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SUSTAINABLE URBANIZATION AND ITS POLICY IMPLICATIONS THE CASE OF TURKEY

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Introduction

Urbanization may be defined as the movement of population from rural to urban areas, the growth of cities in number and size and the increase of the share of urban population in total population. Such a definition should not overlook the fact that urbanization entails at the same time a transformation in the structure of the economy and proceeds in parallel with a certain change in human behavior at least in theory. The reason why I felt the need to express the words “at least in theory” is that urbanization as defined above does not take place all the time and everywhere in the same way. Especially, the characteristics of urbanization in developing economies differ widely from those in already developed and industrialized nations.

Sustainability adds new dimensions to urbanization. Conversely, urbanization, depending upon its pace, nature and patterns, may create numerous problems or opportunities that will need special treatment. Therefore, sustainable urbanization is the maximization of economic efficiency in the use of resources including air, water and soil, maintaining natural resource stocks at or above their present level, ensuring social equity in the distribution of development benefits and costs, and avoidance of unnecessary foreclosure of future development options. Our aim in this paper is to see whether urban development management meets these requirements in Turkey. At first glance, one gets the impression that present characteristics of urbanization in Turkey would not allow meeting the needs of the present generation without compromising the ability of the future generations to meet their own needs, using the definition of the Brundtland Report.

Since the publication of the Report called Our Common Future in 1987, it was expected that nations of the world would revise their development and urbanization policies in such a way that all biotic and non-biotic elements of the Eco-system sustain their vitality forever. Rio Declaration, Agenda 21, other official Rio documents and numerous international legal environmental instruments are full of the repetitions of the concept.

When applied to the field of urban development, it is assumed that sustainable urbanization can be secured only when master planning is directed to minimize travel needs, to promote public transportation, to conserve fertile agricultural lands, to avoid wasting other sensitive and non-renewable ecological resources and to enhance

energy savings in building designs and layouts. This would require certainly carrying out sustainability programmes and projects and incorporating analysis and measures of regional sustainability in city planning practices through regional resource inventories, vertical and horizontal coordination among all public authorities and private entities involved in regional resource management and the development of renewable resource strategies.

Most of the countries in the Mediterranean Basin were not able to realize the principles formulated in the Agenda 21, particularly with respect to sustainable urbanization. Turkey is not an exception to such an observation. Urban development is considerably influenced there qualitatively and quantitatively by rapid urbanization. Urbanization has been not only rapid, but also one-directional, unbalanced and disorderly. It operates to increase the rate of unemployment and underemployment in major cities and to inflate the informal sector. Rapid urbanization is also characterized since 1950 by a rapid increase in the number of squatter dwellings that surrounded the major cities.

National economy could not cope adequately with the task of providing employment, technical and social infrastructure such as housing, transportation, communications, sewerage, public health, educational and cultural services to meet the needs of rapidly urbanizing populations. Policies of urbanization, migration, housing, urban land and squatter settlements have not succeeded in realizing the kind of urban development that might be regarded as the outcome of a sustainable urban management. Related to this issue is the inadequacy of the planning techniques used. The traditional comprehensive master planning techniques that have been in use during the last four decades failed in achieving the aims of resource conservation and rational management.

The concern for maximizing the private rather than the public interest in using the urban land dominated the practice of urban planning. National and local politicians did not hesitate, at times, to cooperate with major actors who had significant interests in land speculation. Under these conditions, the constitutional provisions concerning the protection of natural resources such as land, water, forestry, historical, cultural and architectural assets could not be implemented appropriately.

Patterns of urbanization

Turkey's economic, social and economic parameters will determine the country's population growth rate in the first quarter of the 21st century. The results of the Population Census taken at the end of 1997 showed that Turkey's population in that year was 64 million. It can be assumed that by the beginning of the 21st century this figure exceeded 67 million. Regardless of the kind of social change that takes place, even if rapid urbanization is expected to pull down the birth rate, several studies carried out in the squatter settlements of the major cities indicate that these areas will continue to exhibit a high fertility rate.

Today, regardless of the fact that 64.6 percent of the country's population lives in cities (communities of 10.000 or more inhabitants), over the past four decades, the annual average rate of urbanization has been around 6 percent. Nevertheless, the rate of growth of the total population and that of rural population were far below this figure during the same period.

It is estimated that the urban population ratio will increase even more rapidly in the years ahead, rising from 64.6 percent in 1997 to 75 percent by the year 2010. Although nearly 40 million people live at present in cities, this figure is expected to reach 55 million by 2010. Furthermore, urban population continues to exhibit a tendency to be concentrated in the very large cities by international standards, which are at the same time the main sources of all sorts of urban and environmental problems. While the ratio of urban population in cities of 100.000 and upwards was 45 percent in 1990, it has risen to 69.7 percent by the year 1997. It is expected to go as high as to 75 percent by the year 2010. This will bring in the already existing overcrowded urban centers more than 10 million people during the first decade of the 21st century. The number of cities will be around 500, those with 100.000 or more inhabitants 100, and the ones having over one million inhabitants 15.

We assume that the pace and patterns of urbanization is one of the most important independent variables for environmental degradation. We also use the term of the environment in its largest sense as encompassing social and economic characteristics of the population such as the poverty, unbalanced income distribution, unemployment, inadequacy of such public services like health and education, in addition to the conventional indicators of the quality of the living environment expressed commonly in terms of the various kind of pollution.

The squatter settlements constitute one of the most important indicators of unsustainable urbanization. In fact, illegal housing and squatting rank at the top of the list of environmental problems caused by haphazard and disorderly urbanization. They dominate the appearance of the largest cities. Only one third of the yearly need of 500.000 social housing is met at present by regular market mechanisms. The rest is being met by the squatter houses. Nearly 30 percent of Turkey's urban population live in these informal and illegal settlements which reflect a fragmented social structure in which numerous adverse socio-cultural, psychological and political consequences flourish together with the waste of scarce resources.

The ratio of those living in these shack dwellings is as high as 7 percent in Ankara, 60 percent in İstanbul and 50 percent in İzmir. This is essentially a reflection of the uneven income distribution and poverty, not simply a problem of housing. The number of these houses increased from 240.000 accommodating 1.2 million people (16.4 percent of the urban population) in 1960 to 3.5 million housing units accommodating 17.5 million people, nearly 40 percent of the urban population, in 1997. Squatter settlements developed in an unplanned manner and in complete

violation of the city land use plans. These cause distortions of the planning principles and render the article of the Constitution guaranteeing the land ownership (art.35) to remain just on the paper.

It has been estimated that approximately 150.000 hectares of best quality of agricultural land has been converted into non-agricultural uses in these areas during 1975-1995. Turkey's experiences show that squatting was an activity of genuine self-help and mutual help during 1945-1965, while a partial commercialization began in the process of squatter house production in the following 15 years. Beginning from the 1980's, a complete commercialization of this sector drew the attention. Squatter dwelling is no longer an output of self-help and mutual help initiatives. Because the labor of the homeless and his family members is entirely left outside the production process. The provision of the building lot, the design and actual construction of the dwellings are assumed by commercially organized firms, and sometimes, by the underground forces that are called the "Mafia of land and squatting", which are often able to substitute the public authority.

The use value is completely replaced by the exchange value of the commodity in this sector. The meaning of the informal sector within the context of urbanization and town planning has come to be equated with disorder, waste and irregularity. In other words, the informality became formalized. According to some research findings, the number of the illegal land subdivisions in İstanbul only increased from 150-200 thousands in 1975 to nearly 3 million in the late 1990's. In this city alone, a total of 10.000 hectares of urban land and semi-urban land, including forest, has been subject to informal subdivision. As result of the population increase that will be caused by the settlement in informally subdivided land, deprived of basic urban infrastructure, approximately 10 million people is expected to be added to the existing inhabitants of İstanbul (which is presently 11 million) in the first decade of the new millennium.

Under these conditions, it would be no exaggeration to state that squatting process is an important social and economic phenomenon operating to prevent sustainable urbanization. The waste of urban land belonging to present and future generations is not compatible with the very concept of sustainable development.

Agriculture and sustainable urban development

Urban development that does not care for the principles of sustainable development and the protection of natural resources paves the way for the destruction of fertile agricultural lands, green areas and all kinds of open spaces. Especially in rapidly industrializing regions, agricultural land is often expropriated for industry with no regard at all to the levels of productivity. An agriculturally valuable belt of land surrounding the Mersin and Adana-Osmaniye agglomerations located in the Mediterranean Region has been totally appropriated for urban development purposes

and for industry even though it would have been possible to establish these installations on less fertile agricultural lands and still operate them productively.

Land of high agricultural quality is being increasingly occupied by industry which is causing problems in the rational use of limited resources. Waste of valuable agricultural land is particularly visible along the coasts of Çukurova, Mediterranean, Aegean and Marmara Regions. In these regions, even the fertile land which has been developed for agricultural use by the allocation of considerable funds from the State budget is gradually being sacrificed as a result of public indifference. Grassland and forests also began to be cleared for farming and constructing residential buildings as a result of population growth and the mechanization of agriculture.

Tab. 1. Land assets of Turkey and their use

Categories of Use	Amount (Ha)	Percent of total (%)
Agricultural land	27.699.004	35.6
Pastures	21.745.690	28.0
Forests	23.468.463	30.2
Settlements	569.400	0.7
Other lands	3.212.175	4.1
Water surfaces	1.102.396	1.4
Total	77.797.127	100.0

(Source: Necmi Sönmez (1992), "Çevre Toprak ve İnsan", *İnsan, Çevre, Toplum*, (ed.) Ruşen Keleş, *Yıgme*, Ankara, 1997, p.69)

Tab. 2: Categories of lands according to their quality

Qualifications	Amount (ha)	Percent of total (%)
Arable lands		
1 st class	5.012.537	6.4
2 nd class	6.758.702	8.7
3 rd class	7.574.330	9.7
4 th class	7.201.016	9.3
Total of the first four classes	26.546.585	34.1
Non-arable lands		
5 th class	165.547	0.2
6 th class	10.238.533	13.2
7 th class	36.288.553	46.6
Total of the last three classes	46.692.633	60.0
Lands unsuitable for cultivation (8 th class)	4.557.909	5.9
Total	77.797.127	100.0

(Source: Turkey's Environmental Problems Foundation, *Türkiye'nin Çevre Sorunları, 1991* (Environmental Problems of Turkey, 1991), Ankara)

Although the amount of land of high quality is extremely limited, there is an ongoing waste even of the land irrigated by enormous expenditures by the State. A total of 1413.256 hectares of first class is irrigated. If the 4.778.399 hectares under cultivation are subtracted from the total of 5.012.537 hectares of first class land in Turkey, 234.138 hectares of land remains which is consisted of the following categories of land: grassland (69.061 hectares), pastures (108.499 hectares), forests (5.824 hectares) and a variety of urban uses such as the factories, roads, airports, and other forms of inappropriate downright destruction.

In order to shed more light on the extent of the damage to agricultural land, two phenomena closely related to rural to urban migration and to the behavioral consequences of urbanization may be used as illustrative examples. One is the land occupied by industrial establishments, and the second is the impact of tourism and secondary house construction in coastal areas. The biggest 15 cities, with few exemptions, are at the same time, the most developed and industrialized centers of the country where organized industrial districts and small industry zones constitute the major sources of economic activity. Location of industrial establishments also constitutes a serious threat to the sustainability of the valuable agricultural land. The Table 3 below shows clearly how the encroachment of industry destroys the most valuable lands in those cities. It is interesting to note that the number of cities where only less than ten percent of the land occupied by industrial establishments is significantly fertile agricultural land is no more than 5 out of a total 67.

Although the areas converted to urban, industrial or service uses constitute only 5 percent of the total area of Turkey, this figure tends to give quite a misleading impression about the reality, simply as the land taken away by these activities is usually of prime quality, especially in the coastal zones. Industrial establishments preferring to locate along the coastline may not have an extensive coverage as far as the coastal area is concerned. However, usually they are important sources of soil, air, marine as well as visual pollution. The paper mill near Taşucu, Ýskenderun Iron and Steel Mill, Botağ and Aliada refineries are few examples of non-agricultural uses with profound negative environmental impact. Construction of free trade zones in several coastal centers, like Adana-Yumurtalık, Ýzmir-Gazimur, Antalya and Mersin, has the potential of creating immense adverse effects on the environment, both in the sense of extra roads and increased traffic and pollution on the existing roads.

The spread of residential areas upon prime land is a common phenomenon. Particularly, secondary housing or summer homes built in touristic and coastal areas deserves special attention. Construction of secondary housing increased considerably during the last three decades. They are owned and mostly used by middle and higher-income segments of the residents of the largest cities. Although they provide certain opportunities from the owners' point of view, they create several adverse effects in

some other respects. The latter can be summarized as follows: a) Loss of agricultural land, forests, etc. to secondary homes in Kuşadası, Davutlar (Aydın), between 1975 and 1985, a coastal strip of at least 30 kilometers by 750 m. has been totally covered by secondary housing on fertile land. b) Displacement of local population due to local employment. c) Increasing prices due to higher purchasing power of new residents. d) Excessive seasonal strain on infrastructure and considerable investments that will be fully used only in the peak season. e) Excessive strain on the health, police, and other public services as a result of the population increase caused by seasonal attractions.

Tab. 3. Land occupied by industrial districts in major cities of Turkey

Cities	Land occupied by the	Portion of the land that	(b)/(a)
	Industry	is agriculturally valuable	
	(a)	(b)	
Adana	1.400	280	20 %
Ankara	553	138	25
Antalya	292	234	80
Bursa	610	519	85
Diyarbakır	270	162	60
Erzurum	100	90	90
Eskişehir	420	420	100
Gaziantep	735	662	90
Mersin	400	400	100
İstanbul	400	320	80
İzmir	742	223	30
Kayseri	650	585	90
İzmit	300	150	50
Konya	520	416	80
Samsun	274	247	90

(Source: Özdemir Özbay, "Ülkemizde Su ve Toprak Kaynaklarının Kullanımı ve Korunmasında Yasal Durum, Tarımda Su Yönetimi ve Çiftçi Katılımı Sempozyumu", TMMOB, Ziraat Mühendisleri Odası, Ankara, 1995, p.49)

Similar problems are observed in Bursa metropolitan area, 300 kilometers south of İstanbul. Turkey's booming world famous textile industries and Renault car manufacturing plants are situated in the area. Lack of planning and illegal subdivision and leasing of public lands have played an important role in the disappearance of arable land. As a result of booming industrial and residential developments which have situated on the once arable and fertile lands, Bursa plain looks more red than green with its tiled rooftops. The process of transformation from agriculture to non-agriculture was enhanced by the establishment of the first organized industrial district in Bursa in the early 1960's. Due to its proximity to the city of Bursa, flatter areas previously used for cultivation were preferred by the business for further investments and a competition for the best quality land started soon between enterprises of different sizes. Towns and settlement areas sprung around factories and service facilities engulfing arable land during this process. Industrialization is particularly fast on the

Mudanya-Bursa road. In addition, illegal settlements have been created in such surrounding settlements as Demirtaş Kestel, Gürsu, Samanlı, Vakıfköy and Balıkkı. Big firms building factories have invaded the whole area that have polluted the air, water and soil.

Nearly 85 percent of the total territory of Turkey is subject to soil erosion of various intensities. 54 percent of the land is affected by severe erosion, and 20 percent by a less violent erosion. Three fourths of the cultivated agricultural lands are under the impact of erosion. In other words, only 5 million hectares of agricultural land can be regarded as erosion-free.

Major reasons for using the most fertile agricultural land are human settlements, industry, transportation, tourism, infrastructure and similar investments as in the case of Thrace. In making such choices, the fact that the agricultural output of highest economic value can be achieved only on the best quality lands is usually forgotten. Although only 15 percent of Turkey's land resources is sufficiently fertile, most of the productive agricultural land is being wasted simply on the ground that "alternative land was not available". The main responsibility can be attributed to the lack of appropriate legislation, technical inefficiencies, political pressures and central and local authorities. Continuous efforts of those who are essentially after profit maximization try to regard agriculture as an enemy of the industrial sector without taking into consideration that land is a non-reproducible national asset.

Simply because the route of the national highways was designed unconsciously in Thrace, 46.000 hectares of agricultural land began to be used for non-agricultural purposes. It has been estimated several years ago that the value of the loss in produce (wheat) was around 13 trillion TL (one US dollar is presently 565.000 TL). Land lost as a result of misuse amounted to 324.000 hectares in the provinces of Edina, Tekirdağ and Kırklareli. The increase in the amount of the misused land has been 216 percent during 1985-1991 period and 727 percent during 1985-1998. At present, 1700 factories are being operated in Thrace, which has to be designated, under normal conditions, as an "agricultural site" because of its topographical qualities, structure of land and irrigation opportunities. Within the triangle of Çorlu-Çerkezköy-Lüleburgaz, settlements, which are 200 kilometers away from İstanbul, 499 factories are established on the most fertile agricultural land.

In the country as a whole, misuse of land and the use of agricultural lands for non-agricultural purposes increased tremendously during the last two decades (1978-1996) at an unprecedented pace (333 percent) and amounted to 25 millions of hectares. Out of these lands, 573.000 hectares are of agricultural nature. State Water Works reported that the lands open to irrigation realized by itself through considerable investments deteriorated into concrete buildings during 1985-1993 particularly in such cities as Ankara (16 percent), Azure (9 percent) and Eskişehir (8 percent).

Legal and institutional aspects

The major guarantee of the Constitution is the article 168, requiring that natural wealth and resources belong to the State. The protection of the fertile agricultural land is an extremely important matter for a country that derives her economic potentials from the agricultural sector and the amount of her high quality lands are limited. According to the article 56 everyone has the right to live in a healthy and balanced environment. And it is the duty of the State and citizens to improve the natural environment and to prevent environmental pollution. The Constitution also provides some other legal guarantees for the protection of natural and man-made environmental values.

For instance, the article 35 prohibits the exercise of the right to property in contravention of the public interest. Article 43 puts the coastal areas under the sovereignty and at the disposal of the State, with the consequence that in the utilization of the sea coast, lakes shores and river banks, and the coastal strip along the seas and lakes, public interest has to be taken into consideration as the primary guide. Of course there exists constitutional stipulations directly concerned with the protection of lands. Prevention of the loss of agricultural land is mentioned as the duty of the State in the article 44 of the Constitution. Similarly, providing of land to farmers with insufficient land could not lead to a fall in production or to the depletion of the forests and other land and underground resources. The responsibility of the State to ensure the conservation of historical and natural assets and wealth is also underlined in the Constitution (art. 63).

More specifically, the State is charged with the duty to enact the necessary legislation and to take appropriate measures for the protection of forests and for increasing the forestry areas. No amenities or pardons to be granted for offenses against forests can be legislated. The restraining of forest boundaries is also prohibited by the Constitution (art. 169), except in respect of areas whose preservation as forests is considered “technically and scientifically useless”. Although the Constitution does not allow, in principle, reducing the amount of foresties, it permits otherwise in exceptional cases, depending upon the discretion of the executive power. These exceptions are so large that make it possible to ignore altogether the effective implementation of the principle itself. More concretely, in addition to the above mentioned exceptional case, restriction is allowed in those forests that lost completely their quality as forest since 1981 and are used presently as orchards, farms and olive groves, and in the areas where there exists compact settlements composed of urban or rural buildings.

On the other hand, the Environment Law of 1983 (No:2873) defines the concept of “environmental protection” as the activities for the preservation of ecological balance, prevention of degradation and pollution in the air, water and land, and for their improvement. According to the general principles of the Environment Law, it is

duty of the people to protect the environment and to comply with the measures taken for that purpose. Health of all living beings is to be taken into account with priority as a factor in all measures taken to protect and improve the environment. The law seems to have accepted the principle of “sustainable development” by stating that all kinds of regulations and measures to be adopted with a view to protect and improve the environment must be in compliance with the goals of economic and social development: all economic enterprises and other institutions are required, in their decisions of land and resource use, and project evaluation, to strike a balance between the goals of environmental protection and development. They must choose the most appropriate methods and technology in order to achieve that end.

An environmental impact analysis has to be made by all public and private entrepreneurs for their planned establishments, in order to avoid their adverse impact upon environmental values. Such a requirement is also an implication of integrating the principle of environmental impact analysis, enshrined in the documents of Rio Summit and other international legal documents, into domestic legislation. However, mere existence of such a principle in the legislation does not suffice to ensure and guarantee its effective use in the practice. There are numerous examples where both public authorities and private sector institutions begin their actual investments with no regard at all to this requirement and consequently they are faced by judicial sanctions.

In addition to the Environmental Law, the Municipal Law and the Law on Public Health, numerous special legislation possess rules to be applied for the protection and preservation of environmental assets. The Law on the Protection of Cultural and Natural Values (No:2863), the Law on the Protection of the Bosphorus (No:2960), the Law on the Protection of Coastal Areas (No:3830), the Urban Development Law (No:3194), the Law on the Encouragement of Tourism (No:2634), the Law on Forests (No:6831), the Law on Water Products (No:1380) are a few of these legislation.

In order to protect the values of historical and natural importance of cities and towns, to ensure sustainable urbanization, the above-mentioned laws empower the central authorities or the provincial agents of the central government, to intervene in, and in certain cases, to take over the planning powers of local authorities. This frequently gives way to tensions between the center and the cities and towns in the periphery.

Urban development legislation openly prohibits the decrease of the amount of land allocated for open spaces in the master plans by modifying them. That is regarded not in the public interest. Similarly, the legislation on the protection of agricultural land is not favorable to the utilization of highly productive agricultural land for non-agricultural purposes as required by the growth of urban population and rapid urbanization. As touched upon earlier, although a special by-law prohibits the utilization of the 1st to 4th category of productive agricultural land for urban

development needs, in many parts of the country, particularly in the south, west and Marmara regions, de facto occupations of these kinds as a result of the pressures on land created by rapid urban growth, large-scale cooperative housing schemes, and even by public and private industrial establishments, make the implementation of these legal provisions almost impossible.

A law passed in 1973 (No:1757) which was called the Law on Land and Agriculture Reform possessed provisions preventing the use of agricultural lands for nonagricultural purposes. Even the use of the land unsuitable for cultivation was prohibited by that law. But a subsequent law enacted in 1984 entitled as the Law on Agricultural Reform concerning Land Management in Irrigation Areas (No: 3083) paved the way for allowing the use of agricultural land for non agricultural purposes "in necessary conditions". There is no doubt that this expression is rather indefinite and vague, and it needs to be defined in every case by the executive power. Therefore, a By-law was issued in 1989 to shed light to the implementation of the rule and its exceptions. It aims to arrange the use for non-agricultural ends of all agricultural lands belonging to the Treasury, and the lands owned by both public institutions and private peoples. It provided the executive with the power to make necessary arrangements not only for the areas within the municipal boundaries, but also in rural areas. For the first time, agricultural lands in Turkey have been classified into eight quality groups by this By-law on the basis of their basic characteristics. The first four categories comprised the most fertile agricultural lands. The article 4 of this By-law has made the allocation of all kinds of lands within the boundaries of urban development, partial development and implementation plans, and in the already settled areas for non-agricultural ends subject to the permission of the Ministry of Village Affairs (General Directorate of Rural Services). For this purpose, the principle was to begin the allocation of agricultural lands from the 8th, in other words, the least fertile lands. A particular emphasis in the By-law is that the lands opened to irrigation as a result of public investments could not be appropriated for non-agricultural purposes. Allocations to such purposes as housing, education, industrial districts, health, commercial centers investments could be made only by starting from lands of dry farming.

A modification effectuated in this By-law within one year beginning from being put into force (February 1990) has permitted exceptional practices that might endanger the sustainability of land resources in this country. According to his exceptional rule, even the irrigated lands of 1st, 2nd, 3rd and 4th categories could be allocated for non-agricultural ends, provided that "more appropriate lands were not available for companies and cooperatives with more than 1.000 shareholders and the share of each shareholder does not exceed 1 percent of its capital, and for the establishment of industry and trade centers to be created with a view to produce and to market for export".

A new modification took place in the By-law later on (October 1991) and the above mentioned exceptional rule has been further expanded against the public interest. According to this new change, in addition to the above economic activities, those who are holders of investment incentives obtained from the government for integrated industrial investments for aircraft, vessels and cars, which are deemed to be particularly important for the economy, will also benefit for the allocations of best quality agricultural lands.

Upon this change that has taken place, according to rumors, in order to realize an important investment projects (a Toyota car factory in the Sakurada plain belonging to an influential businessman close to the Prime Minister and his party), the Chamber of Agricultural Engineers has filed a suit at the respective administrative court against the Ministry of Village Affairs which had prepared the By-law for its annulment. A similar change was effectuated in 1990 in order to enable a politician close to the Prime Minister to establish or expand his textile factory in the city of Bursa. The main reason for this application was that the change made to the By-law with respect to the expansion of the exceptional rule was not in compliance with the public interest. The Council of State (Danıştay), the highest administrative court in this country has annuled in 1993 the above-mentioned By-law and its modified provisions (30 June 1993, Subj.: 1991/4431; Decision: 1993/2779). It was argued by the cited Chamber of Agricultural Engineers that changes made in the By-law constituted a sharp deviation from the main goals of the By-law and such a change that was in contradiction of national needs and scientific facts aimed primarily towards such goals as to maximize the short term interest of the investor, instead of increasing the common and long-term benefits of the society. According to the interpretation of the issue by the Council of State, “the article 45 of the Constitution was not favorable to the destruction of agricultural lands, pastures and meadows”. And the “power of the public authority issuing and changing the By-law was not used in the public interest in this case”. “It is clearly stated in the respective laws that lands irrigated with special means by public authorities could not be appropriated for non-agricultural purposes. This is the rule and the exceptions to the rule are specified there”.

The Council of State, referring to the 6th Five Year Development Plan, also underlined the fact that to modernize production methods, to reduce the dependency of the agriculture on climatic conditions, to meet the need for nutrition of the population and to develop the export of agricultural products were among the targets of the Plan and therefore the most rational use of land and water resources was essential to achieve these ends. Based mainly on such legal and political assessments, the Highest Court maintained that such fertile lands could not be sacrificed to industrial investment needs merely on the grounds of the non-availability of alternative sites, which is a highly indefinite expression.

Government has prepared a new By-law concerning the use of agricultural lands for other purposes in 1998. Since it contains similar provisions that might produce adverse consequences for the sustainability of each element of the eco-system, particularly for the rational use of cultivable land resources, the Chamber of Agricultural Engineers again applied to the Council of State for its abolishment. The main arguments of the Chamber are relevant for the concept of sustainable development under discussion:

1. The exceptions are so broad that they can not be compatible with common and long-term interests of the society. In the practice, they can not be reconciled with the principle of sustainable development repeated in the 7th Five Year development Plan.
2. The title of the By-law contradicts its goals, which must consist of the regulation of the use of agricultural lands in the public interest. In its present wording, it gives the impression that it tends to encourage the waste of agricultural lands.
3. In the previous formulation of the scope of the protected agricultural lands the only exception was the forest areas, while the new By-law expanded it to include also pastures, meadows, summer pastures on high ground and winter quarters for animals. To reduce the area to be protected is in contradiction with the public interest.
4. There is a difference between the definitions of the irrigated lands made by the former and the new By-laws. The new one added to the category of irrigated land those lands that might be irrigated through existing water resources without requiring additional establishments. Such a wording has of course narrowed down the definition of the irrigated land worth to be protected. As a result, even the smallest initiative to irrigate agricultural land will prevent naming it as irrigated agricultural land.
5. Another additional effort to enlarge the scope of the exceptions is to include among them the high tech investments made with a view to increase exports and backed by foreign capital. In the original wording, only industrial districts and commercial centers were cited.

The main argument of the Chamber of Agricultural Engineers is that all these changes made to the By-law are related to private and specific interests and therefore they can be regarded as measures taken in the public or general interest. In a preliminary decision, the Council of State supported this view, but the final verdict is to be given in the following months.

Another debate has taken place recently within this framework between TEMA, an NGO established for the protection of soil against erosion and the Confederation of Employers' Unions (TISK) with regard to the measures taken to protect agricultural land. The latter aligned itself with the official position of the government by arguing that location of industry is quite important for economic development and welfare, and those opposing it might cause irreparable harms to industrial development. This point of view reminds the thesis maintained by the signatories of the Heidelberg

Appeal that was adopted right on the eve of the Rio Summit in 1992. They had accused what environmentalists do as “an irrational ideology” that had the potential to slow down social and economic development (“Appeal de Heidelberg (14 Avril 1992) aux chefs d’Etats et de governments”, *Ethique: L’Ecologie; Humanisme ou Naturalisme?* No:13, 1994/3, pp. 110-117).

On the other hand, TEMA argued that article 166 of the Constitution was concerned with planning as a tool for development and a certain balance was required to be established between industry on one hand and the agriculture on the other in order to achieve balanced development. Yet, the existing By-law was an obstacle to achieve such a goal. What was done by the changes in the By-law signified “industry imports, but the agriculture does not”.

Formulation of policies for the protection of the environment, prevention of all kinds of pollution, and improvement of the quality of the environment are entrusted with the Ministry of Environment established in 1991. Of course, in addition to the coordinating powers of this Ministry, the Ministries of Agriculture and Village Affairs, Natural Resources and Energy, Public Works and Settlements, Public Health, and the Interior Ministry have their respective duties, among others, to contribute to ensure sustainable urbanization as defined at the beginning. The Ministry of Environment has also local organizations set up in the provinces. Besides, in about a dozen areas of natural and historical interest, “special protection areas” have been established since 1988 in order to protect these areas sensitive to pollution and degradation. Special planning and building principles and guidelines are implemented in these regions by the Special Protection Agency, that is attached to the Ministry of Environment. Planning and building control powers of the municipalities that are situated in these areas are transferred to the cited central institutions. Similarly, in the Southeast Anatolia, a special deconcentrated authority is in charge of implementation of a large-scale integrated regional development project, which includes sections dealing with the preservation of land and water resources and at the same time environmental values.

Concluding remarks

Beyond any doubt proper protection of environment can only be ensured by the effective involvement of the citizen in decision processes regarding environmental issues. Channels for participation for associations, foundations, labor unions, cooperatives and professional organizations are largely open. But an effective contribution depends upon the level of consciousness of the public as a whole toward the environmental values, complementarity of economic development and environment, in other words sustainable development. So far, public played an important role in influencing the legislative and executive bodies. Judiciary has been playing an important function to ensure sustainable urbanization.

Although an actual, personal and legitimate interest in the issue at stake is a precondition for seeking the annulment of an administrative act or decision in the courts, the Law on Administrative Procedures makes an important exception for those matters of public interest like city master plans, historical buildings and the protection of the environment. In other words, citizens sensitive to environmental issues have the opportunity to apply to the courts for the annulment of the administrative decision concerned, no matter their rights are violated or not. They may also have recourse to administrative authorities to stop any public or private undertaking that harms the environment. Citizens and civic society organizations play an important and increasing role, by using this right provided by the Environment Law (art. 30), in the protection of environment in the country.

This is certainly not enough. In addition to increasing public awareness, consciousness of decision-makers is of utmost importance. Unless they are not well informed about the exact meaning of such concepts as sustainable development, intergenerational equity, precautionary principle, common and differentiated responsibility, principle of participation and the like, it would be practically impossible to carry out the suggestions of international conferences. Turkey is witnessing a still persisting indifference on the part of some decision-makers to such issues of nuclear power plants, protection of natural and historical assets and natural resources in general. There are examples of university campuses established on the forest land in contravention to the principle of the rule of law, but with ceremonies in the presence of even the President of the Republic. Car factories and similar plants are almost free to settle on the most fertile farmland, with no due regard to the conditions of sustainability. These and similar problems requires intense educational efforts to train everyone concerned.

Finally, Turkey is either signatory or party to most of the international conventions concerning the environment. Being a candidate for the membership of the European Union, she needs to adjust her legislation and practices to the norms prevailing within the European community in a relatively short time. Even today she is party to more than 30 international treaties and conventions, which aim at the protection of the environment. She has the obligation to put into effect the legal norms of all these legal documents, which charge Turkey, as other member states, to protect the environment not only for present, but for future generations and mankind.

A final point has to be made in general which is no less important than any other point mentioned so far. Inadequate interest in the world in planning at all levels (national, regional and local) is gradually attracting more attention of all observers. This anti-planning attitude observed in many countries up to now is being encouraged nowadays and supported by international finance and economics institutions. It has to be remembered that the title of the IBRD's World Development

Report was named From Plan to Market a few years ago. The report for the year 2000 had also adopted an approach almost hostile to planning.

It seems that this excessive and pre-judged emphasis upon almost the uselessness of the public sector, including urban governments and planning authorities, and the following anti-planning stand, ends up with leaving the shaping of urban environments to the free play of the market forces which may be neither economically more efficient, nor acceptable from the standpoint of social justice.

This seems to be, at the same time, contradictory with the principle of prevention as a rational component of the concept of sustainable development. It is really to understand the position of some international organizations that, while insisting on the concept of sustainability on one hand, constantly recommend anti-planning policies to developing nations on the other. The following sentences from the recently published World Development Report 2000, which is called Entering 21st Century, is highly illustrative of the decreasing role of public and planning authorities in the world. This will of course create numerous obstacles for ensuring sustainable urbanization in the developing world: "Since 1950's, the common model of urban management has charged the public sector with planning and delivering basic services. But this model has failed to yield satisfactory outcomes in low-income countries. One argument is that governments should withdraw as primary service providers and assume the role of the enabler, relying increasingly on the private sector to deliver basic services".

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