



THE REAL FUNCTION OF THE “DISASTER LAW” IN THE URBAN DEVELOPMENT OF ISTANBUL

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ABSTRACT

After the “Disaster Law” came into force, urbanization of Istanbul entered in a new turn. This article discusses the real function of this law in Istanbul's urbanization process, based on data obtained from field studies conducted in two towns of İstanbul (Sarıgöl and Tozkoparan). By answering to the questions of how the concept of environmental risk manifests itself in the urban development and what the “Disaster Law” changed in the urban process, this text aims to show that the disaster risks become a powerful tool for the for the implementation of urban policies desired by the authorities. In this regard, the first part of the text speaks about the emergence of the "Disaster Law". And the second part, by analyzing the law and its application in two different areas, gives the characteristics of this law and its impacts on these places.

Keywords: World City, Urban Renewal, Disaster Risk, Prevention Policy, Disaster Law.

ÖZ

“Afet Yasasının” yürürlüğe girmesinin ardından İstanbul'un kentleşmesi yeni bir döneme girdi. Bu makale İstanbul'un iki ilçesinde (Sarıgöl ve Tozkoparan) yapılan saha çalışmalarından elde edilen verilere dayanarak İstanbul'un kentleşme sürecinde bu yasanın gerçek işlevini tartışıyor. Çevresel risk kavramının

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kentsel gelişmede nasıl kendini gösterdiğine ve "afet yasınının" kentsel süreci nasıl değiştirdiğine dair soruları yanıtlayarak, bu metin afet risklerinin arzulan kentsel politikaların uygulanması için güçlü bir araç haline geldiğini göstermeyi amaçlamaktadır. Bu doğrultuda, metnin ilk kısmı, "afet yasınının" ortaya çıkışı ile ilgilidir. İkinci kısım ise, yasayı ve iki farklı alanda nasıl uygulandığını analiz ederek, bu yasanın özelliklerini ve bu yerlere olan etkilerini içerir.

Anahtar Kelimeler: Dünya Kenti, Kentsel Dönüşüm, Afet Riski, Önleme Politikası, Afet Yasası.

INTRODUCTION

Under the pressure of the economic globalization, we are witnessing the transformation of the ways of producing and exchanging: the rise of new information technologies, the strong growth of the specialized services market, etc. Today, the urbanization manifests itself as an opportunity for a country to grow in this international context. According to Pierre Veltz (1996), these changes describe the relationship between the economy and the territories differently, causing the emergence of metropolises. These cities concentrate more and more wealth and power, international investment flows converge mainly to these major urban centers in the rich countries, pushing them to compete with each other. In developing countries, this process has resulted an accelerated urbanization, creating a macrocephalous urban system in these countries (Scott and Storper, 2006: 171). Turkey, like many other countries, has chosen to enter in this international competition, and the current redevelopment of Istanbul reveals a very authoritarian form of this choice. Innumerable efforts have done to create the material conditions to transform Istanbul into an attractive and competitive metropolis on the international stage. The urban changes that have occurred since the 1980s, are corresponding to an expansionist neo-liberal approach of the city, or to a new polycentric spatial structure (Lacour and Puissant, 1999), with touristic areas, residential neighborhoods, business districts, industrial districts located in every corner of Istanbul.

This process, accompanied by major urban and socio-economic transformations, is not without harmful consequences. Thus, many researchers explain that this process favored an "uneven urban development" by causing forced evictions, expropriations, gentrification and displacement (Pérouse, 2017; Morvan and Logie, 2014; Türkün et al., 2014; Keyder. 2013; Bazin, 2008; Candan and Kulluoglu, 2008; etc.). Jamie Peck, Nik Theodore et Neil Brenner interpreted this uneven development as the consequence of a market-driven socio-spatial

transformation (2009: 52-53). But with the awareness of the socio-spatial fragmentation, the urban interventions undertaken by the authorities became sources of new tensions in Istanbul. Then a second wave of urban renewal, whose motivation was this time announced as the desire to prevent losses related to the disasters risks, emerged. The introduction of the law n° 6306 (adopted on May 16, 2012 by the Council of Ministers), often called “*Afet Yasası*” (“*Disaster Law*” in english), which concerns the urban renewal of areas at environmental disaster risk, is the most significant measure of this new urban phase. However, the way in which the promotion of this law has been done and the way in which it has been applied have doubts about his real reasons of emergence.

This article discusses the real function of this law in Istanbul's urbanization process, based on data obtained from field studies conducted in two towns of Istanbul (Sarıgöl and Tozkoparan). By answering to the questions of how the concept of environmental risk manifests itself in the urban development and what the “*Disaster Law*” changed in the urban process, this text aims to show that the disaster risks become a powerful tool for the for the implementation of urban policies desired by the authorities. In this regard, the first part of the text speaks about the emergence of the “*Disaster Law*”. And the second part, by analyzing the law and its application in two different areas, gives the characteristics of this law and its impacts on these places.

We selected two areas that had been similarly affected by the “*Disaster Law*”, the districts of Sarıgöl and Tozkoparan. Both are centrally located, had been deemed to be at risk and are at similar stages in terms of the progress of the projects and collective resistance. But they are extremely different in terms of the type of buildings, the occupation of space (more homogeneous and spacious constructions in Tozkoparan, more disordered and dilapidated in Sarıgöl), the profile of the residents (mostly owners in Tozkoparan and squatters in Sarıgöl) and people and life stories (segregation, repeated displacements). The timing is also important; with the projects still at the implementation stage, they provide invaluable information about how urban projects are executed, how the authorities negotiate with different stakeholders and the response of locals. Given that the “*Disaster Law*” was only recently introduced, there are currently no completed projects. This qualitative research is based on fieldwork conducted in these two districts of Istanbul judged to be at risk of disaster, between January 2014 and July 2015. In both neighborhoods, we attended numerous community meetings and public demonstrations, interviewed the leaders and lawyers of neighborhood associations and conducted interviews with many residents of each neighborhood. Municipal officials _ including the director of administration of the urban renewal project in İstanbul, the mayors of the two districts and project managers, planners and engineers working on a number of projects _ were also

interviewed, as were members of the Turkish Union of Engineers and Architects' Chambers (TMMOB) and activists highly critical of current urban transformation projects. Additionally, to the interviews and observations made to understand the approaches of these disparate actors, we analyzed municipal data, other documentary material on projects, press articles, etc. Finally, the author followed mailing lists and social networks and observed the process of resistance as performed by neighborhood associations such as Bir Umut (One Hope) and Kent Hareketleri (City Movements).

1. THE EMERGENCY CONTEXT OF THE “*DISASTER LAW*”:

Istanbul, the major historical city built on both sides of the Bosphorus, separating Asia from Europe and connecting the Black Sea to the Sea of Marmara, characterized as the place of diversity and cultural plurality¹ and the economic center of the region because its control over the Bosphorus, experienced an unprecedented development following the establishment of the Turkish Republic. Its population increased from 689,000 inhabitants in 1927 (the first census of the population of the republican era), to more than 14 million inhabitants in 2016². This demographic growth has been accompanied by a considerable spatial expansion, under the effect of economic modernization through industrialization and globalization.

The Urban Changes in Istanbul:

The urban development of Istanbul can be separated into three separate periods. The period between 1923-1950 _the early years of the Turkish Republic_ was based on an agricultural economy and had a large rural population. Between 1950 and 1980, the pre-existing industrial infrastructures and transport networks, the density and the geographical characteristics of Istanbul (proximity of Thrace, Anatolia and the seas) favored the industrialization of the city (Doğan, 2013). On the urban level, the transformation of economic and industrial policies has provoked a rural exodus to Istanbul. Istanbul experienced rapid and uncontrolled urban development because of the housing shortage problem ("*çarpık kentleşme*"). A new form of land use was created by the emergence of "*gecekondu*"³. Finally came the period after 1980, when cities shaped by neoliberalism began to link

¹Stéphane Yerasimos reports on quantitative data testifying to this cosmopolitanism: "A count conducted by the police and completed in July 1922 gives 710 826 inhabitants, including 373 124 Muslims, 158 219 Greeks, 87 919 Armenians and 40 018 Jews" (Yerasimos, 1997: 191).

² According to official figures from the Turkish Statistical Center (Türkiye İstatistik Kurumu, TÜİK), Istanbul has 14,804,116 inhabitants in 2016.

³ The "*gecekondu*" corresponds to a spontaneous and illegal habitat, literally a house "set at night". It constitutes a social housing for people who do not have the means to access the legal market (rents, land prices). Jean-François Pérouse defines this type of habitat as an illegal self-construction operation (without authorization and without respect of technical regulations and standards), on land initially not owned by the builders (Pérouse, 2004).

economic growth with the urban growth of the city. Moreover, for Jean-François Pérouse, Istanbul is 95% a city created after 1985 (Pérouse, 2010: 233).

With the advent of economic globalization, creating a competitive and deregulated environment for goods and capital markets, the big cities were encouraged to identify and value their comparative advantages to attract investments and strategic social groups. Urban governments have become entrepreneurs (Harvey, 1989), and cities shaped by the neoliberal economic policies have become the most important places of the capitalist production. To promote Istanbul as one of this cities with global importance, it was necessary to attract and concentrate service activities (related to management, finance, corporate services, medias, etc.) and to develop the image of the city according to international standards. In other words, to reproduce the "global city" originally described by Saskia Sassen⁴. The interventions on the urban fabric, the relocation of industrial activities to the benefit of cultural, touristic and financial activities, the multiplication of prestigious projects, the organization of international events are part of the internationalization process of Istanbul. It's a transition from a strong focus on industrial economy to an economy based on activities with higher-value-added. According to the data from TÜİK (Statistical Center of Turkey), in 2013, Istanbul, concentrating 27% of the Gross Domestic Value Added (GVA), is the city producing the most wealth at the national level with 312 billion dollars. This share comes from 72.5% of the services sector and 24.7% of the industry.

The municipal governments of Recep Tayyip Erdoğan (1994-1998), Ali Müfit Gürtuna (1998-2004) and in particular Kadir Topbaş (2004-2017), following the recommendations of the master plans proposed by the Metropolitan Planning Center of Istanbul in 1995 and 2006, and the "2023 Target" announced in 2011 (Morvan and Logie, 2014; Pérouse, 2017), followed by the Istanbul Regional Planning for the period between 2014 and 2023, have developed a new spatial configuration of Istanbul's metropolis. Urban development projects, at the neighborhood and city levels the most ambitious of which can be qualified as major urban projects, from the private sector, municipalities, national ministries and even public-private partnerships, have emerged all around the urban agglomeration of Istanbul. This rapid and brutal phase of urban renewal in many districts of Istanbul, generally refers to massive operations of housing destruction and reconstruction. The urban renewal process ("*kentsel dönüşüm*" in Turkish), generating speculative pressures, is shown as a solution to the problem of gecekondu and as a necessary action for the well-being of citizens and as a tool to improve the quality of life in these areas. The "*Disaster Law*", which is the latest

⁴ Major international cities are adopting a new form of economic organization based on a strong growth in the specialized services market, the rise of new information technologies and the globalization of economic activities (Sassen, 2009).

legislation in the context of urban renewal policies, is also shown as a solution to the disaster risk reduction by creating better physical environment and better housing (IPKB, 2014a, 2014b).

After taking office in 2002, the Justice and Development Party (AK Party) administration embarked on an ambitious renewal program with the goal of redeveloping substandard housing in Istanbul (Karaman, 2014). The concept of "urban renewal" was used for the first time in the "Municipal Law" n° 5393 ("*Belediye yasası*"), from 2005, and authorizing municipalities with more than 50,000 inhabitants to develop urban renewal projects. The second important step in this regard is the entry into force of the law n° 5366 about the renovation and conservation of worn historical and cultural immovable properties. This law permitted to initiate urban renewal projects even in the protected areas of cities. With the aim to correct the shortcomings from previous laws and overcome barriers to urban renewal projects, the authorities adopted the law n° 5793, which amends certain laws and decrees. By this law, the powers of TOKI (Administration of Collective Housing) were expanded, the coastal areas and the spaces allocated to schools and other areas of public use were subjected to the process of urban renewal. In 2010, under the new "Municipal Law" n° 5998, following the decisions of the City Council, municipalities can implement transformation and urban development urban renewal projects to create residential areas, industrial zones, commercial zones, technology parks, the restoration and reconstruction of aging areas or historical and cultural parts of the city, etc. The "law about the renovation of urban areas considered at natural disaster risk" (n° 6306), also called the "*Disaster Law*", published in the Official Journal on 31/05/2012, is the last step crossed by the process of urban renewal. This law came at a time when urban renewal policies seemed to be entering in a regulatory deadlock.

Today, according to the IPKB (Istanbul Project Coordination Unit), the urban involvement needs to be democratic, healthy, sustainable, participant, equitable and also financed. It should allow the preservation of historical and natural environments, the safety against natural and other disasters, to provide sufficient open space and also to keep the environmental pollution at a minimum level. This type of approach must support disadvantaged groups, provide adequate education and health services, create an environment conducive to the expression of the identity of the inhabitants and strengthen social relations (IPKB, 2014b: 45). In this sense, the "*Disaster Law*" may be interpreted as a tool of space change, developed by the government. It aims to change the occupation of an already constituted space. Although the official goals of this law are to raise living standards and increase Istanbul's earthquake resilience, they have generated controversy as a result of the rigid top-down approach adopted by the authorities. The discourses on emergency related to natural disasters play an important role in

the government's attempt to legitimize its urban policies called "prevention", to accelerate projects and to minimize the opposition (Saraçoğlu and Demirtaş-Milz, 2014).

The “Disaster Law”: A Need or a Tool?

From the perspective of vulnerability to environmental disasters, Turkey presents a worrying situation. In fact, Turkey is located in an active seismic zone and almost the entire country is at risk of destructive earthquakes. More than 90% of the population is occupying the cities and they are exposed to major environmental disasters. The rapid population growth, the accelerated and unplanned urbanization, the intensive damage caused by the rapid industrialization, the climate, the geology, the topography and the soils characteristics of this country, all have contributed to the increase of disasters in Turkey (Gökçe et al., 2008). In particular, earthquakes continue to threaten almost the whole country (JICA, 2004: 30). Assuming that buildings built before 2001 are not compatible with construction rules to ensure that buildings are earthquake resistant, the Ministry of Environment and Urban Planning identified 14 million buildings at disaster risk in Turkey, and that 6.5 million of these need renovations. In particular, 1,106.25 hectares of İstanbul have been declared to be at disaster risk. According to the results of the territorial studies of İstanbul Metropolitan Municipality (*İstanbul Büyük şehir Belediyesi*, IBB), in the case of devastating earthquake, the number of deaths will vary between 10,000 and 30,000, the number of seriously injured people will reach 60,000. Between 2,500 and 10,000 buildings will be heavily damaged, 13 000 to 34 000 others will be badly damaged, and between 80,000 and 150,000 will be moderately damaged. Emergency housing will have to be provided to 500,000 people. And as for the economic cost, the losses will reach between 80 and 100 billion Turkish Lira (IBB, 2009). Considering these data and the human and material losses from major earthquakes in 1999 (Marmara) and 2011 (Van), it was considered necessary to establish legal measures for the prevention and repair of damage that could be caused by such disasters.

In this direction, the Ministry Disaster and Emergency Management Authority (AFAD), created in 2009, changed its focus from crisis management to the reduction of major risks (IPKB, 2014/a: 44). All measures to be taken in case of and to prevent disasters were put into the hands of AFAD. This new model included the early detection of hazards and risks in order to restrict damages in the case of a disaster and efforts to minimize losses and maximize coordination, coherence and effectiveness in an emergency (AFAD, 2012; AFAD, 2013). The “*Disaster Law*” which is a necessary and an expected legislation in the field of risk management, refers to a new urban renewal process and also to a new resilient approach. Indeed, with this law, the authorities, who strongly emphasize their

determination to impose changes for the well-being and the general interest, consider that the prevention of a high magnitude earthquake can be interpreted as an important opportunity for the creation of planned, ordered and safe urban spaces. According to the policymakers, the use of the "*Disaster Law*" is in the public interest because the resulting urban projects aim at both reducing structural vulnerability, and making a modern and international city, which improve the prosperity of the whole society (IPKB, 2014/a: 43-47). In this country where disaster consciousness exists, and where disasters have caused significant losses, the development of such preventive policies allows the Turkish government to adopt a heroic posture. Soon after the Van earthquake, then-Prime Minister and current President Recep Tayyip Erdoğan declared in 2011 that to prevent increased casualties resulting from "unlicensed buildings," all cities and particularly Istanbul would be cleansed of inner-city slums: "*Our first wish was to eradicate the gecekondu (slums) surrounding our cities like tumors. Now, we are fulfilling this wish and we must achieve this objective throughout Turkey. [...] We will expropriate these kinds of buildings without asking the [contractors] who aren't changing or demolishing them, and we will tear them down ourselves, regardless of the cost. We won't consider whether people will vote for us or not. It is much more unfortunate to live with this same picture than to lose power*".

In urban areas, the disaster risks require an increased vigilance because of urban density, which causes greater human, material and economic losses. International institutions have incorporated the criterion of urban resilience into existing competition between international cities (Rufat, 2012). The World Bank has developed the "*Climate Resilient Cities: A Primer on Reducing Vulnerabilities to Disasters*" program in 2009 and encouraged good practices. The United Nations Office for Disaster Risk Reduction (UNISDR) launched the international "*Making Cities Resilient - My City Is Getting Ready!*" campaign, first developed for the period 2010-2015 and renewed for the period between 2015 and 2020, with the aim to push cities to become more resilient. This is why the resilience is a significant area of investment in the current context and is especially important in the production and promotion of safe and secure major cities. The new urban planning approach would be to develop projects with the objective of developing urban spaces that cannot be impacted by exceptional temporary conditions, such as natural, technological or climatic disturbances. The list of resilient cities includes major cities, especially Tokyo, New York, London and Paris (Rufat, 2012). In order to compete with these major world cities, Istanbul must be able to project an attractive image through the quality of life that it offers (Istanbul Kalkınma Ajansı, 2014: 195). So, the purpose of these involvements in the management of risky areas is not only to avoid loss of life and property during a disaster. According to the toughest critics made about risk management in Turkey, the government wants to prove its worth on the international scene by meeting international

standards at all levels, even in the field of preventive environmental policies (Ergünay, 2008; TMMOB, 2012; Genç, 2014). During the legislative campaign of 2011, Recep Tayyip Erdoğan announced the "2023 Target" ("*Hedef 2023*" in Turkish), which refers to the economic and social policies adopted by the government to integrate the country into the world's top ten economies up to the 100th Anniversary of the Turkish Republic (Morvan et Logie, 2014). The plans, programs and strategies developed by AFAD are also integrated into this logic. Indeed, the deadlines for AFAD's most ambitious strategies and plans reach 2023, such as the "*National climate change adaptation strategy and action plan (2011-2023)*", the "*National earthquake strategy and action plan (2012-2023)*", the "*Technological disasters roadmap (2014-2023)*". The objectives of international greatness, power and recognition of Turkey are also sought through the disaster risk management. We can say that the resilience is envisaged in continuity with the neoliberal evolution of the country. The resilience can be used as a tool to achieve various objectives, to justify or legitimize the practices of public actors, particularly in neoliberal urban policies, as Pierre Lascoumes and Patrick Le Galès (2007) have noticed.

Today, the law has multiple effects at many levels (political, economic, social, etc.) and can cause changes in the functions and social content of given spaces. Even if the authorities are defending this holistic approach⁵, the renewal of problematic areas means simply a renewal of the physical space. The economic, social and cultural dimensions of neighborhoods are rarely taken into account, and only one technique of urban renewal is applied, "destruction/reconstruction," which involves the demolition and redevelopment of a given space. NGOs comprised of scientists, professional chambers and district associations have claimed that the "*Disaster Law*" is an accelerated and brutal process of "urban renewal," conducted on a large scale for over 10 years in Turkey and newly legitimized by the supposed risk of disaster centralizing, a way of legalizing and legitimizing the neoliberal development of cities devoid of any scientific basis and clearly incompatible with the Constitution⁶. There is an immense body of academic literature in Turkey concerning spaces undergoing neoliberal restructuring, showing in particular the new forms of urban wealth and poverty in

⁵ Indeed, the urban renewal process must have a holistic planning approach, as defended by Francis Godard. For him, the urban renewal refers to a global vision and a set of actions providing permanent solutions to urban problems and changes in economic, physical, social and environmental conditions in a given space (Godard, 1973: 10-11).

⁶ According to Chamber of Urban Planners (SPO): "Afet Riski Altındaki Alanların Dönüştürülmesi Hakkında Kanun'a Yönelik Ortak Deklarasyon", <http://www.spoist.org/basin-aciklamalari/afet-riski-altindaki-alanlarin-donusturulmesi-hakkindakanun-a-yonelik-ortakdeklarasyon>; And "Afet riski altındaki alanların dönüştürülmesi hakkında kanun tasarısı değerlendirme raporu": <http://www.spo.org.tr>.

Istanbul and exposing the neo-liberalization process and its effects on urban life⁷. The study conducted in the Tozkoparan and Sarıgöl neighborhoods allows us to join the critics bring to the process of urban renewal. In the following passage, we strive to explain the problems posed by the “*Disaster Law*” in these two neighborhoods.

2. THE IMPLEMENTATION OF THE "DISASTER LAW": THE DISTRICTS OF SARIGÖL AND TOZKOPARAN.

The Progress of Urban Projects in Tozkoparan and Sarıgöl

Tozkoparan was originally conceived of as a slum prevention area. Following the demolitions carried out in various parts of the city of İstanbul at the time of then Prime Minister Adnan Menderes (the government of the Democratic Party, DP, 1950-1960), buildings consisting of five to six floors and 20 apartments were built to meet the need for housing for people whose homes had been destroyed. Known for its wide, open spaces and low population density, Tozkoparan has been subject to urban transformation projects since 2006. Under Law No. 775 (slum law) and because of the seismic risk and the age of the buildings, about 60 hectares of Tozkoparan have been declared "urban renewal area", in 2008. This project was also to be used for the construction of additional housing for the inhabitants of Güngören, in order to reduce the high population density of the other districts of the district. Faced with this project carried out in a context of uncertainty (the dialogue with the population of the district being absent), a group of inhabitants created the neighborhood association, "*Tozder*", in order to protect the neighborhood and its inhabitant's undesirable consequences of this type of urban planning policy, which can even go as far as expropriation. Using the help of professional actors outside the neighborhood⁸, members of this association, who developed a negative reading of this renovation process, filed a lawsuit seeking the cancellation of this project and achieved their goal. Then, in 2013, a large part of Tozkoparan was designated a "risk area" by the Council of Ministers, at the request of the municipality of Güngören _the district including Tozkoparan_ and was again the subject of an urban transformation project, resulting this time from the Disaster Law. After another lawsuit protesting the decision to declare the area at risk, the Supreme Court of Appeals annulled the decision by the Cabinet on June 4, 2014, declaring it "unscientific"; however, the project is still under way. The national authorities in charge of applying the

⁷ A selection of work from the field might include: Danis and Pérouse, 2005; Kurtuluş, 2005; Öktem, 2006; Bartu-Candan and Kolluoğlu, 2008; Candelier-Cabon and Montabone, 2009; Kuyucu and Ünsal, 2010; Göksu and Bal, 2010; Türkün, 2014; Şahin, 2015; etc.

⁸ It must be said that the Istanbul Chamber of Architects and Engineers (TMMOB: Türk Mühendis ve Mimar Odaları Birliği), lawyers and NGO activists are positioning themselves as defenders of the "right to the city" theorized by the sociologist Henri Lefèbvre (2009) and taken up by the post-Marxist theorist David Harvey (2011).

"disaster law" have lodged the decision of the court. But these steps ended once again in favor of the association Tozder (13/05/2015). It is important to note that residents' vigilance, which has become part of their daily lives, is not diminishing despite these consecutive victories.

Like the rest of the district of Gaziosmanpaşa⁹, Sarıgöl was first developed in 1952, with the construction of housing units for the accommodation of immigrants from the Balkan countries. The growth of the industrial sector in the nearby district of Eyüp in the 1960s caused a rapid growth in the population of Sarıgöl. Such rapid growth, fueled especially by an influx of migrants from rural areas, has led to unplanned urbanization and the emergence of many slums in the area, along with major infrastructural problems. Sarıgöl has considerable physical, economic, social and cultural heterogeneity, but there is a clear separation of the district into two parts: An area which is home to a Roma and Kurdish community, which is made up of largely informal structures, and another area consisting of more official residences. Şen Mahalle _the Roma neighborhood_ is a slum that represents about 30 percent of the area of Sarıgöl and houses a low-income population. Following our interviews with inhabitants of Sarıgöl, before being subjected to the "*Disaster Law*", a very geographical division was presenting the consciousness of inhabitants, who were using the terms "*aşağı mahalle*" (the district of the bottom) to designate the "*Şen mahalle*" and "*yukarı mahalle*" (the district of the top) for the other part. At this "bottom" and "top" was added the term "*Onlar*" ("them") referring to a differentiation of the built space and a social distancing, or even the segregation of the inhabitants of this Roma and Kurds neighborhood (the poor, often ethnic minorities living in the damaged part of the neighborhood), associating them to illegal practices such as theft and drug. However, this spatial and social division tends to fade with the "*Disaster Law*". Both parts are concerned by the same urban process and all the inhabitants are put face to a similar scenario. Some interviewed inhabitants draw attention to the growing feeling of insecurity and the physical deterioration (caused by the lack of public services) in the upper part of the neighborhood in recent years¹⁰. This depreciation related to the upper part of the neighborhood allows a reconciliation between the two parts. The inhabitants, with the conscientiousness made by the professionals actively involved in the resistance to imposed urban renewal projects, insist on the need for solidarity and unity among the inhabitants of the same neighborhood.

⁹ Today, Gaziosmanpaşa has become the largest and most populous district of Istanbul.

¹⁰ This same discourse on the deterioration of places and the growth of insecurity, was held by some respondents from the district of Tozkoparan. Çiğdem Şahin writes that there are basically two important strategies applied to legitimize the urban practices of the authorities. One of them is called the 'devaluation', 'discredification' of the fields to be intervened; the other is the praise and glorification of the projects (Şahin, 2015: 71).

In 2010, as part of the process to transform slums (Law n° 775), the Sarıgöl-Yenidoğan project¹¹ began with the signing of a protocol between the municipality of Gaziosmanpaşa and the Housing Development Administration of Turkey (TOKİ). Local authorities evacuated and destroyed 350 buildings in Şen Mahalle in Sarıgöl in 2013. In December 2013, following a Cabinet decision, a large part of Sarıgöl and 10 other areas in Gaziosmanpaşa that were previously designated slum prevention areas were deemed to be at risk, and therefore subject to the law stipulating urban transformation for areas at risk of disaster. Although the first project is currently being finalized, the decision to declare the area to be at risk was cancelled by the Supreme Court of Appeals. The inhabitants of Sarıgöl, worry by the consequences of the authorities' interventions in the framework of the first project, begin collective action following the designation of "risk zone". Today, opposition to urban policies is achieved through the "*Gaziosmanpaşa Barışma Hakkı Meclisi* (GBHM)" collective (the Gaziosmanpaşa Housing Rights Council), which is in close collaboration with "*Kent hareketleri*" (KH), and the neighborhood association in Sarıgöl created following the recommendations of "*Bir Umut*" (BU)¹². These structures have made it possible to develop collective actions, such as legal proceedings, which have yielded their results by the annulment of the "risk zone" decision by the Court of Cassation on December 15, 2015.

Tozkoparan et Sarıgöl are two districts with significant differences in terms of type of building, occupation of space (more homogeneous and spacious in Tozkoparan, more disordered and dilapidated in Sarıgöl), profile of residents (mainly owners in Tozkoparan and a very complex property structure in Sarıgöl) and trajectories of people and life stories (the segregation of ethnic groups, repeated movements, etc.). Despite these differences, both are subject to a long-standing urban renewal process. The timing chosen for the very rapid introduction and implementation of the "*Disaster Law*" in both neighborhoods is indicative of a risk exploitation. The projects still in the implementation stage provide valuable information on how they are executed, how the authorities negotiate with the different stakeholders and the response of the local population. It would be a recourse to the "irrefutable" ground of the disaster risk because it cannot finalize the projects previously initiated because of the strong resident reactions.

¹¹Sarıgöl and Yenidoğan, two adjoining neighborhoods where urban renewals go hand in hand.

¹²"Kent Hareketleri" is an informal NGO that brings together many neighborhood mobilizations in the fight against urban renewal projects. The goal of this collective of neighborhood organizations is the creation of a common struggle for urban transformation towards human interests. "Bir Umut" is an organization known for a pragmatic approach providing empirical solutions, such as the cooperative housing system when it's possible (Durmaz, 2015).

The Identified Problems in These Two Neighborhoods

As mentioned earlier, the “*Disaster Law*” is used more as a powerful tool in the hands of the authorities and serves to overcome the obstacles encountered in the reorganization of the urban space programmed by the government. The implementation of the “*Disaster Law*” is not only concerning places with high risk of disasters. We can say that the choice related to the implementation of projects in urban spaces follows several logics. The urban renewal projects do not take place in Istanbul's most vulnerable areas. They become more prevalent in socially characterized spaces. 40 districts in Istanbul have been declared at risk and most of these areas are in central and strategic locations. In addition, risky areas in the first earthquake zones are minor. The superposition of the map of the zones declared at risk and the map of the seismic zones confirms the fact¹³. It is mainly the most disadvantaged and vulnerable residential areas that are affected by this process. There are several factors in the selection of areas deemed to be at risk: first, areas with high potential for economic exploitation; then, the areas in the center, with high rents; and thirdly, neighborhoods with buildings and populations that do not meet a desired standard and thus can be transformed by this new legislation (Türkün, 2014). In the case of Sarıgöl and Tozkoparan, the infrastructure around these places, such as shopping malls, highways, universities and amusement parks, would be factors that attract higher-income residents and can reinforce idea of “gentrification” (Smith, 2002) in Istanbul facilitated by this law. This law has been described as a law of transfer of capital and property (Demirkol and Bereket-Baş, 2013). The representative of an association fighting the Tozkoparan urban renewal project stressed the contestability of this project: “*Buildings containing 1,200 homes, 13 stories high and built 30 years ago, located in the creek bed, have been kept out of the areas at risk. But buildings five stories high built by the government and with wide green spaces have been placed in the disaster zone. This is nothing more than using the danger of earthquakes for other purposes*” (Interview with an inhabitant of Tozkoparan, member of the Tozder association, 03/19/2014). This shows that there is a little trust in the law. The inhabitants of this districts opened lawsuits against the decisions with the Constitutional Court. Following the case, the Council of State announced that the decisions to declare an area at risk are made using unscientific reports based on simplistic observations and annulled the entire process¹⁴. These legal investigations demonstrate that critical decisions

¹³ Distribution map of risky areas advertised in Istanbul: <http://istanbulakdm.csb.gov.tr/istanbul-da-ilan-edilen-riskli-alanlarin-dagilim-haritasi-i-3750>.

Istanbul Seismic Zone Distribution Map: <http://istanbulakdm.csb.gov.tr/istanbul-deprem-bolgeleri-dagilimi-haritasi-i-3712>.

¹⁴ Nilay Vardar, *Danıştay Tozkoparan'ın Riskli Alan Kararını da İptal Etti* [The Court of Cassation overruled risk zone decision for Tozkoparan], published in the daily Bianet, 04/06/2014. The annulment of the decision of risk areas of the districts of Sarıgöl, Yenidoğan and Bağlarbaşı, by the court of cassation was published in the Official Journal on 14/12/2015.

about renovation projects are made quickly and clumsily, with high-risk areas being identified arbitrarily. There have also been criticisms that the law would be less concerned areas at real risk but would designate at risk some areas with localization advantages (close to the center) and would integrate earthquake-resistant buildings located in risk areas into urban transformation projects in order to harmonize the entire sector. In particular, it is interesting to note that Tozkoparan is a central area with a low population density and many green spaces, and the top of Sarıgöl has new earthquake-resistant buildings.

The Law n°6306 defines “high risk areas” that, in the event of a natural disaster, lead to a loss of life and property and describes “risky buildings” both inside and outside the above-mentioned areas as “reserve development areas” where new residential buildings will be constructed. The law is not explaining the methods to be used in the identification of such high-risk areas and structures, the evacuation and demolition processes and the development of projects after demolition. The identification of risky structures will be carried out by the institutions and organizations licensed by the Ministry¹⁵. With this law, almost all powers of decision related to the renewal of urban spaces are transferred to the Ministry of the Environment and Urban Planning and the TOKI (centralization of powers). The Ministry has been entrusted with very important tasks and powers to cover all phases of disaster risk management. Decisions about the future of neighborhoods are taken by a group made up of professionals, investors and local and national leaders, without any input from public opinion or affected residents. Disadvantaged social groups are completely excluded from the decision-making process¹⁶. The local authorities are not interested in public participation, aside from bearing its costs. Idris Atabay, the director of administration of urban renewal at the Istanbul Metropolitan Municipality, said in our interview¹⁷ that his group cannot promote a participatory approach _which he described as “unnecessary” _ when dealing with questions of seismic risk.

Local residents are typically poorly informed about what is being prepared for their neighborhoods. The lack of concrete information and the problem of authorities refusing to consider the views of residents in the process of developing urban renewal projects have resulted in the alienation of the local population.

¹⁵ During the first year of entry into force of the legislation, 443 ministries and institutions were licensed (IPKB, 2014: 48).

¹⁶ This situation is not unique to Turkey. In general, the cities destined to become world cities are pushed to improve their general infrastructure (transport, telecommunications ...), and to carry out large urbanistic interventions sometimes deprived of citizen / inhabitant participations. For example, in Rio de Janeiro, given the socio-territorial configuration of the city, there are processes of "elitization", "gentrification", in many areas of the city, where urban operations of "renovation", "requalification" or "revitalization" operate without necessarily consulting the inhabitants (Borius, 2010).

¹⁷ Interview conducted on 26th March 2014, in Istanbul.

Although the municipalities set up urban renewal offices (“*Kentsel Dönüşüm Bürosu*”) in each neighborhood in order to establish a relationship with the inhabitants, the people living in the affected areas are informed of the urban projects either by the neighborhood associations or by friends, neighbors and family members¹⁸. The majority of residents surveyed said they ignored details of future projects and pointed to the contradictions revealed in official speeches by comparing the multiple exchanges taking place between residents and municipal officials. The offices in question would not fill the gap in the participatory approach. They have the mission to establish negotiations with the owners whose properties are within the renewal area. Although the authorities initially supported a bilateral agreement, they may proceed to the appropriation of private property by "urgent expropriation" ("*acele kamulaştırma*"). It is not an often-used implementation tool. Rather, it is a stick for the citizens to agree quickly. Thus, the emergency ignores certain rights guaranteed by national and international bodies, such as the right to property mentioned above. This lack of clear information on new projects, contradictions in the speeches of public officials, the absence of a formal agreement and the absence of guarantee conditions at the time of negotiations are all causes of the prevailing anxiety. By the way, the question of risk is central here and cannot be hidden from the public. Developing an urban policy intended to address the risks of environmental disaster without educating residents in at-risk areas is unjustifiable. This critique is based on the presence of more modalities about urban renewal than about environmental risk (Chamber of Construction Engineers (IMO), 2012).

In areas subjected to an urban renewal project, all resident populations must leave the neighborhood under renewal and only those who have the financial ability to live in the new housing are able to return. New buildings are valued according to prices fixed by the Ministry of Environment and Urbanism and residents have the opportunity to stay in the newly built neighborhoods, providing they pay the difference in value between the old and new houses via a 15-year payment plan. They also have the opportunity to sell their property and leave, or even to buy, while incurring debt, and settle in new TOKİ buildings (often at some distance, tens of kilometers, from their old home) made available to lower-income households. Given the economic vulnerability of these populations, these three options fail to provide adequate alternatives. The “forced” displacement of these populations can cause significant social problems, such as the loss of the family home, impoverishment, the loss of social ties and difficulties in new places of living. The urban renewal process is in contradiction with some human rights, including the right to housing, the right to property, the right to live in a healthy environment (Uzunçarşılı-Baysal, 2010; Cin and Egercioglu, 2016). And the

¹⁸ It is important to point out that these offices were set up following the criticisms developed following the first urban renewal projects.

“*Disaster Law*” is seen as a means used by the authorities to justify the violation of fundamental human rights. It has been argued that the regulations established in Law n° 6306, are also contrary to the rules and principles set out in the Constitution (Demirkol and Bereket-Baş, 2013: 41). In fact, this law has led to the questioning of the "right to property" because of its power to define "risky areas" and "risky buildings", and to impose public interventions on private locations. For example, the possible demolition of non-risky structures in risky areas due to application integrity, or the temporary suspension of all kinds of zoning and construction during the urban renewal projects and their applications, are putting the right to property in danger or making it unusable. Just like the “2/3 majority decision” rule, which allows the realization of the urban project with the agreement of 2/3 of the inhabitants without paying attention to the right of property of the remaining minority. According to the law n°6306, the interruption of services such as electricity, water and natural gas due to the compulsory liquidation of the risky areas, could make life impossible in such structures and cause significant health and safety problems for those living in these regions. This regulation, which is incompatible with the social state principle, is at the same time a violation of the housing right.

Although the municipalities of Güngören and Gaziosmanpaşa have claimed that no population displacement is intended in their projects, residents seem worried. The choice of resettlement on the site causes social, cultural and economic issues. Based on their perceptions of other neighborhoods’ experiments and their observations, the inhabitants of these places say that the urban process will force them to move. The practice of forced evictions of residents, the obligation of the owner to comply with the projects and the emergency expropriations that are made possible by the “*Disaster Law*” violate the rights of the inhabitants of these neighborhoods, even if they have been legalized by alleged risks to the neighborhoods. In addition, the legal option to make cuts to electricity, water and natural gas at sites due for renovation cause a significant amount of trouble in the daily lives of these people. Because of these problems, some locals in Tozkoparan and Sarıgöl have developed a legal and social resistance movement against the way urban projects are conducted. Residents’ final strategy to deal with these difficulties is to move, although this option is fiercely opposed by activists. But we can already confirm the existence of an anticipated mobility of the inhabitants with financial capabilities of these districts. For example, the residents of Tozkoparan say that they see a change in the profile of the neighborhood's residents. In particular, in recent years, they note the departure of several neighbors and the arrival of a mass of Syrian refugees. They judge this change as the result of the process of urban renewal that would drive some away and allow the arrival of transient populations to limit resistance. In addition, we interviewed

former residents of Sarigöl who justified their departure by the uncertainty concerning the future of their neighborhood.

The spatial reorganization, disparities in terms of urban well-being, increasing inequality, transformation of lifestyles, the movement of people on the outskirts of the city and the emergence of new categories of people are just few of the changes resulting from these projects, which gained an increase awareness of the people on the need for legal mechanisms to resist the urban transformation projects. And the "*Disaster Law*" seems to have intensified the climate of conflict between those who support urban transformations and those who are opposed to these projects. The main criticisms made by opponents of the "*Disaster Law*" can be grouped as follows: The penalization of any objection to an imposed agreement on disaster prevention; non-risky buildings subject to the law because of "practical coherence"; projects developed without the participation of residents and civil society; the destruction of local culture; and the impoverishment of populations because of their inability to meet the costs of new constructions. The latter may include the obligation of the inhabitants to cover the costs related to the identification of the risk and the demolition of their housing. In Tozkoparan and Sarigöl, it is possible to distinguish three different types of behavior among the inhabitants. First, actors who have developed complete trust in public authorities (public sector employees, supporters of the ruling party) and those for whom urban renewal is synonymous with greater social recognition. Projects are seen as an opportunity for social climbing. Then the indifferent actors compose another category. Not having real influence on the projects leads to a lack of interest and a distrust of this category in relation to participatory and citizen approaches. Unlike the first, they manage to identify the injustices generated by urban renewal projects. And finally, there are actors who have developed a culture of participation (often inhabitants close to political sensitivities or associations). These actors will look for other bodies of participation such as neighborhood associations, NGOs (BU), collectives (KH, GBHM) and professional chambers (Durmaz, 2015). These inhabitants engaged in the resistance and activists agree with the need to transform these disadvantaged areas but criticize the reasons given and the way the projects are realized. Locals in Sarigöl and Tozkoparan generally expressed their desire to participate in the various stages of the projects (information, development, decision and implementation) or to be informed about the different stages. The inhabitants of these districts refuse to accept a loss of rights and displacement and/or debt caused by the projects. By refusing to live in apartments or skyscrapers and insisting on the right to green spaces and public services, they claim their right to produce the urban space to meet the needs of the inhabitants, to the right to urban life, transformed and renewed. They want to feel part of this urban process, to appropriate the urban space and to participate in its reorganization. These claims correspond to what Henri Lefebvre called the "right

to the city” (Lefebvre, 2009). The right to the city focuses on improving the quality of life of people, their homes and their neighborhoods, involving a right to participation and the right to types of relationships and social activities. It is a common rather than an individual right since this transformation inevitably depends on the exercise of a collective power to reshape the processes of urbanization (Harvey, 2011).

Through the “Disaster Law”, we talk about a reorganization of the urban space, and we propose to fight against the vulnerable and dangerous buildings, against the bad use of the grounds, and for the revalorization of resilient and harmonious urban space. In order to obtain the support of all stakeholders for the urban renewal projects, these projects must be articulated in a logical way and adopt a meaning understood and accepted by all. This means, concretely, that it is necessary to establish coherence between the social content of urban renewal projects and the characteristics of the given space. The comparison between these two level can determine the adequacy of the operations carried out and the needs of the spaces.

3. CONCLUSION

Despite being considered the engine of the second wave of urban renewal, the “*Disaster Law*” is problematic both legally and scientifically and has caused many problems related to its implementation (Demirkol and Bereket Bas, 2013). Projects developed under this law have little positive effect on social problems. Even as an abstract principle of general interest, not all social categories are treated in the same way. Low-income groups are discriminated against and the renewed urban spaces are then reserved for the use of the most affluent parts of urban society, while the disadvantaged are moved. The phenomenon of urban transformation in Istanbul can be summarized as consisting of the creation of areas where urban poverty is excluded or made invisible. The “*Disaster Law*” has depicted Tozkoparan’s and Sarıgöl’s urban renewal projects as merely a technical intervention in areas exposed to the risk of natural disasters. These cases also give rise to discussions about the neoliberal logic in the projects and can be seen as small-scale illustrations of the wider strategy of urban governance in Turkey. If the process of urban transformation evolves in this direction, it would be better to speak of an “instrumentalization” of disaster risks following a speculative urban growth strategy, which will trigger an urban rent crisis and consequently aggravate urban and social issues. Those opposing such urban changes, however, are fighting to include all parties in the process. The field of disaster reduction seems set to become the arena for a conflict between a collective consciousness born of social urban problems and institutionalized socioeconomic interests. Thus, a more rational approach is needed in the urban renewal process of Turkey. The central and local authorities must establish resilient urban projects by taking into account

the social, psychological, administrative, legal and financial conditions involved in the problem.

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