/207) (National Security Council SS No: 261, the Bill of the Law for the Encouragement of Tourism and Specialization Commission Report. 1/207)

**TBMM (2003)**. *Kamu Yönetimi Temel Kanunu Tasarısı Gerekçesi*, Aralık 2003,Dönem : 22 Yasama Yılı : 2 T.B.M.M.(S. Sayısı : 349)

**TBMM (2012 -1)**. *TC Hükümetleri Programları 1923-2012*, Kütüphane ve Arşiv Hizmetleri Başkanlığı, [http:// www.tbmm.gov.tr / kutuphane](http://www.tbmm.gov.tr/kutuphane) (accessed in 2008)

**TBMM (2012 -2)**. *Kamu İhale Kanun ve Gerekçesi, Hükümet Teklifi*, 20.11.2001, Yasama Kanunlar – [http : // www2.tbmm.gov.tr / d21/1/1-0930.pdf](http://www2.tbmm.gov.tr/d21/1/1-0930.pdf) (accessed in 2007)

**TIBBALDS, Francis (1988)**. Urban Design, *The Planner*, March 1988

**TTBNİY (2005)**.*Turizm Tesislerinin Belgelendirilmesine ve Niteliklerine İlişkin Yönetmelik* (RG: 21.06.2005/ 25852 )

**TTY (2000)**. *Turizm Tesisleri Yönetmeliği* (RG: 06.07.2000/24101 )

**TÜRKÜN, Asuman (2011)**. *Urban Regeneration In İstanbul: Relocation Of Urban Poverty*, Dünya Şehircilik Günü 7. Türkiye Şehircilik Kongresi, YTÜ, İstanbul, [http://www.isocarp.org/ fileadmin/user\\_upload/ network/Book\\_of\\_Abstracts\\_ ENG\\_and\\_TUR.pdf](http://www.isocarp.org/fileadmin/user_upload/network/Book_of_Abstracts_ENG_and_TUR.pdf) (accessed in Jan. 2012)

**TYİNY (1993)**. *Turizm Yatırım ve İşletmeleri Nitelikleri Yönetmeliği* (RG: 21.11.1991/21058, 14.10.1993/21728 )

**Von HOMEYER, Ingmar (2006)**, *Environmental Policy Integratiin and Modes of Governance- State of The Art Report*, EPIGOV Paper No:2,

**WALSH, Cormac (2010).** *Coordinating the Spatial Impacts of Sectoral Policies? Practices of and Potentials for Strategic Spatial Planning in the Dublin City-region*, National Institute for Regional and Spatial Analysis (NIRSA - working paper) NUI, Maynooth, Ireland

**WEBSTER, Christopher J. (1998).** Public Choice, Pigouvian and Coasian Planning Theory, *Urban Studies*, 35(1):53-75

**Wikipedia (2012 - 1).** *Vincent\_Ostrom*, [http : // en.wikipedia.org / wiki / Vincent\\_Ostrom](http://en.wikipedia.org/wiki/Vincent_Ostrom), (accessed in Jan. 2012)

**Wikipedia (2012 - 2).** *Cultural Hegemony*, [http : // en.wikipedia.org / wiki / Cultural\\_hegemony](http://en.wikipedia.org/wiki/Cultural_hegemony), 2012 (accessed in Jan. 2012)

**Wikipedia (2012 - 3).** *Power (Philosophy)*, [http://en.wikipedia.org /wiki/ Power\\_ \(philosophy\)#Marxism](http://en.wikipedia.org/wiki/Power_(philosophy)#Marxism), (accessed in Jan. 2012)

**Wikipedia (2012 - 4).** *Giorgio Agamben*, [http://en.wikipedia.org/ wiki/ Giorgio\\_Agamben](http://en.wikipedia.org/wiki/Giorgio_Agamben), 2012, (accessed in Jan. 2012)

**YAMAMOTO, Hiromo (2003).** *New Public Management- Japan' Practice*, Institute For International Policy Studies, IIPC Policy paper 293 E, Tokyo

**YIFTACHEL, Oren (2010).** *From Sharon to Sharon: Spatial planning and separation regime in Israel/Palestine*, Hagar, 1

**Yüksek Planlama Kurulu (2010),** KENTGES *Bütünleşik Kentsel Gelişme Stratejisi ve Eylem Planı* 2010-2023, RG: 04.2010 / 27749, Yüksek Planlama Kurulu Kararı

## APPENDIX A

### Compilation of Legal Documents

(81 Laws, 18 Decrees Having The force of Law and 4 Decisions Of the Council of Ministers)

**Table A : Laws (81 laws)**

<b>Number of the law</b>	<b>Laws</b>	<b>Original (Turkish )Name of The Law</b>	<b>Date of the Official Gazette</b>
442	<b>The Village Law</b>	Köy Kanunu	07.04.24
1593	<b>The Public Health Law</b>	Umumi Hıfzıssıhha Kanunu	06.05.30
2510	<b>The Settlement Law</b>	İskan Kanunu	21.06.34
4759	<b>The Law Of The Bank Of Provinces</b>	İller Bankası Kanunu	23.06.45
6200	<b>The Organization And Duties Of General Directorate Of State Hydraulic Works</b>	Devlet Su İşleri Umum Müdürlüğünün Teşkilat Ve Vazifeleri Hakkında Kanun	25.12.53
6785	<b>The Reconstruction Law (First Law On Urban Planning)</b>	İmar Kanunu	16.07.56
6831	<b>The Forestry Law</b>	Orman Kanunu	08.09.56
7269	<b>The Disaster Law; (Law On Measures To Be Taken And Assistance To Be Directed Due To Disasters Having Influence On Social Life)</b>	Afet Kanunu; Umumi Hayata Müessir Afetler Dolayısıyla Alınacak Tedbirlerle Yapılacak Yardımlara Dair Kanun	25.05.59
775	<b>The Squatter Housing Law</b>	Gecekondu Kanunu	30.07.66
1380	<b>The Fisheries Law</b>	Su Ürünleri Kanunu	04.04.71

1593	<b>The Law Of Access Controlled Highway Law</b>	Erişme Kontrollü Karayolu Kanunu	11.06.72
2302	<b>The Law On Celebrating Atatürk's Birth Centenary And Establishment Of The Atatürk Culture Center</b>	Atatürk'ün Doğumunun 100. Yılı'nın Kutlanması Ve "Atatürk Kültür Merkezi Kurulması Hakkında Kanun	26.09.80
2499	<b>The Capital Market Law</b>	Sermaye Piyasası Kanunu	30.07.81
2560	<b>The ISKI Law (Law Of Organization And Duties Of The Istanbul Water And Sewerage Authority )</b>	İSKİ Kanunu; İstanbul Su Ve Kanalizasyon İdaresi Gn.Md.Nün Kuruluş Ve Görevleri Hk.Kanun	23.11.81
2565	<b>The Law On Military Forbidden Zones</b>	Askeri Yasak Bölgeler Kanunu	22.12.81
2634	<b>The Tourism Encouragement Law</b>	Turizmi Teşvik Kanunu	16.03.82
2709	<b>The Constitution Of The Republic Of Turkey</b>	Constitution Of The Republic Of Turkey Tc Anayasası	09.11.82
2863	<b>The Cultural And Natural Heritage Law</b>	Kültür Ve Tabiat Varlıkları Koruma Kanunu	23.07.83
2873	<b>The National Parks Law</b>	Milli Parklar Kanunu	11.08.83
2960	<b>The Bosphorus Law</b>	Boğaziçi Kanunu	22.11.83
2981	<b>The Reconstruction Amnesty Law ( Law Pertaining To Procedures To Be Applied For Informal Buildings And An Amendment To An Article In The Reconstruction Law 6785)</b>	İmar Affı Kanunu (İmar Ve Gecekondu Mevzuatına Aykırı Yapılara Uygulanacak Bazı İşlemler Ve 6785 Sayılı İmar Kanununun Bir Maddesinin Değiştirilmesi Hakkında Kanun)	08.03.84
3030	<b>The Metropolitan Municipalities Law</b>	Büyükşehir Belediyesi Kanunu	09.07.84
2985	<b>The Mass Housing Law</b>	Toplu Konut Kanunu	17.08.84
3083	<b>The Agricultural Land Reform Law Pertaining Land Readjustment On Irrigation Areas</b>	Sulama Alanlarında Arazi Düzenlemesine Dair Tarım Reformu Kanunu	01.12.84

3194	<b>The Reconstruction Law (Urban Planning Law)</b>	İmar Kanunu	09.05.85
3213	<b>The Mining Law</b>	Maden Kanunu	15.06.85
3218	<b>The Free Zones Law</b>	Serbest Bölgeler Kanunu	15.06.85
6551	<b>The Law On Removal Of Monopoly Of Gunpowder, Explosive Substances, Weapons, Accessories And Hunting Supplies (Regulation Of Explosive Substances 1987)</b>	Barut Ve Patlayıcı Maddelerle Silah Ve Teferruatı Ve Av Malzemesinin İhhisardan Çıkarılması Hakkında Kanun.(1955) →(Patlayıcı Maddeler Tüzük 1987)	29.09.87
2872	<b>The Environmental Law (Water Pollution Control Bylaw 1988)</b>	Çevre Kanunu	04.09.88
3621	<b>The Coast Law</b>	Kıyı Kanunu	17.04.90
3796	<b>The Law Pertaining To The Olympic Games To Be Held In Istanbul</b>	İstanbul Kentinde Yapılacak Olimpiyat Oyunları Kanunu	05.05.92
4046	<b>The Law On The Regulation Of Privatization Applications</b>	Özelleştirme Uygulamalarının Düzenlenmesine Dair Kanun	27.11.94
4342	<b>The The Pasture Law</b>	Mera Kanunu	28.02.98
4533	<b>The The Law On The Gallipoli Peninsula Historical National Park</b>	Gelibolu Yarımadası Tarihi Milli Parkı Kanunu	20.02.00
4562	<b>The The Law On Organized Industrial Zones</b>	Organize Sanayi Bölgeleri Kanunu	18.04.00
4646	<b>The Natural Gas Market Law</b>	Doğal Gaz Piyasası Kanunu	02.05.01
4691	<b>The Technology Development Zones Law</b>	Teknoloji Geliştirme Bölgeleri Kanunu	06.07.01
4708	<b>The Building Inspection Law</b>	Yapı Denetimi Hakkında Kanun	13.07.01
4706	<b>The Law Of Assessment Of Immovable Properties Of The Treasury</b>	Hazineye Ait Taşınmaz Malların Değerlendirilmesi Hakkında Kanunanun	18.07.01

4737	<b>The Industrial Zones Law</b>	Endüstri Bölgeleri Kanunu	19.01.02
4059	<b>The Law On The Organization And Duties Of The Undersecretary Of Treasury</b>	Hazine Müsteşarlığının Teşkilat Ve Görevleri Hakkında Kanun	10.04.03
4848	<b>The Law On The Organization And Duties Of The Ministry Of Culture And Tourism</b>	Kültür Ve Turizm Bk. Teşkilât Ve Görevleri Hakkında Kanun	29.04.03
4856	<b>The Law On The Organization And Duties Of The Ministry Of Environment And Forestry</b>	Çevre Ve Orman Bakanlığının Teşkilat Ve Görevleri Hakkında Kanun	08.05.03
4875	<b>The Foreign Direct Investment Law</b>	Doğrudan Yabancı Yatırımlar Kanunu	17.06.03
4916	<b>The Law Amending Certain Laws And The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Finance</b>	Çeşitli Kanunlarda Ve Maliye Bakanlığının Teşkilât Ve Görevleri Hakkında Kanun Hükmünde Kararnamede Değişiklik Yapılması Hakkında Kanun	19.07.03
4969	<b>The Law On The Amendment Of Certain Laws And Legislative Decrees (Parliamentarian residences)</b>	Bazı Kanunlarda Ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılmasına Dair Kanun (milletvekili Lojmanları)	12.08.03
5003	<b>The Law Pertaining to The Principles and Procedures To Be Applied For The Divided Highways To Be Constructed By The General Directorate Of Highways</b>	Karayolları Genel Müdürlüğüne Yapılacak Bölünmüş Yol İnşasında Uygulanacak Usûl Ve Esaslar Hakkında Kanun	22.11.03
5018	<b>The Public Financial Management And Control Law</b>	Kamu Mali Yönetimi Ve Kontrol Kanunu	24.12.03
5104	<b>The Law Of Northern Ankara Entry Urban Renewal Project</b>	Kuzey Ankara Girişi Kentsel Dönüşüm Projesi Kanunu	12.03.04

5225	<b>The Law Of The Cultural Investment And Enterprise Incentives Law</b>	Kültür Yatırımları Ve Girişimlerini Teşvik Kanunu	21.07.04
5525	<b>The Law Of Encouragement Of Cultural Investments and Enterprises</b>	Kültür Yatırımları ve Girişimlerini Teşvik Kanunu	21.07.04
5216	<b>The Metropolitan Municipality Law</b>	Büyükşehir Belediyesi Kanunu	23.07.04
5226	<b>The Law Amending The Cultural And Natural Heritage Law</b>	Kültür Ve Tabiat Varlıkları Kanununda Değişiklik Yapılması Hakkında Kanun	27.07.04
5234	<b>The Law On The Amendment Of Certain Laws And Legislative Decrees (Haydarpaşa)</b>	Bazı Kanun Ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılmasına Dair Kanun (Haydarpaşa)	21.09.04
5273	<b>The Law Of Abolition Of The Land Office And Amendment Of The Public Housing Law</b>	Arsa Ofisi Kanunu Ve Toplu Konut Kanununda Değişiklik Yapılması Ile Aogm'nün Kaldırılması Hak. Kanun	15.12.04
5302	<b>The Special Provincial Administration Act</b>	İl Özel İdaresi Kanunu	04.03.05
5327	<b>The Law Pertaining To Earthquake Disasters That Struct Denizli/Buldan, Hakkari, The Bingöl/Karlıova And Erzurum/The Çat As Well As On Amendment Of Certain Laws</b>	Denizli/Buldan Ve Çevresinde, Hakkari'de, Bingöl/Karlıova Ve Çevresi İle Erzurum/Çat'da Meydana Gelen Deprem Afetlerine Ve Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun	06.04.05
5335	<b>The Law On The Amendment Of Certain Laws And Legislative Decrees (TCDD owned lands)</b>	Bazı Kanun Ve Kanun Hükmündeki Kararnamelerde Değişiklik Yapılmasına Dair Kanun (TCDD arsaları)	27.04.05
5355	<b>The Local Administration Unions Law</b>	Mahalli İdare Birlikleri Kanunu	11.06.05



5366	<b>The Law Pertaining To Renovation And Reuse Of Deteriorated Historical And Cultural Assets</b>	Yıpranan Tarihi Ve Kültürel Taşınmaz Varlıkların Yenilenerek Korunması Ve Yaşatılarak Kullanılması Hakkında Kanun	05.07.05
5393	<b>The Municipal Law</b>	Belediye Kanunu	13.07.05
5403	<b>The Soil Conservation And Land Use Law</b>	Toprak Koruma Ve Arazi Kullanımı Kanunu	19.07.05
5398	<b>The Law Concerning Arrangements For The Implementation Of Privatization And Amending Certain Laws And Decrees (Planning Issues Of 3194)</b>	Özelleştirme Uygulamalarının Düzenlenmesine Ve Bazı Kanun Ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılmasına Dair Kanunda (3194 İmar Konuları)	21.07.05
5449	<b>The Law On Establishment, Coordination And Duties Of Development Agencies</b>	Kalkınma Ajanslarının Kuruluşu, Koordinasyonu Ve Görevleri Hakkında Kanun	08.02.06
5488	<b>The Agriculture Law</b>	Tarım Kanunu	25.04.06
5524	<b>The Law Amending The The Law Of Atatürk Orman Çiftliği Directorate (5659 Rg 1/4/1950)</b>	Atatürk Orman Çiftliği Müdürlüğü Kuruluş Kanununda Değişiklik Yapılmasına İlişkin Kanun	08.07.06
5538	<b>The Law Adjoining Some of the Provisions Listed in the Budget Law To Relevant Laws And Decrees HFOL, And Amending Certain Laws and Decrees HFOL .(Municipal Law is amended))</b>	Bütçe Kn.da Yer Alan Bazı Hükümlerin İlgili Kn. Ve KHKlere Eklenmesi Ve Bazı Kn. Ve KHKlerde Değışk. Yap. Dair Kn. (Belediye Kanunu Değişikliği)	12.07.06
5543	<b>The Settlement Law</b>	İskan Kanunu	26.09.06
5015	<b>The Petroleum Market Law</b>	Petrol Piyasası Kanunu	13.02.07

5648	<b>The Law On The Organization And Duties Of The Administration Of Agriculture And Support Of Rural Development</b>	Tarım Ve Kırsal Kalkınmayı Destekleme Kurumu Kuruluş Ve Görevleri Hakkında Kanun	18.05.07
5686	<b>The Law On Geothermal Resources And Natural Mineral Waters</b>	Jeotermal Kaynaklar Ve Doğal Mineralli Sular Kanunu	17.06.07
5706	<b>The Law Pertaining To Istanbul 2010 The Culture Capital Of Europe</b>	İstanbul 2010 Avrupa Kültür Başkenti Hakkında Kanun	14.11.07
5793	<b>The Law On The Amendment Of Certain Laws And Legislative Decrees (TCDD owned lands)</b>	Bazı Kanun Ve Kanun Hükmündeki Kararnamelerde Değişiklik Yapılmasına. Dair Kanun (TCDD arsaları)	06.08.08
3348	<b>The Law On The Organization And Duties Of The Ministry Of Transport</b>	Ulaştırma Bakanlığının Teşkilat Ve Görevleri Hakkında Kanun	30.10.08
4458	<b>The Customs Law</b>	Gümrük Kanunu Sınır Ticaretinin Düzenlenmesine İlişkin Karar”In Yürürlüğe Konulması 16.05.09	16.05.09
5902	<b>The Law Pertaining To Organization And Duties Of The Presidency Of Disaster And Emergency Management</b>	Afet Ve Acil Durum Yönetimi Başkanlığının Teşkilat Ve Görevleri Hakkında Kanun	17.06.09
6001	<b>The Law Pertaining To Organization And Duties Of The General Directorate Of Highways</b>	Karayolları Genel Müdürlüğünün Teşkilat Ve Görevleri Hakkında Kanun	13.07.10
6083	<b>The Law On Organization And Duties Of The General Directorate Of Land Registry And Cadastre</b>	Tapu Ve Kadastro Genel Müdürlüğü Teşkilat Ve Görevleri Hakkında Kanun	10.12.10

6107	<b>The Bank Of Provinces Joint Stock Company Law</b>	İller Bankası Anonim Şirketi Hakkında Kanun	08.02.11
6292	<b>The Law On Supporting The Development Of Villagers At Forest Areas And Utilization Of The Places That Are Excluded From The Boundaries Of Forest Areas In Favor Of The Treasury As Well As On Sale Of Agricultural Land That Belong To The Treasury</b>	Orman Köylülerinin Kalkınmalarının Desteklenmesi Ve Hazine Adına Orman Sınırları Dışına Çıkarılan Yerlerin Değerlendirilmesi İle Hazineye Ait Tarım Arazilerinin Satışı Hakkında Kanun	26.04.12
6306	<b>The Law on Transformation of Areas Under Disaster Risk,</b>	Afet Riski Altındaki Alanların Dönüştürülmesi Hakkında Kanun	31.05.12

**Table B: Decrees Having The force of Law (18 decrees)**

<b>Number of the Decree</b>	<b>Decrees Having The force of Law</b>	<b>Original (Turkish) Name of The Decree</b>	<b>Date of the Official Gazette</b>
178KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Finance</b>	Maliye Bakanlığının Teşkilat ve Görevleri Hakkında KHK	14.12.83
	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Special Environment Agency</b>	Başbakanlık Özel Çevre Koruma Kurumu Başkanlığı Kurulmasına Dair Kanun Hükmünde Kararname	13.11.89
388KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Southeast Anatolian Project (GAP) Administration</b>	Güneydoğu Anadolu Projesi Bölge Kalkınma İdaresi Teşkilatının Kuruluş ve Görevleri Hakkında Kanun Hükmünde Kararname	06.11.89

441KHK	<b>The Law Pertaining To Organization and Duties Of The Ministry Of Agriculture and Rural Affairs</b>	Tarım ve Köyişleri Bk.nın Kuruluş ve Görevleri hk KHK	09.08.91
443KHK	<b>4The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Environment</b>	Çevre Bk.nın Kuruluş Ve Görevleri Hk. KHK (2000 yılından itibaren bakanlıkça yapılmaya başlanan planlar	21.08.91
491KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Undersecretary Of Maritime Affairs</b>	Denizcilik Müsteşarlığının Görevleri Hakkında Kanun Hükmünde Kararname	19.08.93
540KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The State Planning Organization</b>	Devlet Planlama Teşkilatı Kuruluş Ve Görevleri Hakkında Kanun Hükmünde Kararname	24.06.94
635KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Science, Industry and Technology</b>	Bilim, Sanayi ve Teknoloji Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname	08.06.11
637KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Economy</b>	Ekonomi Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname	08.06.11
639KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Food, Agriculture and Livestock</b>	Gıda, Tarım ve Hayvancılık Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname	08.06.11
640KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Customs and Commerce</b>	Gümrük ve Ticaret Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname	08.06.11

641KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Development</b>	Kalkınma Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname	08.06.11
642KHK	<b>The Decree Having The Force Of Law Pertaining To Organization And Duties Of Regional Development Administrations (Eastern Anatolia Project (DAP), Eastern Blacksea Project( DKP) and Konya Plain Project (KOP))</b>	Doğu Anadolu Projesi, Doğu Karadeniz Projesi ve Konya Ovası Projesi Bölge Kalkınma İdaresi Başkanlıklarının Teşkilat ve Görevleri Hakkında KHK	08.06.11
644KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Environment and Urbanism</b>	Çevre ve Şehircilik Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname	04.07.11
645KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Forestry and Water Affairs</b>	Orman ve Su İşleri Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname	04.07.11
652KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Education</b>	Milli Eğitim Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname	14.09.11
655KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Transportation, Maritime Affairs and Communication</b>	Ulaştırma, Denizcilik ve Haberleşme Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname	01.11.11
663KHK	<b>The Decree Having The Force Of Law Pertaining To Organization and Duties Of The Ministry Of Health</b>	Sağlık Bakanlığı ve Bağlı Kuruluşların Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname	02.11.11

**Table C : Decisions Of the Council of Ministers (4 decisions)**

<b>Number of the Decision</b>	<b>Decisions Of the Council of Ministers</b>	<b>Original (Turkish)Name of The Decision</b>	<b>Date of the Official Gazette</b>
08/14451	<b>Council Of Ministers Decision On The Establishment Of Border Trade Centers</b>	Bakanlar Kurulu Kararı; Sınır Ticaret Merkezleri Kurulmasına Hakkında Karar (eskisi 2003 tarihli ve 5408 sayılı)	16.05.09
99/13650	<b>Council Of Ministers Decision On Approval To Establish The World Bank's Representative Office In Ankara. (Marmara Earthquake Emergency Reconstruction Project; Loan Agreement between Republic Of Turkey And International Bank For Reconstruction And Development)</b>	Bakanlar Kurulu Kararı :Dünya Bankası'nın Ankara'da Temsilcilik Ofisi Açması Hakkında Karar; Marmara Depremi Acil Yeniden Yapılandırma Projesi ; Türkiye Cumhuriyeti ile Uluslararası İmar ve Kalkınma Bankası Arasında imzalanan İkraz Anlaşması	05.12.99
84/7601	<b>Council Of Ministers Decision On Convention On The Conservation Of Nature and Natural Habitats Of Europe</b>	Bakanlar Kurulu Kararı; Avrupa'nın Yaban Hayatı ve Yaşama Ortamlarını Koruma Sözleşmesi	20.02.84
94 /5434	<b>Council Of Ministers Decision Of Convention On The Wetlands Of International Importance especially as Waterfowl Habitat (RAMSAR)</b>	Bakanlar Kurulu Kararı; Özellikle Su Kuşları Yaşama Alanı Olarak Uluslararası Öneme Sahip Sulak Alanlar Hakkında Sözleşme (RAMSAR)	17.05.94

## APPENDIX B : GLOSSARY OF TERMS

<b>Adjacent area</b>	→	Mücavir Alan
<b>Administrative tutelage</b>	→	İdari vesayet (Yönetimsel korumanlık)
<b>Agricultural basin</b>	→	Tarım havzası
<b>Agricultural land</b>	→	Tarım arazisi
<b>Approval of conservation decision</b>	→	Koruma kararı onayı
<b>Approval of plans of all scales</b>	→	Her türlü ve ölçekte plan onayı; Her ölçekte plan onayı;
<b>Approval of plans without being subject to the restrictions of the Law 3194</b>	→	İmar Kanunu kısıtlamalarına tabi olmadan plan onayı
<b>Approval of roadway development plan</b>	→	Yol istikamet planı onayı
<b>Aquaculture Production Area</b>	→	Su ürünleri istihsal sahası
<b>Atatürk Cultural Center Area</b>	→	Atatürk Kültür Merkezi Alanı
<b>Atatürk Forest Farm lands</b>	→	Atatürk Orman Çiftliği arazileri
<b>Border trade centre</b>	→	Sınır ticaret merkezi
<b>Boundary designation</b>	→	Sınır belirleme
<b>Building permit</b>	→	İnşaat ruhsatı
<b>Cancellation of land appropriation</b>	→	Tahsisin kaldırılması
<b>Civilian safety zone</b>	→	Sivil güvenlik bölgesi
<b>Coast and refilled area</b>	→	Kıyı ve dolgu
<b>Coast line approval</b>	→	Kıyı kenar çizgisi onayı
<b>Conservation areas</b>	→	Koruma alanları
<b>Conservation decision</b>	→	Koruma Kararı (sit ilanı)
<b>Conservation plan</b>	→	Koruma amaçlı imar planı
<b>Construction application</b>	→	İnşaat uygulaması

<b>Construction restrictions</b>	→	Yapılaşma kısıtlamaları
<b>Contingency plan (determination of principles)</b>	→	Sakınım planı (esasları belirlemek)
<b>Controlled-access highway</b>	→	Erişme kontrollü karayolu
<b>Cultural Heritage (Historical Sites, archaeological sites, ancient artifacts,)</b>	→	Kültür arlıkları (Tarihi Sit, Arkeolojik sit, Eski eser, )
<b>Culture and Tourism Conservation and Development Region</b>	→	Kültür ve turizm koruma ve gelişim böl
<b>Decission at parcel scale (plot-based)</b>	→	Parsel düzeyinde karar
<b>Designation and protection of erosion prone lands</b>	→	Erozyona duyarlı arazilerin belirlenmesi ve korunması
<b>Determination of provinces for border trade</b>	→	Sınır ticareti yapılan illerin belirlenmesi
<b>Development Administration</b>	→	Kalkınma İdaresi
<b>Development Administration Region</b>	→	Kalkınma İdaresi bölgesi
<b>Development Agency</b>	→	Kalkınma Ajansı
<b>Development Agency region (Level 2 Statistical Regional Units)</b>	→	Kalkınma ajansı bölgesi Düzey 2 İstatistikî Bölge Birimi
<b>Disaster affected area</b>	→	Afetler nedeniyle etkilenmiş alan
<b>Disaster and emergency planning</b>	→	Afet ve acil durum planlaması
<b>Disaster prone region</b>	→	Afete maruz bölge
<b>Drinking and potable water reservoir</b>	→	İçme ve kullanma suyu rezervuarı
<b>Emergency planning</b>	→	Acil durum planlaması
<b>Emergency response plan</b>	→	Acil müdahale planı
<b>Environmental Physical Plan</b>	→	Çevre düzeni planı
<b>Erosion prone area</b>	→	Erozyona duyarlı alan
<b>Establishment permit</b>	→	Kurulma izni
<b>Excluding for non-agricultural purposes</b>	→	Tarım amacı dışına çıkarma
<b>Ex-officio approval</b>	→	Re'sen onay
<b>Exploration and Operation Permits</b>	→	Arama ve İşletme Ruhsatı
<b>Flood management plan</b>	→	Taşkın yönetim planı
<b>Flood zone</b>	→	Taşkın alan



<b>Free zone</b>	→	Serbest bölge
<b>Gallipoli Peninsula Historical National park</b>	→	Gelibolu Yarım Adası Tarihi Milli Parkı
<b>Gecekondur prevention zone</b>	→	Gecekondur önleme bölgesi
<b>Gecekondur regeneration project area</b>	→	Gecekondur dönüşüm proje uyg. Alanı
<b>Greater plain conservation area</b>	→	Büyük ova koruma alanı
<b>Groundwater and surface waters</b>	→	Yeraltı ve yerüstü sular
<b>Health protection stript</b>	→	Sağlık koruma bandı
<b>Healthcare free zone</b>	→	Sağlık serbest bölgesi
<b>Heritage Site</b>	→	Sit
<b>Highway route development plan</b>	→	Karayolu güzergahı imar planı
<b>Housing Project Area</b>	→	Konut yapımı proje alanı
<b>Immovable property owned by the Treasury</b>	→	Hazineye ait taşınmazlar
<b>Implementation plan</b>	→	Uygulama imar planı
<b>Individually located investment area</b>	→	Münferit yatırım yeri
<b>Industrial zone</b>	→	Endüstri bölgesi
<b>Integrated coastal area plan</b>	→	Bütünleşik kıyı alanı planı
<b>Irrigation area</b>	→	Sulama sahası
<b>Istanbul Bosphorus Area</b>	→	İstanbul Boğaziçi Alanı
<b>Istanbul Bosphorus Area (Coastal and frontvista region)</b>	→	İstanbul Boğaziçi Alanı; Sahil şeridi ve Öngörünüm Bölgesi
<b>Istanbul Bosphorus Area (Rearvista and Affected region)</b>	→	İstanbul Boğaziçi Alanı Gerigörünüm ve etkilenme Bölgesi
<b>Istanbul Olympic Village</b>	→	İstanbul Olimpiyat Köyü
<b>KENTGES Urban Development Strategy and Action Plan</b>	→	KENTGES Kentsel Gelişme Stratejisi ve Eylem Planı
<b>Land adjustment and land consolidation</b>	→	Arazi düzenlemesi ve topluluşturma
<b>Land appropriated from the Treasury</b>	→	Hazineden Tahsisli Arazi
<b>Land appropriation</b>	→	Arsa tahsisi
<b>Land assembly</b>	→	Arsa düzenlemesi

<b>Land consolidation</b>	→	Arazi toplulaştırması
<b>Land consolidation project site</b>	→	Arazi toplulaştırma proje sahası
<b>Land Reclamation (Land refill)</b>	→	Dolgu
<b>Land Use Plan (Plan which sets the basis for National and regional plans and constitutes the data for other physical plans)</b>	→	Arazi Kullanım Planı (ülkesel ve bölgesel plânlamalara <u>temel</u> oluşturan ve diğer fizikî plânlamalara <u>veri</u> teşkil eden plan)
<b>Lands under the private ownership of Treasury;</b>	→	Hazine özel mülkiyetindeki arazi;
<b>Lands under the sovereignty and disposal of the state.</b>	→	Devletin hüküm ve tasarrufundaki yerler
<b>Logistics center</b>	→	Lojistik merkez
<b>Logistics free zone</b>	→	Lojistik Serbest Bölge
<b>Logistics village</b>	→	Lojistik köy
<b>Long Term Development Plan</b>	→	Uzun Devreli Gelişme Planı
<b>Management Area</b>	→	Yönetim Alanı
<b>Mass housing settlement area</b>	→	Toplu Konut İskan Sahası
<b>Metropolitan Area</b>	→	Metropolitan Alan
<b>Metropolitan district municipality (sub-tier municipality) area</b>	→	BŞB ilçe (altkademe) belediyesi alanı
<b>Metropolitan Municipality</b>	→	Büyükşehir Belediyesi
<b>Metropolitan municipality area coinciding with provincial boundary</b>	→	Belediye sınırı il sınırı olan Büyükşehir Belediye Alanı
<b>Metropolitan Plan</b>	→	Metropoliten İmar Planı
<b>Military forbidden zone</b>	→	Askeri Yasak Bölge
<b>Military security Zone</b>	→	Askeri Güvenlik Bölgesi
<b>Mining site (licensed area)</b>	→	Maden Sahası (ruhsat alanı)
<b>Municipal area</b>	→	Belediye alanı
<b>National park</b>	→	Milli Park
<b>National park improvement plan</b>	→	Milli park gelişme planı
<b>National Rural Development Plan</b>	→	Ulusal Kırsal Kalkınma Planı
<b>National Rural Strategy Plan</b>	→	Ulusal Kırsal Strateji Planı
<b>Natural gas storage / distribution</b>	→	Doğalgaz depolama / dağıtım

<b>lines</b>		hatları
<b>Natural Gas Transmission System</b>	→	Doğal Gaz İletim Sistemi
<b>Natural heritage area</b>	→	Doğal sit alanı
<b>Natural park</b>	→	Tabiat parkı
<b>Non-municipal settlement area (unincorporated area)</b>	→	Belediye dışı yerleşme Alanı
<b>Notification of Plateau zone</b>	→	Yayla alanı ilanı
<b>Organized industrial zone</b>	→	Organize sanayi bölgesi
<b>Parcelling plan (map of land subdivision)</b>	→	Parselasyon planı
<b>Partial urban development plan</b>	→	Mevzi imar planı
<b>Pasture</b>	→	Mera
<b>Permanent housing area</b>	→	Daimi iskan alanı
<b>Planning affiliated to natural disasters</b>	→	Doğal afetlerle ilgili planlama
<b>Planning zones</b>	→	İmar Bölgeleri
<b>Ports Master Plan</b>	→	Limanlar Master Planı
<b>Preservation area where construction ban is proposed</b>	→	Yapı yasağı önerilen koruma alanı
<b>Preservation site (Conservation site)</b>	→	Sit
<b>Privatization area</b>	→	Özelleştirme arazisi
<b>Prohibited residential area in disaster region</b>	→	İkamet için yasaklanmış afet bölgesi
<b>Provincial entirety</b>	→	İl Bütünü
<b>Provincial Environmental Physical Plan (1/50.000-1/100.000)</b>	→	İl çevre düzeni planı (1/50.000-1/100.000 )
<b>Public buildings</b>	→	Kamu yapıları
<b>Regional development plan (regional plan)</b>	→	Bölge imar planı (bölge planı)
<b>Regional plan</b>	→	Bölge Planı
<b>Registration</b>	→	Tescil
<b>Renewal area</b>	→	Yenileme Alanı
<b>Reserved building site</b>	→	reserv yapı alanı
<b>Risk area</b>	→	Riskli alan

<b>Risk management and mitigation plan</b>	→	Risk yönetimi ve zarar azaltma planı
<b>River basin management plan</b>	→	Nehir havzası yönetim planı
<b>River basin plan</b>	→	Havza Planı
<b>Roadway development plan</b>	→	Yol istikamet planı
<b>Rural area</b>	→	Kırsal alan
<b>Rural habitation area</b>	→	Köy Yerleşme Alanı
<b>Rural settlement plan</b>	→	Köy Yerleşim Planı
<b>Sea turtle breeding grounds (caretta caretta)</b>	→	Deniz Kaplumbağaları Üreme Alanları
<b>Settlement plan</b>	→	Yerleşim planı
<b>Settlement restrictions</b>	→	Yerleşme kısıtlaması
<b>Settlement zones (3 groups)</b>	→	İskan Mıntıkaları (3 grup)
<b>Sewer plan</b>	→	Kanalizasyon planı
<b>Explosives storage site</b>	→	Patlayıcı madde sahası
<b>Site selection</b>	→	Arsa seçimi
<b>Soil conservation project</b>	→	Toprak koruma projesi
<b>Spatial strategy plan</b>	→	Mekansal Strateji planı
<b>Special environmental protection region</b>	→	Özel çevre koruma bölgesi
<b>Special project area</b>	→	Özel proje Alanı
<b>Technical infrastructure facility</b>	→	Teknik altyapı tesisi
<b>Technology development zone</b>	→	Teknoloji geliştirme bölgesi
<b>Tourism Center</b>	→	Turizm Merkezi
<b>Tourism Master Plan (Tourism Strategy of Turkey)</b>	→	Turizm Master Planı (Türkiye Turizm Stratejisi)
<b>Tourism region</b>	→	Turizm bölgesi
<b>Transportation Master Plan</b>	→	Ulaşım master planı
<b>Treasury owned lands</b>	→	Hazine arazileri
<b>Urban implementation plan</b>	→	İmar uygulama planı
<b>Urban improvement plan (urban reclamation plan)</b>	→	İmar islah planı

<b>Urban master plan</b>	→	Nazım imar Planı
<b>Urban plan</b>	→	İmar planı
<b>Urban plans of all scales</b>	→	Her ölçekte imar planı; Her tür ve ölçekte imar planı
<b>Urban renewal and development project area</b>	→	Kentsel dönüşüm ve gelişim proje alanı
<b>Vessel traffic management facility of the Straits</b>	→	Boğazlarda güvenlik tesisi yeri
<b>Village built-up area</b>	→	Köy yerleşik Alanı
<b>Village development plan</b>	→	Köy imar planı
<b>Water basin</b>	→	Su havzası
<b>Wetlands</b>	→	Sulak alan
<b>Wildlife</b>	→	Yaban hayat
<b>Yacht Tourism Master Plan</b>	→	Yat Turizmi Master Planı

## APPENDIX C :SPATIAL COMPETENCIES OF INSTITUTONS

(Land use decisions and plan approval competencies)

INSTITUTIONS		SPATIAL UNIT (AREA/REGION)	PROCEDURE / DECISION	RELATED LAW	
<b>Presidency of The Republic</b>	Presidential National Committee (*)	Atatürk Cultural Center Area (This competency has been transferred to the M of E and U)	Plan and Project consent decision (approval)	2302	26.09.80
<b>Council of Ministers</b>		Disaster prone region	Decision to establish a region	7269	25.05.59
		Non-municipal sites	Planning and construction requirements for designated locations	1605 6785	20.07.72
		Expansion of ISKI region	Decision to establish a region	2560	23.11.81
		Military forbidden zone	Decision to establish a region	2565	22.12.81
		Civilian safety zone	Decision to establish a region	2565	22.12.81
		Tourism region. Tourism area, Tourism center	Decision to establish a region	2634	16.03.82
		National park	Decision to establish a region	2873	11.08.83
		Natural park, natural monument and natural conservation area (non- forestry)	Decision to establish a region	644KHK	04.07.11
		Application Area	Decision to establish a region	3083	01.12.84
		Villages within the area of application	Consolidation of existing villages or a new settlement	3083	01.12.84
		Free zone	Decision to establish a region	3218	15.06.85
		Special environmental protection area	Decision to establish a region	383KHK	13.11.89
		Istanbul Olympic Village	Land appropriation	3796	05.05.92
		Gallipoli Peninsula Historical National park	Approval of amendment of long term development plan	4533	20.02.00
		Treasury owned lands in designated locations	Facility location decision (Straits Vessel Traffic Management facility)	602KHK	28.06.00
		Technology development zone	Decision to establish a region	4691	06.07.01

	Land appropriated from the Treasury	Cancellation of land appropriation	4706	18.07.01
	Industrial zone	Decision to establish a region	4737	19.01.02
	Culture and Tourism Conservation and Development Region	Decision to establish a region	4957	01.08.03
	Individual investment area	Land appropriation	5194	26.04.04
	Renewal area	Approval of decision of project implementation	5366	05.07.05
	Urban Renewal and Development Project Area within municipality	Area designation	5393	13.07.05
	Urban Renewal and Development Project Area within municipality	Area designation	5393	31.05.12
	Land consolidation project site	Decision to establish a region	5403	19.07.05
	Greater plain conservation area	Decision to establish a region	5403	19.07.05
	Erosion prone area	Decision to establish a region	5403	19.07.05
	Agricultural basin	Decision to establish a region	5488	25.04.06
	Land assembly project area of privately owned lands	Decision to establish a region	5578 5403	09.02.07
	Border trade centre	Determination of provinces for border trade	4458	16.05.09
	Area designated by the Council of Ministers;	Project decision	644KHK	04.07.11
	Preservation area where construction ban is proposed	Registration	644KHK	04.07.11
	Urban and rural settlements	Determination of applications related with improvement, renewal and regeneration	644KHK	04.07.11
	National park	Decision to establish a region	648KHK	17.08.11
	Natural park, natural monument and natural conservation area (non-forestry)	Decision to establish a region	648KHK	17.08.11
	Treasury owned lands in designated locations	Facility location decision (Straits Vessel Traffic Management facility)	655KHK	01.11.11
	Healthcare free zone	Principles for establishing a region	663KHK	02.11.11

<b>Supreme Councils</b>		Villages within forest boundaries	Decision for deplacement and settlement of villages	6292	26.04.12
		Places taken out of forest	Boundary designation of localities taken out of forests	6292	26.04.12
		Settlements located in highlands and grasslands within forestry	Plateau area notice	6292	26.04.12
		Risk area	Decision to establish a region	6306	31.05.12
		Special project area	Decision to establish a region	6306	31.05.12
		Special Project area (Resettlement)	Decision to establish a region	5543	31.05.12
	<b>Supreme Board of Planning Coordination for Bosphorus</b>	Istanbul Bosphorus Area	Urban plan approval	2960	22.11.83
		Istanbul Bosphorus Area (Coastal and frontvista region)	Urban plan approval	3194	09.05.85
	<b>Supreme Council of Privatization</b>	Privatization area (within municipal boundary)	Urban plan approval (modification and partial)	4046 3194	27.11.94
		Privatization area (within the scopes of Coast Law and Tourism Encouragement Law)	Urban plans of every type and scale	5398 3194	21.07.05
	<b>Supreme Planning Council</b>	Land requested for industrial use (in Bursa)	Parcel-based decision (plot based)	540KHK	09.12.97
		National scale	Tourism Master Plan (Tourism Strategy of Turkey)	4848	29.04.03
		National scale	National Rural Strategy Plan	5648	18.05.07
		National scale	KENTGES Urban Development Strategy and Action Plan	5018 540KHK	04.11.10
	<b>Supreme Council Of Regional Development</b>	Development Administration Region, DAP (14 provinces), DKP (8 provinces), KOP (4 provinces)	Regional plan approval (Development Administration region)	641KHK	08.06.11
		National scale	National scale Strategy for Regional Development	641KHK	08.06.11
		GAP region (9 province)	Decision of every type of plan and project	641KHK	08.06.11
		Development Administration Region, DAP (14il), DKP (8 provinces), KOP (4 provinces)	Approval of the action plan covering all provinces in the region	641KHK	08.06.11



<b>Prime Minister</b>	<b>Prime Minister</b>	Area for producing urban plot	Area designation	5273	15.12.04
<b>Prime Ministry</b>	<b>General Directorate of Land Registry and Cadastre</b>	National scale	Cadastre	5840	15.08.51
		National scale	Cadastre	3045	09.10.84
	<b>State Planning Organization (*)</b>	Region	Preparation of a regional plan	91	05.10.60
		Region	Regional plan	3194	09.05.85
	<b>GAP Administration (SPO)</b>	Development Administration region (GAP Region - 9 provinces)	Regional plan and a portion of a Urban plan	388KHK	06.11.89
		Development Administration region (GAP Region - 9 provinces)	Preparation of a regional plan	5449	08.02.06
		Development Administration region (GAP Region - 9 provinces)	Urban plan making	5449	08.02.06
	<b>Development Agency (SPO)</b>	Development Administration region (Level 2 Statistical Regional Units)	Monitor the projects and their permit procedures	5449	08.02.06
		Development Administration region (Level 2 Statistical Regional Units)	Regional plan on the basis of Level 2 statistical regional units	5449	08.11.08
	<b>World Bank Project Implementation Unit (PIU)</b>	Housing Project Area	Site selection; Planning and Construction	88/12914	07.06.88
		Housing Project Area	Site selection; Planning and Construction	99/13650	05.12.99
	<b>Presidency of Special Environment Agency</b>	Special environmental protection zone	Environmental Physical Plan (Approval of plans of all scales)	383KHK	13.11.89
		Special environmental protection zone	Urban plan	383KHK	13.11.89
		Coastal area of special environmental protection area	Urban plan approval (Approval of plans of all scales)	383KHK	13.11.89
	<b>Undersecretariat of Customs</b>	Border trade centre, the (designated sites by decision of the Council of Ministers)	-Approval for an establishment (Minister of State); -Principles of construction and physical setting (Minister of State)	4458	10.04.03

	TOKİ		Gecekondu regeneration project area	Urban plans of all scales ( If the plan is not approved by the relevant governmental body within 3 months, TOKİ puts the plan into effect by its own initiative) (ex-officio approval)	5162 2985	12.05.04	
			Housing implementation area under the ownership of TOKİ	Urban plans of all scales (If the plan is not approved by the relevant governmental body within 3 months, TOKİ puts the plan into effect by its own initiative) (ex-officio approval)	5162 2985	12.05.04	
			Mass housing settlement area	Urban plans of all scales ( If the plan is not approved by the relevant governmental body within 3 months, TOKİ puts the plan into effect by its own initiative) (ex-officio approval)	5162 2985	12.05.04	
			Gecekondu prevention zone	Decision to establish a region and plan approval	5609	28.03.07	
			Land under the ownership of TOKİ	Urban plans of all scales ( If the plan is not approved by the relevant governmental body within 3 months, TOKİ puts the plan into effect by its own initiative) (ex-officio approval)	5793 2985	06.08.08	
			Presidency Of Disaster and Emergency Management (*)	Localities damaged and localities possible to be affected by earthquakes	Procedures of plans and projects	5902	17.06.09
	National scale	Risk management and mitigation plan		5902	17.06.09		
	Ministries	Ministry Of Public Works (Nafia: Public Utilities) (*)		Municipal area	Urban plan approval	6785	16.07.56
				Municipal area	Sewer plan	6785	16.07.56
				Municipal area	Adjacent area approval	6785	16.07.56
Development area contiguous to municipal border				Adjacent area plan (Former environmental physical plan )	6785	16.07.56	
Municipal area				Approval of roadway development plan	6785	16.07.56	
Ministry Of Public Works (*)		Controlled-access highway	Land expropriation and project approval	1593	11.06.72		
Ministr y Of Public General Directo rate of State		Energy project area (Dam and HEPP Hydro Electric Power Plant )	Project implementation (Dam and HEPP)	6200	25.12.53		

			Water basin	Boundary designation	6200	25.12.53
			Irrigation area	Irrigation Project	6200	25.12.53
	<b>Ministry Of Reconstruction and Settlement (*)</b>		Planning zones	Regional development plan (regional plan)	7116	14.05.58
			Municipal area	Urban plan approval	7116	14.05.58
			Municipal area	Sewer plan	6785	16.07.56
			Non-municipal sites	Adjacent area approval	6785	16.07.56
			Development area contiguous to municipal border	Adjacent area plan (Environmental physical plan) First EPP dated approximately by FD)	6785	01.01.69
			Municipal area	Approval of roadway development plan	7116	14.05.58
			Disaster prone region	Urban plan approval	7269	25.05.59
			Gecekondü prevention zone	Decision to establish a region and plan approval	775	30.07.66
			Disaster affected area; Public buildings; Mass housing; Metropolitan Area (more than one municipality).	Urban plan approval (ex-officio)	1605 6785	20.07.72
			National park development plan	Urban implementation plan	2873	11.08.83
	<b>Ministry Of Public Works and Settlement (*)</b>		Prohibited residential area in disaster region	Decision to establish a region	7269	25.05.59
			National park	Urban plan approval	2873	11.08.83
			Istanbul Bosphorus Area	Conservation plan	2960	22.11.83
			Region (CDP 1/(25000)	Environmental Physical Plan	3194	09.05.85
			Squatter Law application area	Urban plan approval	3194	09.05.85
			Disaster affected area	Urban plan approval	3194	09.05.85
			Public buildings	Urban plan approval	3194	09.05.85
			Mass housing implementation	Urban plan approval	3194	09.05.85
			Metropolitan Area (more than one municipality)	Metropolitan Plan	3194	09.05.85
			Adjacent area	Adjacent area approval	3194	09.05.85
			village built-up area	Assent for village plan in the adjacent area	3367	26.05.87
			Site for explosives substances	Partial urban plan	6551	29.09.87

			Coasts	Urban plan approval	3621	17.04.90
			Coasts	Coast line approval	3621	17.04.90
			Vessel traffic management facility of the Straits	Urban plan approval	602KHK	28.06.00
			Region (CDP 1/25000)	Environmental Physical Plan (Plans submitted to the Ministry before the date .08.05.2003 are to be approved).	4864	06.06.03
			Plots of the General Directorate of Highways for sale	Approval of plans of all scales	5003	22.11.03
			Haydarpasa Port properties	Approval of plans of all scales	5234	21.09.04
			Plots of TCDD	Approval of plans of all scales	5335	27.04.05
			Privatization area (investment in scope of service privatization)	Urban plan approval	5398	21.07.05
			Energy facilities	Urban plan approval	5784	26.07.08
	Ministry Of Public Works and Settlement (*)	General Directorate of Land Registry and Cadastre	National scale	Cadastre	3046, affiliated to the Ministry	22.11.02
			National scale	Cadastre	6083	10.12.10
	Ministry Of Public Works and Settlement	General Directorate of Ilker Bank	Municipality giving authorization to the Bank of Provinces	Urban plan making	6107	08.02.11
	Ministry Of Environment and Urbanism,		Groundwater and surface waters	Emergency response plan	644KHK	04.07.11
			Planning area	Land assembly	644KHK	04.07.11
			Coasts	Integrated coastal area plan	644KHK	04.07.11
			Basin and region	Environmental Physical Plan	644KHK	04.07.11
			Province	Environmental Physical Plan (If the plan is not handled by the relevant government body)	644KHK	04.07.11
			Natural heritage area	Approval of Plans of all scales	644KHK	04.07.11
			Overlapping of natural and historic conservation areas	Approval of Plans of all scales	644KHK	04.07.11
			Investment on public and private property	Approval of Plans of all scales	644KHK	04.07.11

		Urban and Rural Settlement, (Recovery, Renewal, Transformation)	Approval of Plans of all scales	644KHK	04.07.11
		Coast and refilled area	Approval of Plans of all scales	644KHK	04.07.11
		National park	Approval of Plans of all scales	644KHK	04.07.11
		Special environmental protection area	Approval of Plans of all scales	644KHK	04.07.11
		Wetlands	Approval of Plans of all scales	644KHK	04.07.11
		Natural park	Approval of Plans of all scales	644KHK	04.07.11
		Investment Location	Urban plan approval (Authorized body 4A/OP)	644KHK	04.07.11
		Natural heritage area	Approval of conservation decision	644KHK	04.07.11
		National park	Approval of conservation decision	644KHK	04.07.11
		Special environmental protection area	Approval of conservation decision	644KHK	04.07.11
		Wetlands	Approval of conservation decision	644KHK	04.07.11
		Natural park	Approval of conservation decision	644KHK	04.07.11
		Village	Approval of boundary of village built-up area (resident area)	644KHK	04.07.11
		National scale and regional	Spatial strategy plan	644KHK	04.07.11
		Non-municipal sites	Adjacent area approval	644KHK	04.07.11
		Permanent housing area	Plan approval	644KHK	04.07.11
		Technical infrastructure facility	Plan approval	644KHK	04.07.11
		Construction work (building and infrastructure)	Project approval	644KHK	04.07.11
		Urban and Rural Settlement, (Recovery, Renewal, Transformation)	Building permit	644KHK	04.07.11
		Investment Location	Building permit	644KHK	04.07.11
		Settlement	Contingency plan (determination of principles)	644KHK	04.07.11

		Natural Heritage (National park, Natural park, Natural site, Wetlands, Special environment protection zone)	Commission decision for plan proposal from the related administration, to submit the plan to to the ministry.	648KHK	17.08.11
		National park	Urban Implementation plan	648KHK	17.08.11
		Natural park, natural monument and natural conservation area (non-forestry)	Registration	648KHK	17.08.11
		Vessel traffic management facility of the Straits	Approval of plans and all types of projects	655KHK	01.11.11
		Wetlands Protection Area (Ramsar)	Construction restrictions	6292	26.04.12
		Project areas in sites excluded from forests	Urban plans of all scales (project area)	6292	26.04.12
		Project areas in sites excluded from forests	Approval of the project area boundary	6292	26.04.12
		Settlement of villagers on sites excluded from forests	Settlement plan	6306	31.05.12
		Atatürk Cultural Center Area	Approval of plans of all scales	644KHK	31.05.12
		Urban and rural settlement	Determination of applications related with improvement, renewal and regeneration	644KHK	04.07.11
		Special Project area	Approval of plans and all types of projects	6306	31.05.12
	<b>Ministry Of Science, Industry and Technology,</b>	Risk area and Reserved construction site	Approval of plans of all scales	635KHK	08.06.11
	<b>Ministry Of Environment (*)</b>	Technology Development Zone	Building permit	443KHK	21.08.91
	<b>Ministry Of Environment and Forestry (*)</b>	Provincial scale (1 or more provinces in combination)	Provincial Environmental Physical Plan (1/50.000-1/100.000)	94 /5434	17.05.94
		Provincial scale (1 or more provinces in combination)	Provincial Environmental Physical Plan (1/50.000-1/100.000)	4856	08.05.03
		Forest	Land appropriation (for settlements)	5192 6831	03.07.04
		River Basin	River basin preservation plan	2872 4856	31.12.04
		Drinking and potable water reservoir	Settlement and construction restrictions	2872 4856	31.12.04

			National park	Management plan compatible to Long Term development Plan	5400 2873	15.07.05
			Combined planning area of the provinces	Environmental Physical Plan (1/50.000-1/100.000)	5491	13.05.06
			National park	Long Term Development Plan	2873	08.05.03
	Ministry Of Environment and Forestry (*)	General Directorate of State Hydraulic Works	River Basin	River basin preservation plan	2872	31.12.04
	Ministry Of State (*)	Environment Directorate-General (*)	Sea turtle breeding grounds (caretta caretta -Bern)	Construction restrictions	84/7601	20.02.84
	Ministry Of Internal Affairs		Rural area, Rural development center	Displacement of villages (Settlement location selection)	2510	21.06.34
			Settlement zones (3 groups)	Arrangement of settlement and sprawl of population (emigrants and refugees)	2510	21.06.34
	Ministry Of Economy		Logistics free zone , Specialized free zone,	Planning activities	637KHK	08.06.11
			Free zone	Planning activities	637KHK	08.06.11
	Ministry Of Energy and Natural Resources		Flood zone (State Hydraulic Works; affiliated to the Ministry)	Area designation	6200	25.12.53
			Mining site (licensed area)	Exploration and Operation Permits	3213	15.06.85
			Natural Gas Transmission System (Storage and distribution lines)	Upon an application by the company, the transmission project is registered in the urban plan of the municipality)	4646	02.05.01
	Ministry Of Customs and Commerce		Logistics center	Establishment permit	640KHK	08.06.11
	Ministry Of Development		Regional development area	Preparation of an action plan	641KHK	08.06.11
			National scale	Maintain the integrity of the rural development and regional growth	641KHK	08.06.11

			National scale and regional level	Maintain the integration between spatial development strategies and development policies	641KHK	08.06.11
			Regional, provincial, and district scale	Planning works	641KHK	08.06.11
	Ministry Of Development	Development Agencies (Related)	Development Administration Region, (Level 2 Statistical Regional Unit)	Regional plan on the basis of Level 2 statistical regional units	641KHK	08.06.11
		Development Agencies (Related)	Development Administration Region, (Level 2 Statistical Regional Unit)	Monitor the projects and their permit procedures	641KHK	08.06.11
		Development Administrations (Affiliated)	Development Administration region: DAP (14 provinces), DKP (8 provinces), KOP (4 provinces)	Preparation of action plan covering all provinces in the region	642KHK	08.06.11
		DAP Development Administration	Development Administration Region: Eastern Anatolia Project (14 provinces),	Preparation of action plan covering all provinces in the region	642KHK	08.06.11
		DKP Development Administration	Development Administration Region: Eastern Black Sea Project (8 provinces),	Preparation of action plan covering all provinces in the region	642KHK	08.06.11
		KOP Development Administration	Development Administration Region: Konya Plain Project (4 provinces)	Preparation of action plan covering all provinces in the region	642KHK	08.06.11
		GAP Development Administration	Development Administration Region: The GAP Region (9 province)	Preparation of plan and project	641KHK	08.06.11
	Ministry Of Culture And Tourism,		Coasts (all coastal areas)	Yacht Tourism Master Plan	Publication	01.01.92
			Tourism region or tourism center	Approval of urban master plan	2634	16.03.82



			Culture and Tourism Conservation and Development Region	Environmental Physical Plan 25 000	4957	01.08.03
			Culture and Tourism Conservation and Development Region	Approval of plans of all scales	4957	01.08.03
			Tourism Center	Approval of plans of all scales	4957	01.08.03
			Coast (in Culture and Tourism Conservation and Development Regions and Centers)	Urban plan approval (to tourism) (APPROVAL OF PLANS OF ALL SCALES)	4957	01.08.03
			Management Area	Boundary designation	5226	27.07.04
			Conservation areas	Coordination of cultural investments and enterprises	5525 4848	21.07.04
	Ministry Of Culture and Tourism	Cultural and Natural Heritage Conservation Regional Board (*)	Culture and Natural Heritage (Sit, ancient artifacts, Conservation Area)	Conservation plan	2863	23.07.83
			Culture and Natural Heritage (Sit, ancient artifacts, the protection area)	Conservation decision	2863	23.07.83
			Culture and Natural Heritage (Sit, ancient artifacts, the protection area)	Registration (Ancient Monuments)	2863	23.07.83
			Culture and Natural Heritage (Sit, ancient artifacts, the protection area)	Conservation plan ( If the plan is not approved by the relevant governmental body within 60 days, then it goes into effect automatically)	5226	27.07.04
		Renewal Area Cultural and Natural Heritage Conservation Regional Board (*)	Renewal Area	Approval of renewal projects	5366	05.07.05
		Cultural Heritage Conservation Regional Board	Cultural Heritage (Historical Sites, archaeological sites, ancient artifacts,)	Conservation plan ( If the plan is not approved by the relevant governmental body within 60 days, then it goes into effect automatically)	648KHK	17.08.11

		Renewal Area Cultural Heritage Conservation National Board	Renewal Area	Approval of renewal projects	648KHK	17.08.11
	Ministry Of Finance		Lands under the sovereignty and disposal of the state.	Land appropriation (lease, usufruct)	178KHK	14.12.83
			Private ownership of land Treasury;	Land appropriation (sales, barter)	178KHK	14.12.83
			Immovable property owned by the Treasury	Cancellation of land appropriation (direct sales)	4706	18.07.01
	Ministry Of Finance	General Directorate of Land Registry	National scale	Cadastral	2997	05.06.36
	Ministry Of Education		Land for constructing facilities and buildings	Construction work by protocol with TOKİ	652KHK	14.09.11
	Ministry Of National Defense		Significant establishments	Construction restrictions	2565	22.12.81
			Military Security Zone	Settlement restrictions	2565	22.12.81
	Ministry Of Forestry (*)		Forest	Appropriation for construction work	6831	08.09.56
			National park	Long Term Development Plan 1991	2873	11.08.83
			Gallipoli Peninsula Historical National park	Long Term Development Plan	4533	20.02.00
	Ministry Of Forestry and Water Affairs		River Basin	Integrated river basin plan	644KHK	04.07.11
			Wildlife, wetlands, sensitive area	Every type of planning	645KHK	04.07.11
			River Basin	River basin management plan	645KHK	04.07.11
			River basin	Flood management plan	645KHK	04.07.11
			Water basin	National scale and Regional plans	645KHK	04.07.11
			Natural park, natural monument and natural conservation area(Forestry)	Decision to establish a region	645KHK	04.07.11
			National park,, Natural park, natural monument and natural conservation areas	Construction of every type of infrastructure and building	648KHK	17.08.11
			National park	National park development plan	648KHK	17.08.11

		Natural park, natural monument and natural conservation area	Project making	648KHK	17.08.11
		National park, Natural park, wetlands, other areas with similar conservation statutes	Long term development plan preparation and implementation	648KHK	17.08.11
		Settlements located in highlands and grasslands in forestry	Urban plans of every type and scale (plateau area)	6292	26.04.12
	Ministry of Health,	Health protection strip	Construction restrictions	1593	06.05.30
		Service building and health facility	Construction work by protocol with TOKI	663KHK	02.11.11
	Ministry Of Industry and Commerce (*)	Organized Industrial Zone	Assent for the plan	4562	18.04.00
		Technology Development Zone	Urban plan approval	4691 635KHK	06.07.01 08.06.11
		Industrial zone	Urban plan approval	4737	19.01.02
		Individual investment area	Urban plan approval	5194	26.04.04
	Ministry Of Agriculture and Rural Affairs (*)	Aquaculture Production Area	Area designation	441KHK	09.08.91
		Application Area	Land consolidation (voluntary or ex-officio)	1380	04.04.71
		Agricultural land (outside of forests)	Open to agricultural production by reconstruction, reviving and improvement works	3083	01.12.84
		Agricultural Land	Excluding for non-agricultural purposes	3083	01.12.84
		Pasture	Removal of pasture attributes	4342	28.02.98
		National scale	Land Use Plan (Plan which sets the basis for National and regional plans and constitutes the data for other physical plans)	5403	19.07.05
		Rural area	Land consolidation	5403	19.07.05
		Rural area	Arrangement of rural areas	5403	19.07.05
		Rural area (private land)	Private land consolidation	5403	19.07.05
		Agricultural Land	Classification and mapping	5403	19.07.05
		Agricultural Land	Excluding for non-agricultural purposes	5403	19.07.05
		Rural area	Rural Development Project	5488	25.04.06
		Agricultural basin	Agricultural production planning	5488	25.04.06

		National scale	Rural Development Plan	5648 540KHK	18.05.07 01.07.06
	<b>Ministry of Food, Agriculture and Livestock</b>	National scale	Carrying out duties given by the Soil Conservation And Land Use Law 5403	639KHK	08.06.11
		Rural area	Land adjustment and land consolidation	639KHK	08.06.11
		Settlement of villagers on sites excluded from forests	Land use planning	6292	26.04.12
	<b>Ministry Of Agriculture, Forestry and Rural Affairs (*)</b>	National park	Long Term Development Plan	2873	11.08.83
	<b>Ministry Of Agriculture and Forestry (*)</b>	Natural park, natural monument and natural conservation area(Forestry)	Decision to establish a region	2873	11.08.83
		Natural park, natural monument and natural conservation area	Required plans	2873	11.08.83
		National park	Long Term Development Plan	2873	12.12.86
	<b>Ministry Of Transport (*)</b>	Port, refilled area	Project approval	3348	17.04.87
		Transportation investment; Underground etc.	Project approval	3348	30.10.08
		National scale	Ports Master Plan	3348	05.07.00
		National scale	Tourism Master Plan for Coastal Structures	3348	30.10.08
		National scale	Transportation Master Plan	3348	30.10.08
		Coasts (all coastal areas)	Transportation Master Plan for Coastal Structures	3348	30.10.08
		Highway	Highway route development plan approval	6001	13.07.10
		Transport infrastructure	Preparation of plan and project	655KHK	01.11.11
	<b>Ministry Of Transport, Maritimes and Communication</b>	Coastal structures	Planning	655KHK	01.11.11
		Port, shipyard, railway, airport etc	Project	655KHK	01.11.11
		Logistics village	Designation of location	655KHK	01.11.11
<b>Gover-norates</b>	<b>Governor</b>	Mass housing settlement area	Approval from the Governor	2985	17.08.84
	<b>Provincial Administrative Board</b>	Village built-up area	Area designation	3194	09.05.85
		Non-municipal settlement area (unincorporated area)	Land assembly	3194	09.05.85

		Non-municipal settlement area (unincorporated area)	Urban plan approval	3194	09.05.85
		Village built-up area	Urban plan approval	3194	09.05.85
		Organized industrial zone	Urban plan approval (put into force)	4562	18.04.00
	<b>Provincial Special Administration</b>	Heritage Site	Conservation plan	5226	27.07.04
		Province	Disaster and emergency planning	5302	04.03.05
		Province	Provincial Environment Physical Plan (also, the provincial municipality will settle a decision)	5302	04.03.05
		Non-municipal sites	Urban plan approval	5302	04.03.05
		Renewal Area	Designation of area for renewal projects (Provincial General Council decision)	5366	05.07.05
		Province	Land use planning (which constitute the physical data plans)	5403	19.07.05
		Agricultural area (agricultural protection in land-use plan)	Land use plan for agricultural purposes	5403	19.07.05
		Settlements outside of urban plans	Soil conservation project	5403	19.07.05
		Plots of TCDD	Urban plans of all scales (put into force on its own initiative 3AİOP MPWS)	5793	06.08.08
		Border trade centre	Construction Application	4458	16.05.09
	<b>Rural Settlement Identification Commission.</b>	Villages located in adjacent areas of municipalities (Ministry of Public Works offers eligibility)	Urban plan approval	3367	26.05.87
		Rural settlement area	Rural Settlement Plan (without being subject to restrictions of the Law 3194)	3367	26.05.87
	<b>Provincial Directorate of Ministry</b>	Construction work (building and infrastructure)	Project approval	3194	09.05.85
		Agricultural land	Permission for agricultural buildings	5403	19.07.05
		"Soil conservation projects" outside of urban plan	Soil conservation project	5403	19.07.05

	<b>Governorate and DSI Regional Directorate</b>	River Basin	River basin plan	2872	04.09.88
<b>Municipalities,</b>	<b>Municipality</b>	Municipal area	Urban plan making	6785	16.07.56
		Municipal area	Roadway development plan	6785	16.07.56
		Gecekondur prevention zone	Urban plan approval	775	30.07.66
		Sit (preservation site)	Conservation plan	2863	23.07.83
		Municipal area	Urban improvement plan	2981	08.03.84
		Municipal area	Land assembly	3194	09.05.85
		Municipal area	Urban plan approval	3194 5393	09.05.85
		Construction work (building and infrastructure)	Project approval	3194	09.05.85
		Built-up areas	Urban plan approval	4916	19.07.03
		Renewal Area	Designation of area for renewal projects (Municipal council decision)	5366	05.07.05
		Municipal area	Emergency planning	5393	13.07.05
		Urban Renewal and Development Project area	Urban plan approval	5393	13.07.05
		Plots of TCDD	Approval of plans of all scales ( If the plan is not approved by the relevant governmental body within 3 months, the Ministry's puts the plan into effect) (ex-officio approval)	5793	06.08.08
	<b>Provincial Municipality</b>	Province	Provincial Environment Physical Plan (also, special provincial administration will settle a decision))	5302 5393	04.03.05 13.07.05
	<b>Metropolitan Municipality</b>	Metropolitan Municipality Area	Approval of urban master plan	3030	09.07.84
		Metropolitan Municipality Area	Approval of the Implementation Plan	3030	09.07.84
		Metropolitan Municipality Area	Planning works related with Gecekondur Law 775	KHK247	11.06.85
		Metropolitan Municipality Area	Planning related to natural disasters	5216	23.07.04
		Metropolitan Municipality Area	Urban improvement plan	5216	23.07.04

		Metropolitan Municipality Area	Plans of those district municipalities which do not accomplish their implementation plans within 1 year after their master plan approval	5216	23.07.04
			Approval of urban master plan	5216	23.07.04
			Parcelling plan approval (Approval of map of land subdivision)	5216	23.07.04
			Transportation master plan	5216	23.07.04
			Approval of the Implementation Plan	5216	23.07.04
			Sit (preservation site) Conservation plan	5226	27.07.04
			Provincial Environment Physical Plan (also, special provincial administration will settle a decision)	5302 5393	04.03.05 13.07.05
			Designation of area for renewal projects (Municipal council decision)	5366	05.07.05
			Urban plans of all scales	5393	13.07.05
			Provincial Environment Physical Plan	5538	12.07.06
			Urban plans of all scales (put into force ex-officio by the Ministry, if plan is not approved by related body within 3months)	5793	06.08.08
	Metropolitan Municipality	The Metropolitan Municipality of Ankara	Urban plans of all scales	5104	12.03.04
			Making upper-scale plans, conservation plans and all types of planning compatible to these mentioned.	5524	08.07.06
		The Metropolitan Municipality of Istanbul	Finalization of Reconstruction works	3796	05.05.92

			Istanbul Bosphorus Area (Rearvista and Affected region)	Conservation plan	3194	09.05.85
		Metropolitan Subtier Municipality	Metropolitan district municipality (sub-tier municipality) area	Implementation plan making	3030	09.07.84
			Metropolitan district municipality (sub-tier municipality) area	Implementation plan making	5216	23.07.04
		Directorate General for Water and Sewerage.	Basin (Regional Control Area)	Construction restrictions	2560	23.11.81
<b>Villages</b>	<b>Village Headman</b>		Village built-up area	Consent for construction (not a building permit)	3194	09.05.85
<b>Other Legal Entities</b>	<b>General Directorate of Bank Of Provinces</b>		Municipality giving authorization to the Iller Bank	Deal with issues relating to reconstruction work	4759	23.06.45
	<b>Free Zone Directorate</b>		Free zone	project (construction)	3218	15.06.85
			Free zone	Building permit	3218	15.06.85
	<b>Organized Industrial Zone Directorate</b>		Organized industrial zone	project (construction)	4562	18.04.00
			Organized industrial zone	Building permit	4562	18.04.00
	<b>Licensee Company</b>		Natural Gas Transmission System (storage and distribution lines)	Upon an application by the company, the transmission project is registered in the urban plan of the municipality	4646	02.05.01